

MINUTES

Orange Village Planning & Zoning Commission
Architectural Board of Review
Tuesday, November 15, 2022 – 6:30 pm

Mayor Kathy Mulcahy, Chairperson called the meeting to order at 6:30pm

Members Present: Anthony Lazar, Kathy Moran, April Skurka, Scott Lewis, Brian Hitt, Jud Kline, Mayor Kathy Mulcahy

Members Absent:

Others Present: Steve Byron, Law Director
Robert McLaughlin, Chief Building Official
Karen Morocco, PZ/ABR Secretary
Staci Vincent, Councilwoman

#1 4539 LANDER ROAD – NEW HOUSE

Present: Jim Yezbak, Old World Classics, LLC
Michael Cruz, Homeowner

PZ/ABR Discussion:

The project has been approved as noted by the Village Architect and is under review by the Village Engineer, who has been on vacation. The 2 story home will be 2,905 square feet and has 4 bedrooms and 3.5 bathrooms. The house meets all setback requirements. The height is approximately 29 feet but is not listed on the plans. Mr. Jim Yezbak will have the height of the structure added to the plans. Mr. Jud Kline had a concern about the egress window coming out of the basement. The window is a Rockwell 6' 6" window and has a required ladder for escape. Mr. Kline would like to see windows where the play room is and in the 1st floor master suite. Mr. Michael Cruz stated he is putting a storage system for the kids in the playroom so no window can be added and in the master suite they do not want a window there as it would be behind the bed and they prefer it to be darker. The rear windows will not have mullions. On the exterior selection sheet the garage door color states it will be stained brown to mimic wood. That is incorrect. The garage door will be black. Landscaping to be submitted separately. The homeowner has one (1) year after occupancy to have the landscaping approved and installed. The exterior selections are as follows:

<u>Product:</u>	<u>Manufacturer:</u>	<u>Color:</u>
Vinyl Siding	Provia	Bright White or Antique White
Roof	Certainteed	Moire Black
Trim		Black
Soffit		Black
Front Door	Therma Tru	Black
Garage Door		Black
Windows	Pella	White

A Joint Motion was made to approve the new house at 4539 Lander Road subject to the following conditions:

1. Village Engineer's review and approval
2. Front elevation – adjusting the horizontal trim board to line up with the gable of the entry element across the front
3. Adding a vertical trim board at the right side of the entry gable
4. Indicate the ridge height
5. Left and right elevations – adding a horizontal trim board to match front trim board and will continue around the house
6. Add a window to match the rear windows on upper section of left elevation
7. Single drop siding on lower half and double drop siding on upper half

was made by Mr. Jud Kline; Seconded by Mr. Brian Hitt

Ayes: Lazar, Moran, Skurka, Lewis, Hitt, Kline, Mayor Mulcahy
No: None

The Joint Motion was approved 7 to 0.

Present: Mohammad Rahman, Owner

PZ/ABR Discussion:

The project is pending the Village Engineer's comments. Revised plans were submitted and are under review by the Village Engineer. Mr. Mohammad Rahman submitted revised elevations at the meeting. The Board commented on how much they liked the revised elevations. Mr. Jud Kline stated the building is a gateway to Orange Village and it establishes character. The landscaping and signage will be a separate submission and be submitted as a package. The canopy drawings will also be submitted at a later date. Mayor Mulcahy stated the plans will be subject to review and approval by the Orange Village police chief. The site and development are what is being reviewed by the Board. Mr. Rahman showed a few exterior samples but did not have the final selections yet determined. He will need to return to a future PZ/ABR meeting with the exterior samples. The two (2) selections he liked was the base – split facing in the color 'buff' and the smooth brick i#20-28. The Board liked those two color choices as well. A windowsill was shown in the color 'gray', however the Board did not feel it matched the other colors. Mr. Rahman stated the interior will feature chandeliers and a smart toilet in the bathrooms.

