



**By Call of Mayor John Licastro  
Village Council Meeting  
Wednesday, February 15, 2023 at 6:30PM  
Bratenahl Community Center 10300 Brighton Road**

**PLEASE SILENCE ALL ELECTRONIC DEVICES**

**AGENDA**

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of Prior Meeting Minutes
4. Mayor's Report
  - a. Mayor's Court report
  - b. General Assembly update
  - c. Dugway Brook project
5. Old Business:
  - a. Resolution 1280: Approving final plan for a Conservatory Event Center – 3<sup>rd</sup> reading
  - b. Ordinance 4115: Amending Chapter 1155 – 3<sup>rd</sup> reading
6. New Business:
  - a. Resolution 1285: Confirming action by the Board of Zoning Appeals
  - b. Resolution 1286: Approving an amendment to 11 East Hanna Lane
  - c. Resolution 1287: Authorizing participation in the Heritage Home Program
  - d. Ordinance 4178: Amending Ordinance 4095 and Section 143.02(d)
  - e. Ordinance 4179: Pay Claims
7. Adjournment

And any other business as may properly come before this Municipal Body may be considered and acted upon. Council reserves the right to enter Executive Session, for reasons as allowed by law.

Posted: February 13, 2023

Diana L. Cooks, Clerk of Council

Name	BENJAMIN			BURKE-JONES			HOEFLING			HUFFMAN			MCDONALD			YONCHAK		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension																		
Passage																		

RESOLUTION NO: 1280

INTRODUCED BY:

**A RESOLUTION APPROVING AN APPLICATION SUBMITTED BY THE SHOREBY CLUB  
TO AMEND THE NEWPORT PLANNED RESIDENTIAL DEVELOPMENT FINAL  
PLAN TO PERMIT A NEW CONSERVATORY EVENT CENTER  
AND DECLARING AN EMERGENCY**

WHEREAS, at its meeting of December 7, 2022, after conducting a public hearing, the Planning Commission considered a request by the Shoreby Club for approval of an amendment to the Newport Planned Residential Development Final Plan; and

WHEREAS, pursuant to Section 1164.13 of the Planning and Zoning Code, the proposed application constitutes an amendment to the originally approved Newport Planned Residential Development Area Plan; and

WHEREAS, at its meeting of December 7, 2022, based upon the report of the Village’s Planning Consultant, the Planning Commission approved the application submitted and an amendment to the final plan of the Newport Planned Residential Development Area.

WHEREAS, all parking must be accommodated on the Newport PRD zones property and future Planning Commissions shall have the right to limit the number of functions if difficulty or challenges to the Village at large exist.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Bratenahl, State of Ohio, that:

SECTION 1. This Council approves the application submitted by the Shoreby Club to amend the Newport Planned Residential Development Area Plan to permit a new conservatory event center. All parking must be accommodated on the Newport PRD zones property and future Planning Commissions shall have the right to limit the number of functions if difficulty or challenges to the Village at large exist.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents and for the further reason that it is necessary to permit construction of the structure; therefore, provided this Resolution receives two-thirds vote of all members of the Council elected thereto, it shall be in full force and effect from and after the earliest time allowed by law.

PASSED:

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John M. Licastro, Mayor

ATTEST:

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Diana L. Cooks, Village Fiscal Officer

Name	BENJAMIN			BURKE-JONES			HOEFLING			HUFFMAN			MCDONALD			YONCHAK		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension																		
Passage																		

ORDINANCE NO. 4115

INTRODUCED BY:

AN AMENDED ORDINANCE 4115 TO AMEND CHAPTER 1155 TITLED  
 “RESIDENTIAL DISTRICTS” OF THE PLANNING AND ZONING  
 CODE TO ADD CLARIFICATION AND TO ADD A NEW  
 SUBSECTION TO SUPPLEMENTAL DESIGN REQUIREMENTS  
 AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Chapter 1119 of the Planning and Zoning Code, the Planning Commission, at its meeting of June 23, 2021, considered and agreed to recommend to Council to amend Chapter 1155 “Residential Districts” of the Planning and Zoning Code to add clarification and to add new subsection to supplemental design requirements; and

WHEREAS, pursuant to Section 1119.03 of the Planning and Zoning Code, the Council, after thirty (30) days’ notice, held a public hearing on said amendment of Chapter 1155 of the Planning and Zoning Code; and

WHEREAS, the Village Planner has recommended additional revisions to Chapter 1155 in response to public input **and is currently recommending additional revisions to Section 1155.09.**

BE IT ORDAINED by the Council of the Village of Bratenahl, State of Ohio, that:

SECTION 1. Effective upon the date of adoption of this Ordinance, Chapter 1155 of the Planning and Zoning Code entitled “Residential Districts”, a copy of which is attached hereto as Exhibit “A” and included herein as if by reference, is hereby amended.

SECTION 2. This Ordinance is hereby declared to be an emergency measure and necessary for the immediate preservation of the public peace, safety, health and welfare of the Village and for the further reason that the same relates to the need to update the code; therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed:

\_\_\_\_\_  
 John M. Licastro, Mayor

ATTEST:

\_\_\_\_\_  
 Diana L. Cooks, Village Fiscal Officer

EXHIBIT "A"

**"CHAPTER 1155  
Residential Districts**

- 1155.01 Intent.**
- 1155.02 Use regulations.**
- 1155.03 Lot design criteria.**
- 1155.04 Yard regulations.**
- 1155.05 Schedule of lot and yard requirements.**
- 1155.06 Planning criteria for accessory buildings and uses.**
- 1155.07 Dwelling area, coverage, and height regulations.**
- 1155.08 Supplemental design requirements regulations for garages.**
- 1155.09 Landscape plan approval required for T<sub>1</sub>topsoil, and tree removal, and fill. for new construction.**
- 1155.10 Procedures for review of single-family dwellings.**
- 1155.11 Procedures for review of fence applications.**
- 1155.12 Development plan review.**

1155.01 through 1155.02 \* \* \* \* No Change"

**1155.03 LOT DESIGN CRITERIA.**

In the planning of subdivisions, lots shall be designed to provide functional building sites to fully accommodate the dwelling, yards and accessory uses in accordance with the requirements and criteria of this chapter. Moreover, parcels shall be subdivided, consolidated or resubdivided, to form a coordinated neighborhood pattern as set forth in Chapter 1135. ~~However, if an isolated parcel cannot be integrated with the surrounding street pattern, it may be divided into lots which will comply with all other applicable criteria.~~ Such divisions and compliance with the design criteria shall be determined in the review process.

