

BERNIE HOVEY
Mayor

SEAN M. HOUSLEY, CPA
Clerk-Treasurer

MARK W. LIPAN
Service Director

JAMIE NORRIS
Chief of Police

ROBERT W. HEYDORN
Solicitor



SILVER LAKE VILLAGE HALL

2961 Kent Road
Silver Lake, Ohio 44224-3098

Phone 330-923-5233

POLICE
Non-Emergency 330-929-8771
Phone 330-928-7573
Fax 330-923-6965

www.villageofsilverlake.com

Monday, March 15, 2021 at 6:45 p.m.

NOTE: Council will meet in Village Hall. Council members should not call in, nor are cell phones required. This meeting will be available to the public via Zoom. Council will be able to hear the public over the speakers.

To access this Zoom meeting follow this link

<https://zoom.us/j/2512086899?pwd=TXpQaUZCandybjh4Y3huUGgzT0dpQT09> or go to <https://zoom.us/> and click join a meeting. Type in the **Meeting ID** which is **251 208 6899** and if it prompts you to enter a **password** enter **Silver18**. If you wish to speak during the meeting type a message in the chat with your first and last name, address and what you wish to speak about.

If you do not have access to the internet you can access this meeting by dialing in using the following phone number. Enter the Meeting ID and Passcode (when prompted).

Dial-in number (US): +1 646-558-8656 **Meeting ID:** 251 208 6899 **Passcode:** 31461176

If you are dialing in and wish to speak you can be unmuted by dialing *6.

PUBLIC HEARING REGARDING ORD. 62-2020 (below).

6:45 p.m.

Order of Business:

-Public Hearing to discuss the Ordinance 62-2020 regarding amending the Zoning Code for rear yard setbacks.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

7:00 p.m.

1. Pledge of Allegiance.

2. Roll call of Council.
3. Approval of the minutes of the March 01, 2021 Council meeting.
4. Ordinances and Resolutions:

FIRST READING:

ORDINANCE NO.: 20-2021 AN ORDINANCE APPOINTING LORA WILMOTH TO ADMINISTRATIVE SERVICES CLERK, STEP 2, EFFECTIVE MARCH 22, 2021 AND DECLARING AN EMERGENCY.

SECOND READING: none

THIRD READING: none

FORTH READING:

ORDINANCE NO.: 62-2020 (AS AMENDED) AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF SILVER LAKE, OHIO, AT SECTIONS 1133.03 AND 1133.04(f) TO REGULATE THE REAR YARD SETBACKS OF LOTS ADJOINING THE SHORES OF SILVER LAKE, CRYSTAL LAKE, THE CUYAHOGA RIVER, AND THE PONDS UPON THE LANDS NOW OCCUPIED BY SILVER LAKE COUNTRY CLUB, BUT FOR THE EXISTENCE OF INTERVENING PROPERTY OWNED BY A THIRD PARTY. (*Planning, Zoning and Insurance*)

5. Comments from the audience (*3-minute maximum per person*).
6. Committee Hearings to discuss pending legislation.
 - A) Planning, Zoning & Insurance.
 - B) Finance & Appropriations.
 - C) Public Improvements.
 - D) Personnel & Public Affairs.
7. Reports of Council's Standing Committees.
8. Mayor's Report.
9. Reports of Village Officials.
10. Miscellaneous Business.
 - Discussion regarding the replacement of the Assistant to the Clerk-Treasurer.
 - Discussion regarding the Mayor's Bonus Proposal.
11. The next regular meeting of Council will be on **Monday, April 05, 2021 at 7:00 p.m.**

ORDINANCE NO.: 20-2021

VILLAGE OF SILVER LAKE

INTRODUCED BY: The Administration

AN ORDINANCE APPOINTING LORA WILMOTH TO ADMINISTRATIVE SERVICES CLERK, STEP 2, EFFECTIVE MARCH 22, 2021 AND DECLARING AN EMERGENCY.

WHEREAS, Mrs. Marsha Schultz the Administrative service Clerk, Step 1, has resigned and her last day of work will be Friday, March 19, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio that:

SECTION 1. That Lora Wilmoth is hereby appointed to Administrative Services Clerk, Step 2, effective March 22, 2021.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, by reason that it is immediately necessary replace the Administrative Services Clerk to maintain the efficiency of Village Government of the Village for effective and efficient administration of said Village and grant fair compensation thereof, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED:

William M Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, March 01, 2021

7:00 p.m.

The Village of Silver Lake Council met in regular session on Monday, March 01, 2021, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio. The meeting was made available to the public via Zoom.

With President of Council Mr. William Church presiding, the meeting was called to order at 7:00 p.m.

Mr. Church led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Dann Nivens, Mr. Matthew Plesich, Mr. William Church, Mrs. Therese Dunphy, and Mr. Christopher Scott.

Roll call of Council - 5 members present.

Absent – Mr. Tim Nichols and Mrs. Betsy Meyer. Mr. Nichols and Mrs. Meyer were excused.

Mr. Church: Were there any additions or corrections to the minutes of the February 16, Council meeting.

It was decided to add the words “present virtually” next to Council members names in the minutes when they are attending the meeting via Zoom from another location for better clarification.

The minutes were approved as amended.

Mr. Church: Called for the reading of ordinances and resolutions by Mr. Housley and assigned the committees.