A Joint Motion was made to approve the new gas station at 28021 Miles Road subject to:

1. Village Engineer's approval and engineer to confirm clearance on easterly pump
2. Orange Village police chief's review and approval
3. Canopies, landscape and signage not under review
4. Applicant to return to PZ/ABR with exterior samples

was made by Mr. Jud Kline; Seconded by Mr. Scott Lewis

Ayes: Lazar, Moran, Skurka, Lewis, Hitt, Kline, Mayor Mulcahy

No: None

The Joint Motion was approved 7 to 0.

#3

REPORT & RECOMMENDATION – ORDINANCE 2022-18

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCE OF ORANGE VILLAGE TO CLARIFY THE REGULATION OF TRUCKS IN THE VILLAGE.

PZ Discussion:

In section 351.14, Mr. Steve Byron will change the word 'truck' to 'vehicle' and will move it to the end of the list.

A Motion was mad to recommend Ordinance 2022-18 as amended to Council was made by Mr. Scott Lewis; Seconded by Mr. Anthony Lazar.

Ayes: Lazar, Lewis, Hitt, Kline, Mayor Mulcahy
No: None

The Motion was approved 5 to 0.

#4

REPORT & RECOMMENDATION – ORDINANCE 2022-19

AN ORDINANCE³ AMENDING SECTION 1101.01 OF CHAPTER 1101 OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO CLARIFY THE FREQUENCY OF COMPENSATION FOR THE SECRETARY OF THE PLANNING AND ZONING COMMISSION.

A Motion was made to recommend Ordinance 2022-19 to Council was made by Mr. Brian Hitt; Seconded by Mr. Anthony Lazar.

Ayes: Lazar, Lewis, Hitt, Kline, Mayor Mulcahy
No: None

The Motion was approved 5 to 0.

1st reading _____
P&Z Action _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

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ORDINANCE NO. 2022-18

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO CLARIFY THE REGULATION OF TRUCKS IN THE VILLAGE.

WHEREAS, Council desires to amend the Orange Village Zoning Code to make its parking regulations in residential districts more clear; and

WHEREAS, this matter has been referred to the Planning and Zoning Commission for a report and recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That existing Section 351.14, Night Parking in Residential Districts, of Chapter 351, Parking Generally, of the Codified Ordinances of Orange Village is amended to provide as follows:

“351.14 NIGHT PARKING IN RESIDENTIAL DISTRICTS.

No person shall park a school bus, commercial tractor, agricultural tractor, truck of more than ~~one-ton capacity~~ **10,000 lbs. GMVW (Gross Motor Vehicle Weight)**, bus, trailer, semitrailer, pole trailer or moving van on any street within the residential districts of the Municipality between one-half hour after sunset and one-half hour before sunrise.”

SECTION 2. That existing Section 1148.02, Accessory Uses, of Chapter 1148, U-1 Single-Family Dwelling Districts, of the Codified Ordinances of Orange Village is amended to provide as follows:

“1148.02 ACCESSORY USES.

In a U-1 District, only the following accessory uses are permitted as regulated in this Zoning Code:

(a) Private Garages. One or more attached garages which do not exceed an aggregate of 1,000 square feet. However, a larger attached garage is permitted provided:

(1) The floor area of such garage does not exceed thirty percent (30%) of the gross footprint of the dwelling; the gross footprint of the dwelling shall be calculated using the exterior perimeter of the residence;

(2) The proposed garage is subject to Final Development Plan review, pursuant to Chapter 1143, and a determination by the Planning and Zoning Commission and the Architectural Board of Review that such larger garage will be of such size, design, and location on the site as to have no material adverse impact on other properties in the Village.

(b) Home Occupation. A home workspace may be permitted in a U-1 District provided that the non-residential use is limited to an accessory use and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located, and further provided that:

- (1) No window display or sign shall be used to advertise work in such occupation.
- (2) No person, other than members of the family residing within the dwelling and two (2) additional person, shall engage or assist in such occupation.
- (3) The residential character of the dwelling exterior or accessory building shall not be changed. No on-site storage of products, equipment or materials shall be permitted unless such products, equipment or materials are stored in a fully enclosed structure.
- (4) No equipment or process shall be used which creates any dust, noise, odor, glare, vibration or electrical interference detectable to the normal senses off the lot. No electrical interference shall cause fluctuations in line voltage off the premises.
- (5) The home occupation shall not attract a greater number of vehicles than can be parked in the driveway at any given time and the daily number of truck deliveries shall not be greater than generally expected in the neighborhood.
- (6) No merchandise shall be sold except that which is produced or processed on the premises.
- (7) ~~Trucks~~ **Vehicles used for the Home Occupation**, or other mobile equipment, shall not be parked overnight in driveways or in open yards. **No such vehicle may exceed 10,000 lbs. GMVW (Gross Motor Vehicle Weight).**
- (8) No vehicle repair shall be permitted on any property unless performed by the owner or occupant on his or her own vehicle, or the vehicle of a member of the family of the owner or occupant of the property.

