

**ORDINANCE NO. 2016-28**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING SECTION 1385.03 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 as required by the latest adopted edition of the Residential Code of Ohio, the smoke alarms shall be of the photoelectric type.

**SECTION 2.** Any and all provisions of Section 1385.03 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: May 2, 2016

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**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 Resolution 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 May 12, 2016 and May 19, 2016.

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**Clerk of Council**

First Reading: May 2, 2016

Second Reading: Suspended

Third Reading: Suspended