First Reading:

RESOLUTION NO.: 18-2021 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENTS OF TERRENCE STEEL, CAROL STEINER, JOHN SCHLUEP, REBECCA BROCKMEYER AND DAVID VIA AS MEMBERS OF THE CHARTER REVIEW COMMISSION OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY. (*Personnel and Public Affairs*)

RESOLUTION NO.: 19-2021 A RESOLUTION GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS INSIDE VILLAGE CORPORATE LIMITS, AND SUBJECT TO FURTHER AGREEMENT WITH ODOT, GRANTING CONSENT FOR ICE AND SNOW REMOVAL AND ROAD

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, March 01, 2021

7:00 p.m.

MAINTENANCE ON STATE ROUTE 59 INSIDE THE VILLAGE CORPORATE LIMITS, AND DECLARING AN EMERGENCY. *(Personnel and Public Affairs)*

Second Reading: None.

Third Reading: None.

Comments from the audience:

Chris Feriance 2816 Hastings Road: I know this was postponed due to COVID but I am hoping that we can revisit the possibility of drafting legislation to allow low speed vehicles, in this case golf carts, on Village roads. I am asking that Council reconsider this and make a determination.

Mr. Church: I think that is probably something that we will get to soon.

FINANCE AND APPROPRIATIONS COMMITTEE - Mrs. Dunphy

The payment of claims for February 24, 2021 was discussed and accepted as distributed.

PERSONNEL AND PUBLIC AFFAIRS – Mr. Nivens

RESOLUTION NO.: 18-2021

Mrs. Dunphy: I think we had extensive discussion on this last meeting, and it has come back to us with the change that was requested, so I see no reason not to let these people get to work.

Roll call to suspend the rules:	Yes	5	No	0
Roll call to adopt the legislation:	Yes	5	No	0

PERSONNEL AND PUBLIC AFFAIRS – Mr. Nivens

RESOLUTION NO.: 19-2021

Mr. Nivens: This is a housekeeping item that comes before us from time to time. Do we get any reimbursement back from the State as far as helping to maintain State Route 59?

Mr. Heydorn: When I saw this, it seemed irregular because we do not deal with this every time. The last time we dealt with this was in the late 90’s or early 2000’s. They admit that they are wholly deficient in bringing this forward for our consent. We have just operated under the old consent for this period of time. The Ohio Revised Code says that the State must maintain our lane markings and signage on State highways, pending the consent of us. We have traditionally given the consent for that and there is no reason for changing that. We do not pay a thing for it. As far as ice and snow removal, they can do that with a city’s consent but only by separate agreement. In other words, the consent legislation itself does not bind anybody to do anything, they must have a separate agreement to do that. By the way, there is not such an agreement and we do our own ice

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, March 01, 2021

7:00 p.m.

and snow control. No, they will not do it, even if we wanted them to, because the closest place they get to is 303. The repair and maintenance of roads also has nothing to do with this piece of legislation because even if we consent to it, they do not do it unless there is a separate agreement. That is why when they do work on the road they come in here with a proposal. Whether we consent to it now or not, without an agreement it does nothing. Every time they are going to do something to our street it would be brought by separate agreement. The only thing that you are doing with this piece of legislation is allowing them to put signage, street markings and so forth on that street.

Mr. Plesich: Does this include striping?

Mr. Heydorn: Yes. Also, my question was why now? It is because the administration figured out that they should have been doing it much more frequently.

Roll call to suspend the rules:	Yes	5	No	0
Roll call to adopt the legislation:	Yes	5	No	0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey: It seems that we have prevailed regarding the outrageous sewer bill from Summit County because they are redoing what they charged us. You have a copy of my State of the Village in print form. A video of it can be found through a link on Facebook and our website. Last meeting you asked me to talk to the employees and see what they would entertain as far as a bonus. I found this to be a strange request because if I am an employee and you ask me what I want for a bonus I am going to tell you \$10,000. They discussed several options and the one they asked me to have you consider is, \$1 an hour for each hour they worked during the year. For fulltime employees that means \$2,080. For part time employees it would depend on the number of hours worked. In addition to that, \$100 a year for every year they have worked full time for the Village and \$50 a year for every year they worked part time. I know you also might be worried about the money. I said in my State of the Village that because of the monies we received for COVID, our general fund balance is \$600,000 more than we expected it to be and our overall fund balance is \$800,000 more.

Mrs. Dunphy: Do we have an idea on what the total price tag is on that? Is there any option that any of that money might come from future CARES Act or COVID relief dollars?

Mr. Housley: No that is not an option. It would be less than \$40,000 probably around \$35,000.

Mr. Heydorn: What you might want to do is have a finance committee meeting to discuss this.

Mrs. Dunphy: We can have the finance committee meeting one hour before the Council meeting on March 15th.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, March 01, 2021****7:00 p.m.**

Mr. Robert Heydorn, Village Solicitor: Regarding the Summit County disputed sewage treatment charges. You all should be given access to the email from the law director of Cuyahoga Falls where she says that they were never in the position that we were in, to discover this without the efforts of Sean. They gained by his efforts about two million dollars. Summit County was not even contesting and they themselves had to pay, how much?

Mayor Hovey: From what I understand, we are saving them about 7 million.

Mr. Housley: The total disputed costs were 6.8 million. Cuyahoga Falls share of that is about 2.5 million. Our share was approximately \$235,000. The County's portion was probably around 4 million for the County.

Mr. Heydorn: Until Sean got into this and pointed out the problems, Summit County was basically going to do nothing and pay the bill.

