

ORDINANCE NO. 2019-8
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING SECTION 1385.03(g)
OF THE CODIFIED ORDINANCES OF THE CITY
WITH REGARD TO DWELLING UNIT
STANDARDS, AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Section 1385.03 of the Codified Ordinances regarding Standards of Dwelling Units is hereby amended to read as follows: (new material appears like THIS: deleted material appears like ~~this~~):

1385.03 STANDARDS OF DWELLING UNITS.

Every dwelling unit shall conform to the following standards:

(a) No portion of any room which does not presently meet all of the requirements for habitable rooms under any section of this Code shall be included in determining the habitable floor area of a dwelling unit.

(b) Every dwelling unit shall have not less than the permitted floor area under the effective permission of the Building or Zoning Code at the time of construction of the building or amendment of the use. Of the permitted area a minimum of 250 square feet shall be habitable floor area and shall contain at least one room which shall have not less than 160 square feet of habitable floor area and which is not less than ten feet in width, provided that no room used to compute compliance with such square foot minimum limitation shall be less than seven feet in width nor have less than 70 square feet of habitable floor area. Every dwelling unit must have not less than a single full size passenger vehicle attached or detached garage.

(c) No portion of any room which is less than seven feet in width shall be included in determining habitable floor area.

(d) All habitable rooms shall have a clear ceiling height of not less than seven and one-half feet, provided that rooms with sloping ceilings shall have a clear ceiling height of not less than six feet, nine inches in at least one-half of their habitable floor area. In determining the habitable floor area of rooms with sloping ceilings, all portions of less than five and one-half feet in height shall be disregarded.

(e) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant thereof and at least 100 additional square feet of habitable floor area for every additional occupant thereof, but in no case less than the authorized minimums in division (b) of this section.

(f) The third floor area of a double house, a two-family dwelling or a multifamily dwelling consisting of side-by-side dwelling units, sometimes known as row houses, shall be used to compute compliance with the requirements for minimum habitable floor area for a family occupying a dwelling unit in such double house, two-family dwelling or multi-family dwelling to the extent permitted by paragraph (f)(1) hereof, but subject to the requirements and limitations of paragraph (f)(2) hereof, as follows:

(1) A. Where there are two separate approved stairways from the third floor area to the ground floor of such building, seventy-five percent of the habitable floor area of the third floor shall be used to compute compliance with the requirements for minimum habitable floor area for a family occupying a dwelling unit in a double house or multi-family dwelling or occupying the second floor of a two-family dwelling.

B. Where there is only one approved stairway from the third floor area to the ground floor of such building, fifty percent of the habitable floor area of the third floor shall be used to compute compliance with the requirements for minimum habitable floor area for a family occupying a dwelling unit in a double house or multi-family dwelling or occupying the second floor of a two-family dwelling.

C. For an "approved stairway" see the Building Code provisions.

(2) A. No portion of the habitable floor area on the third floor shall be used to compute compliance with the requirements for minimum habitable floor area for a family occupying a dwelling unit on the first floor of a two-family dwelling.

B. No portion of the floor area on the third floor used for storage purposes shall be included in determining the habitable floor area of such third floor.

C. No portion of any room on the third floor which does not presently meet all of the requirements for habitable rooms under any section of this Code shall be included in determining the habitable floor area of such third floor.

D. No portion of the habitable floor area on the third floor of any dwelling shall be used to compute compliance with the requirements for minimum habitable floor area for a family occupying a dwelling unit in such dwelling unless such family has the exclusive use, other than for storage purposes, of such third floor.

(g) When providing and/or installing smoke alarms AND CARBON MONOXIDE ALARMS, as required by the latest adopted edition of the Residential Code of Ohio, the smoke alarms shall be of the photoelectric type, AND SINGLE STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL 2034.

SECTION 2. Any and all provisions of Section 1385.03(g) of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Section 1385.03 of the Codified Ordinances shall remain in full force and effect.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it is necessary to institute the aforesaid change to the Codified Ordinances immediately and without delay to protect the safety, sanitation and health of the residents of the City. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

P R E L I M I N A R Y L E G I S L A T I O N
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

ORDINANCE #:	<u>2019-9</u>
PID No.:	<u>106932</u>
CNTY-RTE-SEC:	<u>CUY-175-7.30</u>
AGREEMENT NO:	<u>33018</u>

The following is an ordinance enacted by the City of Lyndhurst, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Repair Richmond Road (SR-175) pavement from Cedar Road to Mayfield Road (US-252) a distance of 1.21 miles more or less in the City of Lyndhurst.

NOW THEREFORE, be it ordained by the City of Lyndhurst, Cuyahoga County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA Federal ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT-Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation.

The LPA agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the LPA, which is determined by the Director not to be part of or made necessary by the improvement.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV – Authority to Sign

The LPA hereby authorizes the Mayor of said City to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII – Emergency Measure

The ordinance is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 201 _____
DATE

Attested: _____
CLERK

MAYOR

Attested: _____
Title: _____
PRESIDENT OF COUNCIL

Proposed

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Lyndhurst, Cuyahoga County, Ohio

I, _____, as Clerk of the City of Lyndhurst, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Lyndhurst on the _____ day of _____, 201__.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 201__.

SEAL
(If Applicable)

CLERK
CITY OF LYNDHURST OF CUYAHOGA COUNTY, OHIO

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

Proposed