- (a) **Area and Width of Lots.** The area and widths of lots shall **comply with the minimum area and width requirements set forth** ~~be as scheduled in Section 1155.05~~ **for the district in which the lot is located.**
  - (1) In the R-1, R-2, R-3, and R-4 Districts, the width of a lot shall be measured at the **front** building setback line. On curved streets the front ~~line or rear~~ lot line may be less than the required width for the lot but the chord at the front **lot** line shall be not less than sixty percent of the required width at the building line.
  - (2) In the R-LF District, the width of the lot shall be measured at both the **front** building setback line and the front lot line. However, the standards shall be construed as minimum and not optimal standards. **The Planning Commission may, during the subdivision review process, require** ~~Adjustments in lot size and shape may be made in the design review process in order that~~ **to achieve optimal** lots ~~that are~~ ~~may be~~ appropriate for the neighborhood and type of development proposed, approximating rectangular shapes to the extent possible.
- (b) **Depth of Lots.** The mean horizontal distance between the front and rear lot lines of the lot shall not exceed two and one-half times its width at the building setback line except where the front lot line abuts on Lake Shore Boulevard or the rear lot line abuts the Freeway, Lake Erie or a brook, in which case the depth of the lot may be increased but may not exceed three and one-half times its width unless otherwise approved in the review process.

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- (c) Corner Lots. In order to achieve appropriate orientation to both streets, corner lots shall have extra width as determined in the review process of the subdivision or development plan. (Ord. 3051. Passed 1-17-01.)
- (d) Side Lot Lines. Side lot lines shall be designed to be at right angles to straight street lines or radial to curved street lines, excepting such lines should be adjusted to accommodate topography, natural features or a cluster design. (Ord. 3071. Passed 7-18-01.)
- (e) Lot Consolidation Required. **A lot that is comprised of two or more adjacent lots of record owned in common shall be consolidated whenever the following types of new construction are proposed:**
  - (1) **Whenever a main building, accessory building more than 40 square feet in area, or accessory recreational structure, is constructed or enlarged and the area or placement of the construction is dependent on the total area and/or dimensions of the lot in order to comply with the zoning requirements, and would not comply based on the area and/or dimensions of the lot of record on which the new construction is proposed.**
  - (2) **Whenever a main building, or part thereof, accessory building more than 40 square feet in area, accessory recreational structure, or driveway is constructed or enlarged on two or more lots of record.**
  - (3) **Whenever an accessory building, accessory recreational structure or accessory parking area is proposed on a lot of record separate from the dwelling to which the building, recreational structure or parking area is accessory.**

### 1155.04 YARD REGULATIONS.

Yards shall be provided for one-family dwellings, in accordance with the schedule in Section 1155.05 in order to attain adequate light, air, privacy and usable open space on each lot. ~~and as may be adjusted in the design review process.~~

- (a) Front Yards. ~~The minimum front yard depth shall not be less than set forth~~ ~~Between a building line as established in the schedule in Section 1155.05. and the street line, no building or portion of a building other than a one-story unenclosed porch, or a fence or wall, not exceeding seven feet in height, may be erected. However, front yard setbacks shall be designed and adjusted to accommodate topographic and natural features, adjacent dwellings and the particular design of the proposed building. For these and other design purposes, dwellings may be located in front of the established building line as may be adjusted in the review process.~~ Corner lots shall comply with the front yard setback in Section 1155.05 for each street on which the lot has frontage.
- (b) Front Yards on Built-up Blocks. Whenever there are existing dwellings that were lawfully constructed before this Code was passed, but which do not comply with the setback from the street right-of-way set forth in Section 1155.05, the required front setback for additions, alterations, and new construction shall be the average front setback of the existing, adjacent homes on either side of the home or vacant lot on which the front setback is to be determined.
- (c) Side Yards. Side yard dimensions shall not be less than set forth in ~~the schedule in~~ Section 1155.05. However, for lots of fifty feet or less in width, one yard shall not be less than ten feet and the other not less than three feet in width if the garage is not attached, and the total of the two yards may be reduced to not less than ten feet if the garage is attached, ~~provided it is approved in the review process.~~ **Accessory structures may be located in a required side yard in accordance with Section 1155.06.**

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- (d) Rear Yards. Rear yard depth as measured from the main building wall shall not be less than ~~twenty-five percent of the depth of the lot but need not exceed fifty feet as set forth in the schedule in~~ Section 1155.05. Detached accessory buildings may be located in the required rear yards in accordance with Section 1155.06.
- (e) Projections. ~~Building p~~Projections into yards, which ~~that~~ extend outside the enclosing walls as an integral, functional and necessary part of the main building, are encouraged to add form and interest to the exterior design. Such projections may encroach into the required yard in compliance with the following:
- (1) Architectural features such as chimneys, bay windows and cornices may project from exterior walls not more than two and one-half feet into a required front or side yard.
  - (2) Entrance platforms and hoods, one-story unenclosed porches, shading devices and other open shelters, may project for a distance of ten feet into a required front or side yard ~~such yards~~ but shall not project within three feet of a property line.
  - (3) Projections are not restricted in required rear yards, except as regulated in Section 1155.05(c).
  - (4) Otherwise, every part of a required yard shall be open to the sky and unobstructed, ~~unless it is found in the review process that greater projections will not substantially interfere with the reception of sun, light and air, and the use and enjoyment of adjoining properties.~~