Mayor Hovey: It is interesting that Cuyahoga Falls sent an email thanking Sean, but Summit County did not, they did not even admit that they made a mistake. Ultimately it is Summit County's responsibility to check those figures.

Mayor Hovey: We have a meeting tomorrow; Akron is proposing to raise our master meter rate by 34%. From what I understand, Cuyahoga Falls and Tallmadge have hired somebody to check and see if that is a justifiable rate.

Chief Jamie Norris: Last week Mr. Plesich had a question about Oriana House and whether or not we receive any money back. I reached out to the Vice President of operations at Oriana House and what happens is, we get credits on our invoice based on what the person sentenced there can pay. It is not always a set fee. It is contingent on the financial situation of the person that is sentenced there. The only time we have someone sentenced there is if it is a felony charge and it is under Ohio Revised Code. That is why we have such a gap from the last time someone was there. The only set fee that is established is the fee for work release. That is a 20% return that the individual would have to give back, but that is also based off what that person makes hourly. The invoice would show the credits we receive and then it gets taken off the bill. The Governor had a press conference today, he opened a new vaccine group, those 60 years and older can get it. Police officers are also now included. I got an email from the Department of Health and they are looking to roll out vaccines for police officers in the second week of March.

Mayor Hovey: I have had a couple questions from Council about the lawsuit. We have a court date scheduled for next week or the week after.

Mr. Mark Lipan, Service Director: We are going out to bid for asphaltting. It will be advertised on the 7th and 14th; the bid opening is going to be the 22nd. I also asked for quotes for the engineering on the Outlook water line, I have not received any of those back yet. Lastly, I hired a new employee. He has 3 years of experience and he will be starting on the 8th.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, March 01, 2021

7:00 p.m.

Mr. Sean Housley, Clerk-Treasurer: I want to expand on Akron's 34% increased costs to treat sewage, which the County just passes on. Akron has raised their costs from \$3.183 per thousand gallons to \$4.274. They say that they want to apply this retroactively back to April 2020. We have only been billed through October, so for the months of April-October we were billed \$132,000 to treat 41.6 million gallons. This just represents a portion of the bill. There are other treatment charges that would not be directly impacted by Akron's increase. I estimate that the retroactive charge would be approximately \$45,000. This is an average of \$6,500 monthly increase or an increase of approximately \$6.50 per household, per month. This would be about a 6.5% increase on the average household combined bill moving forward. The County and some of the other Master Meter Communities have hired an independent consultant to evaluate the 34% increase.

Also, I've emailed out some regulatory financial statements to everyone, we can discuss these more at the next meeting. When I prepare these reports, I do a reconciliation back to the December month-end statement of revenues and expenditures and I noticed that the appropriations in those reports were off by about \$1,000. This had something to do with the way previous years purchase orders were closed out of the system. The estimated revenues were also off by around \$171,000. Some reports reflected the proper budgeted amounts and some did not. This is a system problem. The unaudited financials that I sent out, do reconcile with our appropriations. Let me know if you have any questions while comparing the unaudited financials to the system reports.

Finally, regarding the disputed costs. To speak favorably of the County. They cooperated fully with my findings and questions. They directly disputed the amounts with Akron which resulted in the charges being dropped. In the end we all won.

Mr. Nivens: Last meeting I reported as the liaison to the park board that we had asked Mr. Heydorn's opinion as to how to conduct the meetings. He got back to us in a timely manner, and I have sent the opinion to the other members of the park board. I have received phone calls about the water bills and residents are asking why they still cannot pay online.

Mr. Housley: The new software that we purchased will enable that. Whether or not we choose to pay for that will be another decision. In the past we did not have the software to enable that, they can do ACH payments at no cost.

Mrs. Dunphy: What would be the cost on that?

Mr. Housley: I am not sure yet. We will explore the costs once the software has been installed. Tim asked me if our bank fees were within \$500 of what they were last year, and I said I believe so. They were actually about \$2,000 higher and I am looking into that. The reason they are higher could be due to changes we have made in the way we scan things to the bank. We reconcile daily now. The bank costs may have gone up and fewer of those costs are being offset

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, March 01, 2021

7:00 p.m.

by service credits. Mr. Scott did have a question about the Oriana House contract, Jamie did look into that and I can forward you his email tomorrow.

Mr. Nivens: A few residents are concerned about parking on the boulevard near the construction site on the South end. I told them if they felt it was an issue to call the Mayor or the Police Department.

There being no further questions or comments, Council adjourned at 7:50 p.m., until the next regular meeting of Council on Monday, March 15, 2021, at 7:00 p.m.

APPROVED:

William M. Church, President of Council

ATTEST:

Sean M. Housley, CPA
Clerk-Treasurer

prepared by: Lora Wilmoth, Assistant to the Clerk-Treasurer

VILLAGE OF SILVER LAKE

INTRODUCED BY: The Administration

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF SILVER LAKE, OHIO, AT SECTIONS 1133.03 AND 1133.04 (a) AND (f) TO REGULATE THE REAR YARD SETBACKS OF LOTS ADJOINING THE SHORES OF SILVER LAKE AND CRYSTAL LAKE, BUT FOR THE EXISTENCE OF INTERVENING PROPERTY.

WHEREAS, the present section of the code pertaining to rear yard setbacks near lakes, rivers, and ponds in the Village, does not clearly address the situation described herein, potentially impairing the general welfare.