(c) Private Stables. One horse or pony may be kept for each 20,000 square feet of lot area provided the following conditions are complied with:

- (1) The stable is located not less than fifty (50) feet from any lot line.
- (2) The animals are confined in an acceptable fenced enclosure located not less than fifty (50) feet from any residential building.

(d) Domestic Animals. The keeping of pigs and hogs is not permitted. Fowl and other domestic animals may be raised and kept on a lot of not less than one and one-half (1-1/2) acres for the owner's use provided the following conditions are complied with:

- (1) All areas used for pasturing, grazing or exercise shall be securely fenced.
- (2) All fowl and domestic animals except household pets shall be housed in a building erected and maintained for that purpose and such building shall be located not less than fifty (50) feet from any lot line.

(3) Access to ponds and natural water courses shall be prevented.

(e) Accessory Buildings. In a U-1 District, accessory buildings may be permitted in the rear yard of a residential lot in accordance with the following requirements:

- (1) Maximum building area. The total area of the accessory buildings shall not exceed 1,000 square feet or one percent (1%) of the lot area, whichever is greater.
- (2) Number of accessory buildings permitted.

Lot Area (Acres)	Number of Accessory Buildings
3 or fewer acres	2
over 3 acres	3

(3) An accessory building shall be set back not less than twenty-five (25) feet from any side or rear property line. On a corner lot, such building shall be set back not less than sixty (60) feet from the side street right-of-way line.

(f) Spacing Between Principal and Accessory Buildings

(1) When an accessory building complies with the setbacks for the principal building, the minimum spacing between the principal and accessory building shall be seven (7) feet.

(2) When any portion of an accessory building is located so it is not in compliance with the setbacks for the principal building than the minimum spacing between the principal and accessory building shall be twenty (20) feet.

(g) Swimming Pools. Swimming pools may be located in a U-1 District as an accessory use to a dwelling. The pool and accessory buildings, structures or other equipment shall not be located in a front or side yard and shall be not less than twenty-five (25) feet from any lot line. Every swimming pool shall be enclosed by a fence at least forty-eight (48) inches in height and constructed so as to prevent uncontrolled access. At all times when a swimming pool is not in use, the gates in such fence shall be secured.

(h) Signs. Signs as permitted in Chapter [1161](#).

(i) Solar Energy Systems: A Solar Energy System consists of photovoltaic cells and related accessories that are designed to convert solar energy into electrical energy; or a system consisting of solar thermal collectors, parabolic reflectors, or similar structures that are designed to harness solar energy for use as thermal energy for heating water or air or for some other permitted use; and may include battery storage systems on the property meeting requirements of Section [1148.02\(i\)\(6\)C](#). Solar Energy Systems are a conditionally permitted accessory use, provided that the following standards and conditions are met:

(1) Solar panels shall be placed on the portion of roof of any residential or accessory building so that the panel or panels:

A. Are not visible from any street or sidewalk at the front of the property;
 B. Do not extend beyond the edge of the roof; and
 C. Are placed parallel to the plane of pitched roof (sloped in excess of 4 inches per foot) and are not more than eighteen inches (18") above the surface of the roof when measured to the top of the solar panel.

D. To provide proper system performance for low slope (pitches less than four inches per foot) and flat roofs, and then alternative heights and configurations may be considered to exceed minimum height above the roof as approved by the Planning Commission.