**1155.05 SCHEDULE OF LOT AND YARD REQUIREMENTS.**

Land shall be divided and developed and buildings shall be erected, altered, moved or maintained in standard residential districts in compliance with the minimum lot and yard requirements as provided in this section. ~~the following schedule:~~

**(a) Schedule of Minimum Lot and Yard Dimensions:**

1155.05(a) Schedule of Minimum Lot and Yard Dimensions								
District	Minimum Lot Sizes			Minimum Yard Sizes				
	Area	Width (feet)	Depth (feet) <sup>[1]</sup>	Front Yard (feet) <sup>[1e]</sup>	Side Yards <sup>[2]</sup>		Rear Yards	
					One	Total of Two (feet)	Adjacent to Lake Erie Shoreline (feet)	All other Rear Yards (% of lot depth) <sup>[3]</sup> percentage of maximum (feet)
R-LF	2 acres	200	400	250	30	70	[2]	<u>25% or 50 ft NA</u>
R-1	30,000 s.f.	125	200 <sup>a</sup>	75	25	50	[2]	<u>25% or 50 ft NA</u>
R-2	15,000 s.f.	100	150 <sup>b</sup>	50	15	40	NA	25% or 50 ft
R-3	7,500 s.f.	50	100	25	5	12	NA	25% or 50 ft
R-4	4,800 s.f.	40	100	15	5	12	NA	25% or 50 ft

**Notes:**  
<sup>[1]</sup> See also Section 1155.05(b) for exceptions.  
<sup>[2]</sup> See Section 1155.05(c).  
<sup>[3]</sup> Whichever is less.

**(b) Exceptions to Schedule 1155.05(a).**

- (1)a- In an R-1 District, lots fronting on the north side of Lake Shore Boulevard shall have at least 240 feet depth but not more than as set forth in Section 1155.03(b).

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(2)b. In an R-2 District, lots fronting on the south side of Lake Shore Boulevard shall have a front yard of at least 75 feet and a depth of at least 200 feet but not more than as set forth in section 1155.03(b).

e. See also Section 1155.04(b).

(3) For lots of fifty feet or less in width, the minimum width of one yard shall not be less than three feet and the total of the two side yards shall not be less than ten feet.

(c) Setback from Lake Erie Shoreline. As noted in the Bratenahl Village Plan, the lakefront is one of the most important natural resources in the Village. The following shoreline setback regulations apply to lakefront lots in the RLF and R-1 Districts in order to preserve, protect and enhance the shoreline, views of Lake Erie and property values, and reduce the potential for damage to buildings and structures from shoreline erosion.

(1) New construction and building additions along the Lake Erie shoreline shall comply with the minimum shoreline setback determined by the stringline setback method in subsection 1155.05(c)(2) or 150 feet, whichever is greater.

(2) The stringline setback shall be established by drawing a straight line between the nearest dwelling on either side of the lot on which the setback is to be determined, from the point where each dwelling projects the closest to the ordinary high water mark, including attached structures (e.g., decks or stairs) that are 30 inches in height or greater above the existing grade, (see Figure 1155.05(c)).

(3) Where more than one point of a primary dwelling is equally closest to the ordinary high water mark, the stringline shall be drawn from the point closest to the lot on which the setback is to be determined.

(4) New construction of buildings and structures on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further lakeward into the minimum shoreline setback except as permitted in Section 1155.06.

(5) No vegetation shall be planted, maintained, or permitted to grow within the minimum shoreline setback in a manner that unreasonably obstructs the existing views of the lake from any dwelling on an adjoining lot, as specified in Section 1155.06(b)(6).

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(6)d. The required rear yard setback shall be determined by averaging the rear yard setbacks of the nearest dwellings on either side of the lot, but shall not be less than 150 feet. For the purposes of this Section only, the "property line" along the Lake shall be the point where the natural shoreline intersects the ordinary high water elevation as determined by the Ohio Department of Natural Resources, Division of Geological Survey.

**Figure 1155.05(c) Shoreline Setback**

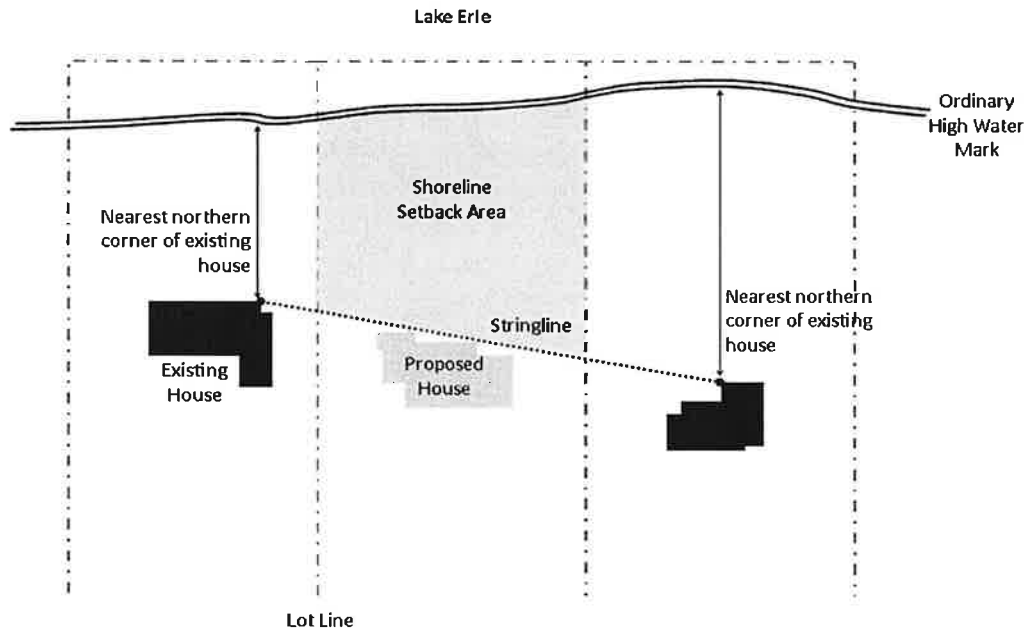


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**1155.06 PLANNING CRITERIA FOR ACCESSORY BUILDINGS AND USES.**

Accessory buildings, structures and uses shall be designed, constructed, altered and maintained in accordance with the following criteria and as may be adjusted in the review process.