WHEREAS, Council intends to clarify the parameters of code sections 1133.03 and 1133.04 (a) and (f) to provide for the implementation of the provision consistently with the original intent of the code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit, State of Ohio, that;

Section 1: That Section 1133.03 of the Zoning Code of the Village of Silver Lake be, and the same is, hereby changed and amended to read as follows; underlining denotes deletions from sections and bolding with underlining denotes additions to the sections:

1133.03 AREA, YARD AND HEIGHT REQUIREMENTS - MAIN BUILDINGS.

Lots in the Residential District shall be occupied by no more than one residential building per lot and further, shall be developed and maintained in accordance with the following regulations, except as modified by the provisions herein for legally established nonconforming uses. The following are all minimum dimensions, unless otherwise noted. In the case of yard dimensions, requirements are measured from the lot line (front, rear, or side, as the case may be) to a main building. The requirements herein, and as amended, are established to be an addition to requirements elsewhere in the code and not a repealer thereof.

- (a) Lot size, minimum square feet 20,000
- (b) Lot width at building line 120 feet
- (c) Street frontage 75
- (d) Lot depth 150
- (e) Coverage by main building, maximum 18% of lot area
- (f) Front yard depth 50
- (g) Side yard 10
- corner lots, from side street 30
- (h) Rear yard depth (except as provided in (k) below) 40

(i) Dwelling Unit Area (sq. ft.)	
1 story building	1,500
2 story building	2,000

(j) Height. The height of a dwelling shall not exceed two and one half stories or thirty feet above finished grade. Chimneys may exceed this limitation but are limited to a maximum of 15 feet above the roof line.

(k) The front of any residence shall be within a setback variation up to 20% (50 foot setback would allow up to 10 feet, etc.) of any adjacent residence and no less than (f) above. (f) above. Rear yards abutting Silver Lake, Crystal Lake and the Cuyahoga River, shall comply with the riparian setback development standards in this Code. Such abutting rear yards shall also maintain a rear yard equal to 50% of the lot depth unless a variance is granted. Rear yards of Lots which abut Crystal Lake, Silver Lake, or the Cuyahoga River or the ponds on Silver Lake Country Club (as to the latter, in the event such property is designated as a Residential District) shall comply with the provisions of Chapter 1169 of this code and shall maintain a depth equal to 50% of such Lot. Lots which would abut Crystal Lake or Silver Lake or the ponds on Silver Lake Country Club but for the existence of intervening property owned by a third party the entity which owns the lake and lying between such Lot and such lake or pond (hereafter "Intervening Property") shall maintain a depth equal to 50% of such Lot, or, if the depth of the Intervening Property, measured from the historic shoreline of such lake or pond is greater than 150 feet, then the rear yard of such Lot shall maintain a depth of no less than 40 feet, measured from the rear building line of the proposed residence to the boundary between the Lot and the intervening third party property.

(l) Maximum Impervious Cover (MIC.) Limitations and procedures.

1) The following schedule sets the maximum impervious cover for residential lots:

- a. .24 acres or less – MIC equals 40% of lot size;
- b. .25 acres - .49 acres – MIC equals 33% of lot size or 0.1 acre (4,356 SF), whichever is greater;
- c. .5 acres - .99 acres – MIC equals 26% of lot size or 0.165 acre (7,187 SF), whichever is greater;
- d. 1.0 acre or more – MIC equals 20% of lot size or 0.26 acre (11,326 SF), whichever is greater.

2) Applications for projects requiring Planning Commission approval shall be submitted to the Village Engineer as required by Section 1161.03(a) of this Code. When the Engineer determines that the MIC restrictions in this section have been exceeded, the Engineer

shall require in all such cases a storm water management permit and a hydrological control plan, referenced in Section 1161.03(c) and 1161.04 of this Code. After evaluation by the Engineer based on sound engineering practices, the Planning Commission shall review the application, hydrological control plan, and Engineering evaluation. The Commission shall approve or deny such application as a conditional use when the project exceeds the MIC restriction for the lot involved. The Commission shall utilize the standards for a conditional use contained in Section 1133.06 of this Code.

3) Where the maximum building Footprint is exceeded, the project cannot commence unless a variance is obtained by the Board of Building and Zoning Appeals, regardless of Planning Commission approval as a conditional use of projects exceeding MIC requirements.

Section 2. That Section 1133.04 (a) and (f) of the Zoning Code of the Village of Silver Lake, be, and the same is hereby amended as follows and reaffirming the other existing subsections of 1133.04; noting that the unchanged remainder of Section 1135.04 is not reprinted herein due to length:

(a) Garages and other Accessory Uses. Each residential building shall have an attached garage, providing a minimum of 240 square feet of area, but providing storage for not more than three private motor cars.

- (1) Garages unattached to the dwelling may be permitted, but only as provided below, and shall be located in the rear yard, at least 15 feet from any main building.
- (2) All accessory buildings, including unattached garages, shall be located in the rear yard and at least ten feet from any lot line **except as modified in 1133.04 (f)**. Accessory buildings shall not exceed fifteen feet in height above the finished grade.
- (3) The combined floor area of all accessory buildings on a lot, including unattached garages, shall not exceed 500 square feet or sixty percent (60%) of the gross ground coverage of the principal building, whichever is less. The combined total of all accessory buildings shall not cover more than twenty percent (20%) of the rear yard.
- (4) All accessory buildings or structures, including unattached garages, over 144 square feet in gross ground coverage, are conditionally permitted uses subject to approval of the Planning Commission pursuant to Section 1133.06, with notice to neighboring property owners in the manner provided in Section 1109.04(c). (Ord. 88-1996. Passed 12-2-6.)