(2) Solar panels may only be considered in roof locations, that are not in compliance with subsection (1) above, or not in a rear yard, when the applicant has demonstrated to the satisfaction of the Planning and Zoning Commission that:

A. The alternative location is necessary to make the system economically justifiable;
 or

B. There are no alternative locations in compliance with subsection (1) and all alternative locations have been adequately evaluated; or

C. The proposed panel(s) and their location(s) are designed to minimize any adverse impacts to the neighborhood; and/or

D. The size and location of any structure is the minimum necessary to serve the needs of the building (s) on the property.

(3) Solar equipment (other than the panels) shall only be placed inside a building or in the rear yard.

(4) Any ground mounted solar panel systems or related equipment being proposed shall:

A. Only be located in a rear yard and in compliance with the setback requirements for accessory buildings;

B. Have an allowed height for both the solar panels and related equipment consistent with the maximum height of accessory buildings permitted within the district;

C. Comprise only the minimum area needed to provide the energy necessary to serve the property but in no case have a maximum area greater than one thousand (1,000) square feet when measured using a horizontal plane around the perimeter of the system and such area shall not be in addition to that allowed for in the maximum area allowances for accessory buildings and structures as otherwise regulated in each zoning district.

D. Be reasonably screened from view of adjacent property or a street, as determined by the Planning and Zoning Commission, by existing or proposed landscaping and/or fencing. Screening shall be shown on the plans submitted with the application.

(5) Solar panels and related equipment shall be located, oriented or screened and constructed of such material to prevent to the fullest extent practicable glare from solar panels to not be directed at any other person, building or public right of way.

(6) An application for a Solar Energy System to be reviewed by the building and fire departments shall include:

A. Complete architectural and engineering drawings, adequately scaled and dimensioned, depicting the location, installation, mounting, anchorage details, appearance on the building and details for wiring and connections, battery storage system as noted in Section C below for the proposed system.

B. The manufacturer's specifications for the system being proposed.

C. Where Battery Storage Systems are proposed for Solar Energy Systems, they shall include, but not limited to:

i. List of equipment

ii. Location plan and site plan

iii. Ventilation

iv. Containment

v. Supporting structures for batteries and equipment

vi. Electrical system, devices and wiring

D. A description and plan of the trees and/or other vegetation that needs to be trimmed or removed from the site for evaluating the removal of such vegetation.

E. Verification that the installer has professional training, NABCEP certification and licensure as required for work requiring such by state or federal law.

(7) When locating a solar panel, it is the property owner's responsibility to consider current and future development, growth of trees and vegetation, and other obstructions that might interfere with solar access. Nothing in this section shall prohibit the owner of the solar energy conversion system from obtaining a solar access easement from any person.

(8) All solar energy systems must be reviewed and approved by the Village Building Commission, Fire Inspector, Electrical Inspector and Planning Commission prior to issuance of a permit to install the system.

(9) Post a sign indicating the existence of a Solar Energy System and Battery Storage System on the premises identifying location of disconnects for electrical systems to assist Village safety forces when accessing a property or building containing solar panels in case of fire or other emergency."

SECTION 3. That existing Section 1162.09, Vehicles In Residential Districts of Chapter 1162, Off-Street Parking and Loading , of the Codified Ordinances of Orange Village is amended to provide as follows:

"1162.09 VEHICLES IN RESIDENTIAL DISTRICTS.

(a) Vehicles or trailers of any kind without current license plates or a current validation sticker on the rear license plate thereof shall not be stored on residentially zoned property except in a completely enclosed garage or other completely enclosed permanent structure.

(b) Recreational vehicles or trailers shall not be stored on residentially zoned property except in a completely enclosed garage or other completely enclosed permanent structure, provided, however, that within U-1 Single-Family Dwelling Districts the Planning and Zoning Commission may, in specific cases, and subject to such conditions and safeguards as the Commission may establish, authorize recreational vehicles or trailers to be parked outside of a completely enclosed garage or other completely enclosed permanent structure where the Commission determines that such arrangement will not substantially or permanently impact neighboring properties and is consistent with the spirit and intent of this Zoning Code. When reviewing specific requests for outdoor storage of recreational vehicles or trailers in U-1 Single-Family Dwelling Districts, the Planning and Zoning Commission may seek recommendations from the Architectural Board of Review regarding screening and buffering.