**(a) Yard, Coverage and Height Standards for Accessory Buildings and Uses. Accessory buildings, structures and uses permitted in Residential Districts shall comply with the standards set forth in Schedule 1155.06(a), however, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in subsections 1155.06(b) through (j).**

Schedule 1155.06(a)					
Permitted Use or Structure	Yard in Which Permitted	Minimum Setback from Lot Line		Maximum Coverage	Maximum Height
		Side	Rear		
<b>R-LF<sup>[1]</sup>, R-1<sup>[1]</sup>, and R-2 Districts</b>					
<u>Storage shed, greenhouse, beach house, and similar accessory buildings</u>	<u>Rear Yard</u>	<u>10 feet</u>	<u>10 feet</u>	<u>15% of the area of the main building</u>	<u>10 feet</u>
<u>Accessory recreational structures such as swimming pools and tennis courts</u>	<u>Rear yard</u>	<u>30 feet</u>	<u>30 feet</u>	<u>5% of the lot area <sup>[2]</sup></u>	<u>10 feet</u>
<u>Gazebos, play equipment, garden equipment/ structures and similar structures</u>	<u>Side yard</u>	<sup>[3]</sup>	<u>NA</u>	<u>5% of side yard</u>	<u>10 feet</u>
	<u>Rear yard</u>	<u>10 feet</u>	<u>10 feet</u>	<u>5% of rear yard</u>	<u>10 feet</u>
<u>Freestanding air conditioning unit<sup>[4]</sup></u>	<u>Side yard</u>	<u>20 feet</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
	<u>Rear yard</u>	<u>20 feet</u>	<u>20 feet</u>	<u>NA</u>	<u>NA</u>
<u>Emergency generator, swimming pool pumping equipment and similar motorized equipment<sup>[4]</sup></u>	<u>Rear yard</u>	<u>20 feet</u>	<u>20 feet</u>	<u>NA</u>	<u>NA</u>
<b>R-3 and R-4 Districts</b>					
<u>Detached garage</u>	<u>Rear Yard</u>	<u>3 feet</u>	<u>3 feet</u>	<sup>[5]</sup>	<u>18 feet</u>
<u>Storage shed, greenhouse, and similar accessory buildings</u>	<u>Rear Yard</u>	<u>3 feet</u>	<u>3 feet</u>	<u>15% of the area of the main building <sup>[6]</sup></u>	<u>10 feet</u>
<u>Gazebos, play equipment, garden equipment/ structures and similar structures</u>	<u>Side yard</u>	<sup>[3]</sup>	<u>NA</u>	<u>5% of side yard</u>	<u>10 feet</u>
	<u>Rear yard</u>	<u>5 to 10 feet</u>	<u>10 feet</u>	<u>5% of rear yard</u>	<u>10 feet</u>
<u>Freestanding air conditioning unit<sup>[4]</sup></u>	<u>Side yard</u>	<u>3 feet</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
	<u>Rear yard</u>	<sup>[3]</sup>	<u>20 feet</u>	<u>NA</u>	<u>NA</u>
<u>Emergency generator, and other similar motorized equipment<sup>[4]</sup></u>	<u>Rear yard</u>	<sup>[3]</sup>	<u>20 feet</u>	<u>NA</u>	<u>NA</u>
<b>All R Districts</b>					
<u>Decks, terraces, patios and similar seating areas that exceed 40 square feet</u>	<u>Side yard</u>	<sup>[3]</sup>	<u>NA</u>	<u>NA</u>	<u>NA</u>
	<u>Rear yard</u>	<sup>[3]</sup>	<u>20 feet</u>	<u>NA</u>	<u>NA</u>
<sup>[1]</sup> See subsection 1155.06(b) below for accessory structures in the Shoreline Setback area. <sup>[2]</sup> See subsection 1155.06(d) below for swimming pools. <sup>[3]</sup> Shall maintain the minimum required side yard for the dwelling as specified in Section 1155.05. <sup>[4]</sup> See also Section 1155.06(e). <sup>[5]</sup> Shall comply with the maximum land coverage set forth in Section 1155.07. <sup>[6]</sup> Calculation of accessory building floor area does not include the area of a detached garage.					