Sections (b), (c), (d), and (e) remain unchanged.

(f) Accessory Uses Proximate to Silver Lake, Crystal Lake and the Cuyahoga River.

~~(1) Notwithstanding regulations in Section 1133.04 to the contrary, accessory uses on lots in the Residential District abutting the shoreline of Silver~~

Lake and Crystal Lake shall be located no closer than forty feet from the property line abutting either lake.

- (3) ~~Accessory uses on lots in the Residential District abutting the shoreline of the Cuyahoga River shall be located no closer than forty feet of the river's normal high water mark.~~
- (1) **Rear yards of lots which abut Silver Lake, Crystal Lake, or the Cuyahoga River ~~or the ponds on Silver Lake Country Club (as to the latter, in the event such property is designated as a Residential District)~~ shall comply with the provisions of Section 1133.03 of this code except as modified herein.**
- (2) Accessory uses on lots in the Residential District abutting the shoreline of Silver Lake, Crystal Lake or the Cuyahoga River ~~or the ponds on Silver Lake Country Club~~ shall be located no closer than forty feet from the property line abutting such lake ~~or river or pond~~. Accessory uses on lots which would abut Silver Lake ~~or Crystal Lake or the ponds on Silver Lake Country Club~~ but for the existence of Intervening Property shall be located no closer than forty feet from the property line abutting such Intervening Property or, if the depth of the Intervening Property measured from the historic shoreline of such lake ~~or pond~~ is greater than 150 feet, then the accessory use setback from the property line shared with the Intervening Property shall be no less than 10 feet.
- (3) All accessory uses on lots in the Residential District abutting the shoreline ~~or Intervening Property~~ of Silver Lake or Crystal Lake ~~or the Cuyahoga River or the ponds on Silver Lake Country Club~~ located to the rear of main buildings shall be conditionally permitted uses subject to the approval of the Planning Commission, with notice to neighboring property owners in the manner provided in Section 1109.04(c). (Ord. 99-1997. Passed 12-15-97)

Section 3: All ordinances, resolutions, and/or parts thereof inconsistent herewith are hereby repealed, but if consistent, these such ordinances, resolutions and/or parts therefore are hereby ratified and confirmed.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. WHEREFORE, this Ordinance shall take effect and be in force at the earliest period allowed by law.

PASSED:

William Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Handout for Discussion

Ordinance 2020-62

- 12/01/2020 memo from Planning Commission regarding Ordinance 2020-62 changes
- Revised language for Chapter 1133

To: Silver Lake Village Council
From: Silver Lake Planning Commission
December 1, 2020

Re: Proposed changes to Codified Ordinances Chapter 1133, Residential District

INTENT

The proposed text changes to Chapter 1133 are intended to accomplish three goals:

1. Close a potential loophole in the present code language pertaining to rear yard setbacks that could negatively affect the lakes and ponds in the Village of Silver Lake.
2. Provide reference to other code restrictions that might also apply to development in rear yards.
3. Clarify language relating to yard setback dimensions that will make it consistent with the language in Chapter 1135, Park and Recreational District and Chapter 1137, Institutional District.

BACKGROUND

During our year-long process of studying and preparing revisions to the riparian setback chapter of our code, it became apparent that many questions posed to the Planning Commission stemmed from the public's difficulty in interpreting code language that is too complicated or that does not state clearly and precisely what the requirements are. With our recommendations to Chapter 1169, Riparian Setback Development Standards, forwarded to Council last February, we attempted to address those issues. In further review of our chapter on the residential district, that is so closely tied into the riparian issues, we recognized elements there too that should be improved or clarified.

The Loophole: Chief among our concerns was the language related to rear yard setbacks. The present code very deliberately identifies lots along the edges of the Cuyahoga River, Silver Lake and Crystal Lake as being different from other lots in that their "back yard neighbor" is a publicly used water body, not a private residential owner. For that reason, the rear yard setback for those lots is set at 50% of the lot depth rather than the 40 feet required for the standard village lot. The problem with the existing code text is that it states "Rear yards abutting Silver Lake, Crystal Lake and the Cuyahoga River. ..." are subject to the 50% setback requirement. We are all aware that many lots surrounding Silver Lake and several lots surrounding Crystal Lake, though they may appear to abut the lakes, are actually separated from the lakes' edges by property owned either by the Silver Lake Estates Board or the Crystal Park Development Corporation. Planning Commission has always interpreted the 50% rear yard language in the code to apply to all lots surrounding the lake. However we recognize that a literal interpretation of our code language might provide an argument for some lot owners to claim that their lots are not "abutting" the lakes and are, therefore, not bound by that restriction. In some areas around each lake the holdings by the board or corporation are as narrow as a few feet. In those areas the literal interpretation could result in a house placed just over 40 feet from the water's edge and an accessory as close as 10 feet from the lake. Planning Commission feels that such a result is exactly what the code section was designed to prevent. Our proposed solution is to identify those association-owned properties as "Intervening Properties" and specify that lots abutting the water's edge or Intervening Properties are subject to the 50% setback restriction.