(c) No more than one inoperable vehicle (i.e., a vehicle which is unable to move under its own power) is permitted to be stored on a residential property and must be stored within a completely enclosed garage or other completely enclosed permanent structure.

(d) ~~No more than one vehicle having truck license plates~~ **motor vehicle having a Gross Motor Vehicle Weight (GMVW) exceeding 10,000 lbs.** may be parked outside of a completely enclosed garage or other completely enclosed permanent structure on residential property. ~~, provided that the truck shall not exceed a maximum one-ton capacity rating. All other vehicles having truck license plates shall be housed within a completely enclosed permanent structure.~~

(e) The selling of used or previously owned vehicles from residential property is permitted and subject to the following restrictions:

The total number of vehicles for sale during any twelve-month period is limited to four

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and no more than one at any given time.

Vehicles for sale must be titled to the current resident or landowner of the property upon which the vehicle is displayed.

(f) All vehicles parked outside on residential property must be parked on paved surfaces such as a driveway or a turnaround and may not be parked on any portion of a driveway that is located within a public right of way."

SECTION 4. That the Zoning Inspector is authorized to determine whether a vehicle exceeds the maximum GMVW allowed within the Village limits.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: _____, 2022

Council President

Submitted to the Mayor for
approval on this ____ day of _____, 2022

Approved by the Mayor this

ATTEST:

____ day of _____, 2022

Clerk of Council

Mayor

1st reading _____
P&Z Action _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

09/21/2022

ORDINANCE NO. 2022-19

AN ORDINANCE AMENDING SECTION 1101.01 OF CHAPTER 1101 OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO CLARIFY THE FREQUENCY OF COMPENSATION FOR THE SECRETARY OF THE PLANNING AND ZONING COMMISSION.

WHEREAS, the Secretary of the Planning and Zoning Commission receives compensation on a bi-weekly basis, differing from that which is outlined in the Codified Ordinances; and

WHEREAS, Council wishes to eliminate the Section of the Codified Ordinances which addresses the pay frequency of the Secretary of the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That existing Section 1101.01, Secretary, of Chapter 1101, Planning and Zoning Commission, of the Codified Ordinances of Orange Village is amended to provide as follows:

“1101.01 SECRETARY.

- (a) There is hereby created the position of Secretary for the Planning and Zoning Commission, who shall be appointed by the Commission pursuant to the Municipal Charter.
- (b) The duties of the Secretary shall include, but not be limited to, the following:
 - (1) The preparation of an agenda for meetings of the Commission;
 - (2) The acceptance of requests and applications for consideration;
 - (3) The notification to all members and applicants of the meeting dates of the Commission;
 - (4) The taking of minutes and the forwarding of copies of such minutes to all members of Council; and
 - (5) Other germane actions relating to the functions of the Commission.
- (c) The Secretary of the Planning and Zoning Commission shall be paid **monthly** an amount to be determined by Council for the performance of such duties.”

SECTION 2. That existing Section 1101.01 is repealed.

SECTION 3. That the actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this

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Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: _____, 2022

Council President

Submitted to the Mayor for

approval on this ____ day of _____, 2022

Approved by the Mayor this

____ day of _____, 2022

ATTEST:

Clerk of Council

Mayor

#5

CHIEF BUILDING OFFICIAL'S REPORT

- There are no items on the December 6, 2022 PZ/ABR agenda.
- Mayor Mulcahy will advise if the December 6, 2022 meeting will be cancelled.

#6

ANY OTHER TOPIC FOR DISCUSSION

- Mr. Jud Kline will not be attending the December 20, 2022 PZ/ABR meeting.

#7

MINUTES FROM NOVEMBER 1, 2022 TO BE APPROVED

A Motion was made to approve the minutes of November 1, 2022 meeting was made by Mr. Brian Hitt; Seconded by Mr. Jud Kline.


Ayes: Lazar, Moran, Skurka, Lewis, Hitt, Kline, Mayor Mulcahy

Abstain:

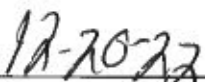
No: None

The Motion was approved 7 to 0.

There being no further business, the meeting was adjourned at 7:50 pm



Karen Morocco



Date