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- (a) ~~Accessory buildings shall not be located or constructed in any required yard. However, if compliance with such requirements is not found practicable in the review process, if an accessory building is constructed with masonry walls, one or more walls, if without openings or projections, may be located within a required yard with the approval of the Planning Commission.~~
- (b) Accessory uses and structures in the Shoreline Setback area. The following accessory structures, uses and vegetation are permitted in the shoreline setback area, provided they do not substantially impair views of Lake Erie from adjoining properties:**
- (1) One accessory buildings with a maximum area of 240 square feet and a maximum height of 10 feet.**
  - (2) Uncovered decks, patios, and in-ground swimming pools, provided no part of the structure exceeds 30 inches in height above the existing grade.**
  - (3) Gazebos, garden structures, play equipment and similar open structures with a maximum height of 10 feet.**
  - (4) Stairs and docks that provide access to the lake.**
  - (5) Open fences and hedges with a maximum height of 6 feet and a minimum of 75% openness.**
  - (6) Landscaping and plant material that has a maximum mature height of 10 feet, and is planted in a manner that does not create a hedge.**
- ~~(c) (b) An accessory building shall be so that the total area, excluding garages, shall not exceed fifteen percent (15%) of the area of the main building at the ground level and the height shall not exceed ten feet; it **All accessory buildings** shall be supported on a masonry foundation wall or concrete beam at grade, and the design, texture and color of exterior materials shall be compatible with the main building.~~
- ~~(d) (c) **Accessory swimming pools.** Accessory recreational structures may be located in a required rear yard but not less than thirty feet from a lot line. The total area of the accessory recreational structure, including any deck and enclosure, shall not exceed five percent (5%) of the lot area. Any **All** private pools shall be designed, constructed and maintained in accordance with Chapter 1329 of the Codified Ordinances and generally accepted industry standards relating to illumination of same.~~
- ~~(d) Air conditioner and facilities, such as an outdoor condenser with vertical exhaust, may be permitted if located in a rear yard and not less than twenty feet from a lot line.~~
- ~~(e) Landscape features, such as hedges, shrubs, and other such vegetation, are encouraged in all yards to enhance the use and enjoyment of the property and the environment of the Village.~~
- (e) Air conditioning units, emergency generator equipment, and other similar motorized equipment shall comply with the following additional requirements:**
- (1) In all R districts, freestanding air conditioning units, emergency generator equipment and similar motorized equipment shall be located within 10 feet of the structure or use it serves if located in a rear yard and, where permitted, within five (5) feet of the structure or use it serves if located in a side yard.**
  - (2) All freestanding motorized equipment shall be located so that it is entirely serviceable without needing to enter onto the adjoining property.**

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- (3) All freestanding motorized equipment including swimming pool pumping and filtering equipment shall be screened to its full height from view from the street and abutting properties by a solid fence and/or evergreen vegetation.
- (4) Window air conditioning units may project a maximum of 30 inches into a required side or rear yard.
- (f) Parking of Recreation Vehicles in a Residential District. The accessory parking of a recreational vehicle shall be permitted in a residential district only in compliance with the following:

  - (1) Recreational vehicles owned by the occupants of the dwelling may be parked or stored inside a garage, provided the enclosed parking area is in excess of the area needed to accommodate the enclosed parking spaces required in Subsection 1155.07(f).
  - (2) Recreational vehicles owned by the occupants of the dwelling may be parked or stored in the rear yard, outside of an enclosed building not less than 10 feet from a lot line, subject to the following conditions:

    - A. The outdoor parking space shall be effectively screened from view from the street and adjacent properties as determined by the Building Commissioner. Adequate screening shall consist of a wall or fence as permitted by this Code, or evergreen plantings.
    - B. The recreational vehicle shall be kept in good repair and, where applicable, carry a current year's license plate and registration.
  - (3) A recreation vehicle may be temporarily parked in a parking or driveway area anywhere on the premises for loading or unloading purposes for a period of not more than 48 hours in any consecutive 14-day period.
  - (4) No recreational vehicle shall have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall the recreation vehicle be used as a dwelling unit, or for storage or housekeeping purposes while parked or stored in the Village.
- ~~(g)(f)~~ Fences and walls shall be permitted in accordance comply with Chapter 1171.
- (h) Landscape features, such as hedges, shrubs, and other such vegetation, are encouraged in all yards to enhance the use and enjoyment of the property and the environment of the Village, except as limited in Subsection 1155.06(b) for the Shoreline Setback area in an RLF and R-1 District.
- ~~(i)(g)~~ The temporary parking of automobiles shall be permitted only on the driveway and turnaround system.;
- ~~(h)~~ Open storage of recreational vehicles, boats and trailers may be permitted only within a rear yard during the season of use.
- ~~(i)(i)~~ Permit required. Storage sheds, gazebos, play equipment, or garden equipment/structures may be permitted if located in a rear yard and not less than ten feet from a lot line; the total of which shall not exceed five percent (5%) of the rear yard. Unless the accessory buildings, structures and uses are included in the final development plan, a permit shall be required for the above accessory buildings, structures and uses except for specified landscape features in subsection (h) and temporary parking in subsection (i). ~~those set forth in subsection (e) and (h) hereof.~~

EXHIBIT "A"

**1155.07 DWELLING AREA, COVERAGE, AND HEIGHT REGULATIONS.**

One-family detached dwellings shall be designed, erected, altered, moved or maintained only in compliance with the floor area, land coverage and building height standards provided in the following:

- (a) Floor area standards for one-family detached dwellings shall be designed, erected, altered, moved or maintained only in compliance with the floor area, land coverage and building height standards provided in the following: ....

*(no change to subsections (1) through (4))*

- (b) The floor area of a one-family detached dwelling for use in building designs means the total floor area of the living, dining, kitchen, sleeping and other habitable rooms, household closets, space for circulation; storage, laundry and mechanical facilities if located on the first floor. It shall also include finished rooms and space on upper floors which conform to the Building Code in respect to ceiling height, natural light and ventilation. It shall be measured from the exterior face of the enclosed walls at the ground floor and the interior face of the rooms and space on the upper floors.
- (c) **For the purposes of this section**, the area of buildings, and land coverage by buildings for use in site planning ~~as established in the following schedule~~ are defined in Section 1111.04(e) and (f), and the height of buildings ~~are established in the following schedule~~ is defined in Section 1111.08.
- (d) Schedule of Dwelling Area, Land Coverage and Height Standards:

<b>Schedule 1155.07(d) Dwelling Area, Land Coverage and Height Standards</b>				
District	Minimum Floor Area (square feet per dwelling unit)	Maximum Land Coverage (percentage of lot)	Maximum Building Height	
			Stories	Feet
R-LF	4,000	7 ½	2 ½	35
R-1	2,000	10	2 ½	30
R-2	1,600	15	2 ½	30
R-3	1,350	20	2	25
R-4	1,200	25	2	25