In reviewing this language for possible unintended consequences we discovered that there is property owned by Crystal Park Development Corporation along the southwest edge of Crystal Lake that might also be affected. This land is a wooded hillside that blocks any views from the lake to houses that exist on the other side of the hill. One such house is on a lot fronting on Silver Lake Boulevard and nine

others front on Lakeland Parkway. These houses have no impact visually on the lake and their properties slope away from the lake so their stormwater runoff has no effect on the lake's water quality. For those reasons it does not seem useful or appropriate to saddle them with the larger rear yard setback. That consideration produced the 150 foot depth of Intervening Property qualifier in the proposed text. In the case of all other lots surrounding the two lakes the depth of the Intervening Property is 120 feet or less and would be subject to the 50% rule. For these ten properties abutting the Crystal Lake wooded hillside, the depth of the Intervening Property is 150 feet or more so their rear yard setbacks would be the standard 40 feet.

Another tweak was the inclusion of the two ponds on the Silver Lake Country Club golf course. At present, this new language would have no effect on the ponds or any property surrounding them since country club property is in the Park and Recreational District, not the Residential District. Only in the event of that property being redeveloped as a residential use and its rezoning into the Residential District would these setbacks apply. This inclusion is in no way a suggestion that the club might be sold off but, rather, it is a move to make our code responsive to the changing condition if it should ever occur.

Other Code Restrictions: The second item we have addressed here is the inclusion of a reference to Chapter 1169 , Riparian Setback Development Standards. For applicants wishing to develop in the Village, it is a natural part of the due diligence process to review the requirements for residential lot development found in Chapter 1133. However, non-residents (or even some who have lived here for some time but have not been engaged in this issue) may not think to look at the rest of the code for other requirements. Since rear lot setbacks and the riparian setback requirements are two separate issues that might both affect lots surrounding the lakes, Planning Commission thought it wise to make reference to the riparian chapter here.

Setback Dimension Clarification: We have also included a statement at the beginning of 1133.03 that states: *In the case of yard dimensions, requirements are measured from the Lot line (front, rear, or side, as the case may be) to a main building.* There has been some confusion, when looking at the present language and the applicable definitions in Chapter 1103, as to how yard setbacks are determined. With the inclusion of this statement, the Residential District language will consistent with the setback language in our other two districts.

Planning Commission unanimously recommends the adoption of these text changes as reviewed and voted on at our November 23, 2020 meeting.

Respectfully submitted,

Silver Lake Planning Commission
Dennis C. Stoiber, Acting Chairman

Cc: Mayor Bernie Hovey, Solicitor Robert Heydorn, Planning Commission members, Suzanne Lipan, Marsha Schultz

CHAPTER 1133 Residential District

1133.01 INTENT.

It is the intent of these district regulations to promote development of esthetically pleasing, well-spaced, and architecturally sound housing, under conditions which maximize safety and good building principles, and minimize environmental and other disturbances to neighboring residents. (Ord.17-1994.Passed 6-6-94.)

1133.02 PERMITTED USES.

- (a) Main Use -One single family detached dwelling per lot.
- (b) Accessory Uses.
 - (1) Private garages, driveways, and walkways.
 - (2) Private swimming pools and other private recreational uses.
 - (3) Landscape features and private gardens.
 - (4) Fences and walls.
 - (5) Central air-conditioner, heat pumps, storage sheds and roof top antennas, except satellite dishes.
 - (6) Home occupations (Ord. 24-2001.Passed 4-16-01.)
 - (7) Public utility equipment and facilities, including telecommunications equipment and facilities (except wireless telecommunications facilities as defined in Section1137.08), only when in compliance with all applicable laws for such facilities. (Ord. 24-2001.Passed 4-16-01.)

1133.03 AREA, YARD AND HEIGHT REQUIREMENTS - MAIN BUILDINGS.

Lots in the Residential District shall be occupied by no more than one residential building per lot and further, shall be developed and maintained in accordance with the following regulations, except as modified by the provisions herein for legally established nonconforming uses. The following are all minimum dimensions, unless otherwise noted. In the case of yard dimensions, requirements are measured from the Lot line (front, rear, or side, as the case may be) to a main building. The requirements herein, and as amended, are established to be an addition to requirements elsewhere in the code and not a repealer thereof.

- (a) Lot size, minimum square feet 20,000
- (b) Lot width at building line 120 feet
- (c) Street frontage 75 feet
- (d) Lot depth 150 feet
- (e) Coverage by main building, maximum 18% of lot area
- (f) Front yard depth 50 feet
- (g) Side yard 10 feet

- Corner lots, from side street 30 feet
- (h) Rear yard depth (except as provided in (k) below) 40 feet
- (i) Dwelling Unit Area (sq. ft.)
- | | |
|------------------|-------|
| 1 story building | 1,500 |
| 2 story building | 2,000 |
- (j) Height. The height of a dwelling shall not exceed two and one half stories or thirty feet above finished grade. Chimneys may exceed this limitation but are limited to a maximum of 15 feet above the roof line.
- (k) The front of any residence shall be within a setback variation up to 20% (50 foot setback would allow up to 10 feet, etc.) of any adjacent residence and no less than (f) above. Rear yards of Lots which abut Crystal Lake, Silver Lake, ~~or the Cuyahoga River or the ponds on Silver Lake Country Club (as to the latter, in the event such property is designated as a Residential District) shall comply with the provisions of Chapter 1169 of this code and~~ shall maintain a depth equal to 50% of such Lot. Lots which would abut Crystal Lake ~~ee or~~, Silver Lake ~~or the ponds on Silver Lake Country Club~~ but for the existence of intervening property owned by ~~a third party the entity which owns the lake~~ and lying between such Lot and such lake ~~or pond~~ (“Intervening Property”) shall maintain a depth equal to 50% of such Lot, or, if the depth of the Intervening Property, measured from the historic shoreline of such lake ~~or pond~~ is greater than 150 feet, then the rear yard of such Lot shall maintain a depth of no less than 40 feet, measured from the rear building line of the proposed residence to the boundary between the Lot and the intervening ~~third party~~ property.

(l) Maximum Impervious Cover (MIC) Limitations and Procedures.

(1) The following schedule sets the maximum impervious cover for residential lots:

- A .24 acres or less -MIC equals 40% of lot size;
- B .25 acres -.49 acres -MIC equals 33% of lot size or 0.1 acre (4,356 SF), whichever is greater;
- C .5 acres -.99 acres -MIC equals 26% of lot size or 0.165 acre (7,187 SF), whichever is greater;
- D 1.0 acre or more -MIC equals 20% of lot size or 0.26 acre (11,326 SF), whichever is greater.

(2) Applications for projects requiring Planning Commission approval shall be submitted to the Village Engineer as required by ~~Section 1161.03~~ Section 1161.03 (a) of this Code. When the Engineer determines that the MIC restrictions in this section have been exceeded, the Engineer shall require in all such cases a storm water management permit and a hydrological control plan, referenced in Section 1161.03(c) and 1161.04 of this Code. After evaluation by the Engineer based on sound engineering practices, the Planning Commission shall review the application, hydrological control plan, and Engineering evaluation. The Commission shall approve or deny such application as a conditional use when the project exceeds the MIC restriction for the lot involved. The Commission shall utilize the

standards for a conditional use contained in Section 1133.06 of this Code.

(3) Where the maximum building footprint is exceeded, the project cannot commence unless a variance is obtained by the Board of Building and Zoning Appeals, regardless of Planning Commission approval as a conditional use of projects exceeding MIC requirements. (Ord. 13-2017. Passed 10-2-17.)

1133.04 AREA, YARD AND HEIGHT REGULATIONS; ACCESSORY USES

Accessory uses shall not be located in required yards except as permitted herein.

- (a) Garages and other Accessory Uses. Each residential building shall have an attached garage, providing a minimum of 240 square feet of area, but providing storage for not more than three private motor cars.
- (1) Garages unattached to the dwelling may be permitted, but only as provided below, and shall be located in the rear yard, at least 15 feet from any main building.
 - (2) All accessory buildings, including unattached garages, shall be located in the rear yard and at least ten feet from any lot line except as modified in 1133.04 (f). Accessory buildings shall not exceed fifteen feet in height above the finished grade.
 - (3) The combined floor area of all accessory buildings on a lot, including unattached garages, shall not exceed 500 square feet or sixty percent (60%) of the gross ground coverage of the principal building, whichever is less. The combined total of all accessory buildings shall not cover more than twenty percent (20%) of the rear yard.
 - (4) All accessory buildings or structures, including unattached garages, over 144 square feet in gross ground coverage, are conditionally permitted uses subject to approval of the Planning Commission pursuant to Section 1133.06, with notice to neighboring property owners in the manner provided in Section 1109.04(c). (Ord. 88-1996. Passed 12-2-6.)
- (b) Driveways. Each residential building shall be served by a driveway located on the same lot and at least ten feet in width. Such driveway may be located in any required yard with the exception of side yards less than twelve feet in width. Additionally, each driveway shall be set back at least two feet from any residential building, except at the point of access to an attached garage, and a minimum distance of six feet from a driveway on an adjoining lot.

- (c) Fences, Walls and Hedges. Fences and walls shall be of uniform design and shall be well maintained. No fence, wall or hedge shall be in excess of 40 inches above established grade in a front or side yard abutting a street, whether the street is graded or not. No fence, wall or hedge shall obstruct the vision of street traffic. Wire fences and solid fences shall only be permitted in rear yards. Barbed wire fences and electric fences are prohibited within the Village. Fences in side and rear yards other than those abutting a street shall not be in excess of 7 feet in height.
- (d) Recreational Uses. All recreational uses are conditionally permitted uses subject to approval of the Planning Commission, with notice to neighboring property owners in the manner provided in Section 1109.04(c).
- (1) Swimming pools. Swimming pools shall be located only in rear yards and shall be a minimum distance of ten feet from each lot line. Any swimming pool in which water may collect in excess of 1 ½ feet shall be enclosed by a wall or fence not less than 5 feet in height. A building or existing wall may be used as part of the enclosure. All gates providing access to the pool or pool area shall be of self-closing and self-latching construction with the latch at least 4 feet from ground level, shall be designed to permit locking and shall be kept locked when the pool is not in actual use or is unattended. In no case shall the fence include design features that would facilitate its ascent or permit the passage of a child's body as determined by the Building Inspector.
 - (2) Recreation courts. Tennis, basketball and other recreation courts shall be located only in rear yards and shall be set back from each lot line a minimum distance of ten feet, as measured from the enclosing fence, or if no fence is required, from the edge of the court surface. All lighting shall be compatible with the neighborhood and subject to Planning Commission approval. Tennis courts shall be enclosed by a metal link or mesh fence at least nine feet in height but not more than 12 feet in height above finished grade. None of the above regulations shall be deemed to prohibit placement of a basketball backboard on a garage wall or roof.
 - (3) Other recreational uses. Other recreational uses such as hot tubs, skate board ramps, and any other recreational facility requiring construction thereof are conditionally permitted upon application to the Planning and Zoning Commission,

and shall require a building permit based upon plans submitted by the owner or agent of the owner in compliance with the provisions above. (Ord. 17-1994.Passed 6-6-94.)