- (e) **Required Storage Space.** ~~As general storage and garage space, in~~ **In** addition to the floor area requirements set forth in ~~the above schedule~~ **Schedule 1155.07(d)**, at least 120 square feet of general storage space or spaces, exclusive of household closets, shall be provided ~~for each one-family dwelling on the ground floor~~ **of each dwelling unit**, unless an equivalent space is provided in the basement **or in a garage provided the storage area in the garage is in excess of the area needed to accommodate the enclosed parking spaces required in Subsection (f) below.** ~~and a minimum of 440 square feet of garage space.~~
- (f) **Required Parking Spaces and Garages.** Each one-family dwelling **unit** shall have a minimum of two (2) parking spaces.
  - (1) The required parking spaces shall be** within an enclosed attached garage, **except as otherwise permitted below.**
  - (2) In the R-3 and R-4 District, a one-family dwelling located on a lot with a lot width less than 60 feet shall be required to provide a minimum of one parking space within an enclosed garage either attached or detached. The ground floor area of a detached garage shall not exceed 70% of the ground floor area of the dwelling to which it is accessory, and shall comply with the accessory use standards in Section 1155.06.**

EXHIBIT "A"

**1155.08 SUPPLEMENTAL DESIGN REQUIREMENTS REGULATIONS FOR GARAGES.**

Garages in a single family district, in addition to complying with all other requirements of this Chapter 1155, shall comply with the following:

- (a) Garage doors on a standard single family lot shall not face a public street except:
  - (1) When the majority of the garage doors on a block currently face the public street.
  - (2) When the house is on a corner lot provided that in such case the garage door is oriented to face and have access from the more minor street.
- (b) All garage doors shall either: be the same color as the primary color of the house; or be an accent or trim color which is complimentary to the primary color of the house.
- (c) To preserve the quality of the residential environment and the existing Village character, the front of any new attached garages should be setback a minimum of five (5) feet behind the front wall of the dwelling.
- (d) To preserve the quality of the residential environment and the existing Village character, a detached garage permitted in Section 1155.07(f)(2) shall be designed to complement and enhance the dwelling, with an exterior that is either the same color as the primary color of the house; or is an accent or trim color that is complimentary to the primary color of the house.**
- (e) (d)** The Architectural and Design Review Board ~~or the Board of Zoning Appeals, as applicable,~~ may grant relief from these ~~restrictions~~ **design requirements** when it determines that such relief will not adversely affect the value of the adjacent properties or materially diminish the quality and characteristics of the Village. In making such determinations, the Architectural and Design Review Board will be further guided by the Design Review Criteria in Section 1117.08. ~~and the Board of Zoning Appeals will be guided by the applicable provisions and procedures in Chapter 1121. (Ord. 3260. Passed 1-19-05.)~~

EXHIBIT "A"

**1155.09 LANDSCAPE PLAN APPROVAL REQUIRED FOR TOPSOIL, AND TREE REMOVAL; AND FILL, FOR NEW CONSTRUCTION.**

The removal of healthy trees over three inches in trunk diameter, the removal or stripping of topsoil or loam from a lot or parcel of land, or the grading, filling or regrading on a lot thereof for the purposes of new construction in a standard residential district, shall be permitted as part of an approved landscaping plan or as otherwise required by the Planning Commission, ~~or both the Planning Commission and Architectural and Design Review Board,~~ and/or Village Engineer, as applicable. (~~Ord. 3051, Passed 1-17-01.~~)

- (a) This section applies to any activity including new construction of a single-family dwelling and tree clearing, grading, topsoil removal and/or placement of fill that disturbs more than 1,000 square feet of ground area.**
- (b) Landscape Plan Required.**

  - (1) Dwellings or Additions to Existing Single-Family Dwellings. The area being disturbed as part of new construction of or addition to an existing single-family dwelling shall be depicted on a proposed landscape plan as part of the submission requirements in Section 1154.04 for review by the Planning Commission and/or the Architectural and Design Review Board, as applicable.**
  - (2) Any other land disturbing activity governed by this section shall be depicted on a proposed landscape plan for technical review by the Village Engineer. In addition, a Stormwater Pollution Prevention Plan (SWP3) prepared in conformance with Section 1316.05, shall be submitted for review whenever the area of disturbance is over 0.1 acre, unless the Village Engineer determines a SWP3 is necessary for a smaller site.**
  - (3) The proposed landscape plan shall depict the following:**

    - A. The existing and proposed site topography, trees, and landscape features;**
    - B. The general extent and calculated area of the land clearing activities; and**
    - C. A depiction of existing trees within the area to be disturbed that are over three inches in trunk diameter, noting which trees are to be preserved, and which trees are to be removed, along with each tree's diameter measured at a point 4.5 feet above ground level.**
- (c) Whenever approval of a landscaping plan is granted based on the preservation of existing trees, appropriate measures shall be undertaken during construction to protect such existing trees. The Planning Commission, Architectural and Design Review Board and/or Village Engineer may require a plan for protecting the trees as part of the building permit application to ensure that construction activities including changes in site hydrology do not harm the viability of such trees.**
- (d) If the Village determines that land clearing activities are being conducted in violation of this section, the site is subject to external inspection by the Village Engineer or other qualified inspector. The Inspector shall have the authority to enter the property for such external inspection and require compliance in accordance with the applicable provisions of this Planning and Zoning Code and Chapter 1316.**

"1155.10 through 1155.12 \* \* \* \* No Change"

Name	BENJAMIN			BURKE-JONES			HOEFLING			HUFFMAN			MCDONALD			YONCHAK		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension																		
Passage																		

RESOLUTION NO. 1285

INTRODUCED BY:

A RESOLUTION CONFIRMING THE ACTION BY THE BOARD OF ZONING  
 APPEALS APPROVING THE VARIANCE REQUESTS FOR THE PROPERTY  
 LOCATED AT 10211 LAKESHORE BLVD. TO REVISE THE REQUIRED  
 EAST AND WEST SIDE YARDS OF THE PROPERTY AND  
 DECLARING AN EMERGENCY

WHEREAS, on January 17, 2023, the Board of Zoning Appeals held a public hearing on the requests for variances for the property located at 10211 Lakeshore Blvd. to revise the required east and west side yards of the property; and

WHEREAS, pursuant to Section 1121.02(c) of the Village Zoning Code, this Council is required to confirm all variances before they take effect.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Bratenahl, State of Ohio, that:

Section 1. This Council hereby approves and confirms the action of the Board of Zoning Appeals wherein the Board approved the 15 foot width for the west side yard requiring a 15-foot variance from the minimum 30-foot side yard width.

Section 2. This Council hereby approves and confirms the action of the Board of Zoning Appeals wherein the Board approved the 19-foot width for the east side yard requiring a 21-foot variance from the minimum 40-foot side yard width required to comply with the total 70 feet for both side yards.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the Village of Bratenahl by reason of the immediate necessity of permitting the variance to take effect as soon as possible; wherefore, this Resolution shall be in full force and effect from and immediately after its adoption.

PASSED:

APPROVED:

\_\_\_\_\_  
 John M. Licastro, Mayor

ATTEST:

\_\_\_\_\_  
 Diana L. Cooks, Village Fiscal Officer

Name	BENJAMIN			BURKE-JONES			HOEFLING			HUFFMAN			MCDONALD			YONCHAK		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension																		
Passage																		

RESOLUTION NO: 1286

INTRODUCED BY:

A RESOLUTION APPROVING AN APPLICATION SUBMITTED BY  
STEVEN GOMILLION TO AMEND THE HANNA PORTION OF THE  
NEWPORT PLANNED RESIDENTIAL DEVELOPMENT AREA PLAN  
TO PERMIT THE DEVELOPMENT OF 11 EAST HANNA LANE  
(HANNA LOT 11) AND DECLARING AN EMERGENCY

WHEREAS, at its meeting of January 25, 2023, the Planning Commission considered a request by Steven Gomillion for approval of a home on 11 East Hanna Lane (Hanna Lot 11); and

WHEREAS, based upon the report of the Village’s Planning Consultant, the Planning Commission approved the final development plan as requested of Steven Gomillion for 11 East Hanna Lane (Hanna Lot 11); and

WHEREAS, the Homeowners' Association of the Newport Planned Development Area has also approved the proposed amendment to the Newport Planned Residential Development Area Plan; and

WHEREAS, pursuant to Section 1164.13 of the Planning and Zoning Code, the proposed application constitutes an amendment to the originally approved Newport Planned Residential Development Area Plan; and

WHEREAS, at its meeting of January 25, 2023, the Planning Commission unanimously agreed to approve the application submitted for 11 East Hanna Lane (Hanna Lot 11) and to approve an amendment to the final plan of the Newport Planned Residential Development Area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Bratenahl, State of Ohio, that:

SECTION 1. This Council approves the application submitted by Steven Gomillion to amend the Newport Planned Residential Development Area Plan to permit the development of 11 East Hanna Lane (Hanna Lot 11).

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents and for the further reason that it is immediately necessary for the property owner to proceed; therefore, provided this Resolution receives two-thirds vote of all members of the Council elected thereto, it shall be in full force and effect from and after the earliest time allowed by law.

PASSED:

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John M. Licastro, Mayor

ATTEST:

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Diana L. Cooks, Village Fiscal Officer

Name	BENJAMIN			BURKE-JONES			HOEFLING			HUFFMAN			MCDONALD			YONCHAK		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension																		
Passage																		

RESOLUTION NO: 1287

INTRODUCED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE PROFESSIONAL SERVICES AGREEMENT/CONTRACT WITH THE CLEVELAND RESTORATION SOCIETY TO PARTICIPATE IN THE HERITAGE HOME PROGRAM FOR THE 2023 CALENDAR YEAR AND DECLARING AN EMERGENCY

WHEREAS, at its meeting of January 16, 2019, the Council approved Resolution Number 1128 authorizing the Mayor to enter into a Professional Services Agreement with the Cleveland Restoration Society to provide eligible Village homeowners with the ability to participate in the Heritage Home Program; and

WHEREAS, following the terms of said Agreement, the technical assistance services of the Cleveland Restoration Society may be extended on a year by year basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Bratenahl, County of Cuyahoga, State of Ohio, that:

SECTION 1. The Mayor is authorized to extend the Professional Services Agreement/Contract with the Cleveland Restoration Society to provide eligible Village homeowners with the ability to participate in the Heritage Home Program with management fees not to exceed eight hundred dollars (\$800.00) for the 2023 calendar year.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents and for the further reason that it is necessary to provide eligible homeowners with the ability to participate in the Heritage Home Program; therefore, this Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED:

APPROVED:

\_\_\_\_\_  
John M. Licastro, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cooks, Village Fiscal Officer

Name	BENJAMIN			BURKE-JONES			HOEFLING			HUFFMAN			MCDONALD			YONCHAK		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension																		
Passage																		

ORDINANCE NO: 4178

INTRODUCED BY:

AN ORDINANCE AMENDING ORDINANCE NO. 4095 AND SECTION 143.02(d) OF THE ADMINISTRATIVE CODE TO INCLUDE AN AMEDEMMENT MADE ON THE FLOOR AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Bratenahl, State of Ohio, that:

WHEREAS, at its meeting of March 17, 2021, council adopted Ord. No. 4095 as amended on the floor; and

WHEREAS, the amendment made on the floor to Section 143.02(d) must be reflected in written legislation and codified.