(e) Satellite Receivers, Dishes and Antennas.

- (1) All antennas (including amateur radio antennas and satellite receivers and dishes), for which a building permit is required under Chapter 1361 of the Building Code of the Village of Silver Lake, are conditionally permitted upon application to and approval by the Planning and Zoning Commission, with notice to neighboring property owners in the manner provided in Section 1109.04(c).
- (2) Each application for approval of an antenna shall provide the information and comply with the other requirements of Chapter 1361 of the Building Code of the Village of Silver Lake. (Ord. 91-1995.Passed 9-18-95.)

(f) Accessory Uses Proximate to Silver Lake, Crystal Lake and the Cuyahoga River.

- (1) Rear yards of Lots which abut Silver Lake, Crystal Lake, ~~or the Cuyahoga River or the ponds on Silver Lake Country Club (as to the latter, in the event such property is designated as a Residential District)~~ shall comply with the provisions of Section 1133.03 of this code except as modified herein.
- (2) Accessory uses on lots in the Residential District abutting the shoreline of Silver Lake, Crystal Lake or the Cuyahoga River ~~or the ponds on Silver Lake Country Club~~ shall be located no closer than forty feet from the property line abutting such lake or river or pond. Accessory uses on lots which would abut Silver Lake, or Crystal Lake ~~or the ponds on Silver Lake Country Club~~ but for the existence of Intervening Property shall be located no closer than forty feet from the property line abutting such Intervening Property or, if the depth of the Intervening Property measured from the historic shoreline of such lake ~~or pond~~ is greater than 150 feet, then the accessory use setback from the property line shared with the Intervening Property shall be no less than 10 feet.
- (3) All accessory uses on lots in the Residential District abutting the shoreline or intervening property of Silver Lake, Crystal Lake, or the Cuyahoga River ~~or the ponds on Silver Lake Country Club~~ located to the rear of main buildings shall be conditionally permitted uses subject to the approval of the Planning Commission, with notice to neighboring property

owners in the manner provided in Section 1109.04(c).
(Ord. 99-1997.Passed 12-15-97)

1133.05 HOME OCCUPATIONS; RENTING ROOMS.

- (a) Home Occupations. Home occupations, including home offices are only permitted if in conformance with the following standards:
- (1) Employment. The occupation is conducted only by members of the family residing in the dwelling.
 - (2) Area. The occupation is conducted wholly within a dwelling, and the space used occupies no more than one room of the dwelling. No accessory building or structure shall be utilized for the occupation.
 - (3) Manufacturing Restricted. No goods may be manufactured, with the exception of handmade crafts.
 - (4) Environmental impact. No use shall be permitted which creates noise, dust, odor, glare, smoke, vibration, electrical interference, fire hazard or any other hazard to an extent or frequency greater than that usually experienced in an average residential occupancy in the district in question.
 - (5) Exterior appearance. The residential character of the building in which the occupation occurs shall not be diminished. No sign or other outward evidence of the occupation shall be displayed.
 - (6) The following businesses are prohibited in a dwelling (which list is not exclusive):
 - A. Any sales of goods or services to the public which require the customer to enter upon the premises.
 - B. Any sale of goods or services to the public which utilize the home and/or its premises for the placement of tangible inventory for sale or installation.
 - C. Repairs to vehicles.
 - D. Towing of vehicles.
 - E. Nursing homes.
 - F. Child care facilities which are subject to state licensing requirements.
- (b) Renting of Rooms Prohibited. No one shall rent a room in a residential dwelling within the Village. (Ord. 17-1994.Passed 6-6-94; Ord. 89-1996.Passed 12-2-96.)

1133.06 CONDITIONAL USE STANDARDS.

- (a) The Planning Commission shall review an application for a conditional use, if such use is specifically authorized in this Code, in terms of the following standards, and must find that the use or uses proposed:

- (1) Will be in accordance with the provisions, intent and purposes of the Zoning Ordinance;
 - (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the character of the general vicinity as zoned in the Zoning Ordinance;
 - (3) Will not be hazardous or disturbing to neighboring uses;
 - (4) Will be served by essential public facilities and services;
 - (5) Will not create excessive additional requirements at public cost of public facilities and services, and will not be detrimental to the economic welfare of the community;
 - (6) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of the creation of adverse traffic conditions or the production of excessive noise, smoke, fumes, glare, odors, dust, gas, flame, vibration, etc.
- (b) The Planning Commission may impose such additional conditions and safeguards as it may deem necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the Zoning Ordinance will be observed. A conditional use shall not be established unless approved by the Planning Commission as above. (Ord. 17-1994.Passed 6-6-94.)

1133.07 SITE PLAN REVIEW FOR UTILITIES.

No expansion of an existing use dedicated in Section1133.02(b)(7) above shall be permitted, nor shall a new use described in Section1133.02(b)(7) above be established unless a site plan for the proposed development is approved by the Planning Commission and Council, utilizing the standards set forth in Section1133.06. (Ord. 24-2001.Passed 4-16-01)