SECTION 1. Section 143.02(d) of the Administrative Code be amended to read as follows:

“143.02(4) WORK WEEK AND COMPENSATION.

(a) through (c) \* \* \* \* No Change

(d) Whenever a member of the Service Department (excluding the Director) is called into service outside of the normal work hours (7:00am-3:00pm), that member shall have the option of receiving ~~four (4)~~ **three (3)** hours of overtime or the equivalent amount of compensatory time.

(e) \* \* \* \* No Change.”

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the Village of Bratenahl and for the further reason that the amendment made on the floor must be codified; therefore, provided this Ordinance receives two-thirds vote of all members of the Council elected thereto, it shall be in full force and effect from and after the earliest time allowed by law.

PASSED:

\_\_\_\_\_  
John M. Licastro, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cooks, Village Fiscal Officer

Name	Benjamin			Burke-Jones			Hoefling			Huffman			McDonald			Yonchak		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension																		
Passage																		

Feb-23

ORDINANCE NO: **4179**

**Final**

INTRODUCED BY:

That the following claims against the Village of Bratenahl are hereby directed from the funds and the Fiscal Officer is hereby authorized and directed to draw her warrants for payment, to wit:

**PUBLIC SAFETY**

Best Buy Tire	Repair/maintenance	\$ 2,949.44
Car Parts Warehouse	Parts	334.43
* Chagrin Valley Dispatch	February 2023	20,977.31
* Chagrin Valley Dispatch	MDT upgrade	15,454.20
* City of South Euclid	2023 Edge	8,173.61
Dollar Bank	Credit card - police expense	1,052.47
Landmark	Gasoline: 66	1,719.98
Serpentini Chevrolet	Repair/maintenance vehicles	756.64
* Verizon	MDTs	329.61
<b><i>SUBTOTAL - PUBLIC SAFETY</i></b>		<b><u>\$ 51,747.69</u></b>

**ADMINISTRATION**

+ Aetna		Dental - 2/2023	\$ 1,455.20
Bauernschmidt, Charles		Magistrate - 12/312022	500.00
Cleveland Chemical Pest Control		Quarterly pest control	100.00
+ COSE/Medical Mutual		Medical - 1/2023	34,713.92
Distillata		Drinking water	89.25
+ Division of Water		#1291440000	18.05
+ Division of Water		#5367340000	46.60
+ Division of Water		#3759120437	119.95
+ Division of Water		#5367340000	47.87
+ Dollar Bank		Village credit card	50.00
+ Dominion		#0012	649.00
+ Dominion		#5971	54.20
+ Dominion		#7898	54.14
Google **		Email accounts	318.00
Illuminating Company	Traffic Signals	# 110 029 217 558	79.47
Illuminating Company	Street Lighting	# 110 024 090 794	2,354.11
Illuminating Company		# 110 023 586 420	85.06
Illuminating Company		# 110 023 032 078	468.17
Illuminating Company		# 110 022 683 632	108.95
J&M Wildlife		Daily inspection/removal	1,875.00
Lake Business Products		Copies/lease	80.67
Licastro, John		Reimbursement - 2/2023 cell phone	75.00
NEORS		#8745	273.15
+ Pitney Bowes		Postage meter/postage	520.99
Proof+Geist		FileMaker Services - 2023	225.00
Quill		Supplies	1021.40
SE Blueprint		Reproduction	2,192.00
+ Spectrum		Internet/cable service	578.08
TAC		Network support - 2/2023	533.00
TeleCare		January 2023 hosting	937.80
<b><i>SUBTOTAL - ADMINISTRATION</i></b>			<b><u>\$ 49,624.03</u></b>

**RECREATION**

*+ Cleveland Chemical Pest Control	Quarterly pest control	\$ 108.00
*+ Distillata	Drinking water	0.00
*+ Dollar Bank	Recreation credit card	540.71
*+ Dominion	#0000	1,616.38
*+ Illuminating Company	A/C# 110 023 744 748	639.46
*+ Illuminating Company	Outdoor A/C# 110 050 323 796	67.83
*+ Spectrum	Internet/cable service	194.64
* United Rentals	Portable restroom rentals	105.00
<b><i>SUBTOTAL - RECREATION</i></b>		<b><u>\$ 3,272.02</u></b>

**SERVICE**

Division of Water	Fireline	\$ 46.60
Division of Water	7482172312	26.13
Best Truck Equipment	Parts	508.47
Custom Clutch	Hose assembly	164.00
Dominion	#0973	736.20
+ Home Depot	#9772	738.76
+ Illuminating Company	#110125887239	292.91
Landmark	Gasoline: 34	886.05
Linde	Propane	56.85
Mentor MFG	Seal kit	172.20
Spectrum	Internet/cable service	123.34
Unique Paving Materials	Cold mix	53.65
<b><i>SUBTOTAL - SERVICE</i></b>		<b><u>\$ 3,805.16</u></b>

		<b>CONSULTANTS</b>
Chagrin Valley Engineering	Professional services - 1/2023	882.00
Matty, Henrikson & Greve LLC	Professional services - 1/2023	10,659.51
Matty, Henrikson & Greve LLC	Prosecutorial services - 1/2023	<u>3,695.00</u>
<b><i>SUBTOTAL - CONSULTANTS</i></b>		<b><u>\$ 15,236.51</u></b>
 <b><i>TOTAL ALL PAY CLAIMS</i></b>		 <b><u>\$ 123,685.41</u></b>

- \* Restricted fund
- + Electronic payment

**FOR RECORD ONLY**

Payroll	1/6/2023	\$ 81,422.96
Payroll	1/20/2023	\$ 77,999.35

**Section 2.**

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare for the reasons that its passage is necessary to the daily operation of the Village Government.

Passed: February 15, 2023

\_\_\_\_\_  
John M. Licastro, Mayor

\_\_\_\_\_  
Diana L. Cooks, Village Fiscal Officer