

AGENDA

Agenda, Bay Village City Council
Committee Meeting
Conference Room
Paul A. Koomar, President of Council, Presiding

May 12, 2014
7:30 p.m.

ANNOUNCEMENTS

AUDIENCE

COMMITTEE OF THE WHOLE

Jessica Breslin, Manager, Bay Village Branch of the Cuyahoga County Public Library

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Sewer Connection Fees

FINANCE & CLAIMS COMMITTEE – Clark

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Report of Committee regarding Chapter 1158, Attached Residence District

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

MISCELLANEOUS

Discussion regarding Write-In Candidates for Elections

Executive Session: Potential Litigation: Zoning/Business/Residential/City Sewer Easement

CAHOON MEMORIAL PARK TRUSTEES

Motion to approve the use of the northerly portion of Cahoon Memorial Park on Monday, May 26, 2014, from 10 a.m. to 2 p.m. to the Village Foundation***Henderson***

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 912.03 REGARDING
LIMITATIONS OF CONNECTIONS
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 912.03 which presently reads as follows:

912.03 LIMITATIONS OF CONNECTIONS.

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb public or private sanitary or storm sewer or appurtenance thereof without first obtaining a permit from the City.

(b) No sewer, or system of sewers, shall be constructed, which connects either directly or indirectly to sanitary sewerage facilities controlled by the City until the owner of the sewer, or system of sewers, can demonstrate to the City that quality of the wastewater to be conveyed by this sewer can meet the requirements of this sewer use chapter.

(c) No permit shall be issued to connect a house sewer to a public sewer if the connection or any portion thereof is in, under, or on a lot not owned by the person whose house is to be connected and if no recorded easement exists authorizing the connection on such lot.

(d) No permit to connect to or tap a public sewer shall be issued if the sewage to be discharged would, in the opinion of the Director, overload any public sewer or downstream facilities including pump stations and/or treatment plants.

(e) When, in the opinion of the Director, it is necessary to connect a house connection sewer to a public sewer at a point where no connection facility has been provided, application for the public sewer tap shall be submitted and a separate fee for each tap shall be paid by the applicant before the permit is issued for the construction of the house connection sewer.
(Ord. 84-37. Passed 7-2-84.)

(f) All tapping of public sewers shall be made by a contractor registered per the requirement of Chapter 1310. Sewer taps shall be performed as directed by the City. All piping, fittings and connections shall be inspected and approved by the City prior to backfill. Material used as backfill and pavement replacement shall be as directed and approved by the City.

(1) Deposit Fees.

A. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that does not contain a water, electric, communication and/or gas main shall require a five hundred dollars (\$500.00) refundable deposit at the time of permit application.

B. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that contains a water, electric, communication and/or gas main shall require a two thousand five hundred dollar (\$2,500.00) refundable deposit at the time of permit application.

C. All excavations which require the removal of street pavement or boring beneath public streets shall require a five thousand dollar (\$5,000.00) refundable deposit at the time of permit application.

The Building Director and/or Service Director shall use the deposit at their discretion for debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

(g) No person other than an authorized employee of the City shall in any way tamper with, remove or otherwise move or disturb any manhole cover of a City sewer or sewer opening without first obtaining permission from the Director.

(h) No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices shall not be discharged to storm sewers.

(i) The Director or any employee of the City designated by him may enter on any lot or parcel of land and open and observe the test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot, parcel of land or in the public right of way or easement in front of the same, and to determine whether the sewer connections are connected to the proper sewer.

(Ord. 12-94. Passed 11-19-12.)

be and the same is amended to read:

912.03 LIMITATIONS OF CONNECTIONS.

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb public or private sanitary or storm sewer or appurtenance thereof without first obtaining a permit from the City.

(b) No sewer, or system of sewers, shall be constructed, which connects either directly or indirectly to sanitary sewerage facilities controlled by the City until the owner of the sewer, or system of sewers, can demonstrate to the City that quality of the wastewater to be conveyed by this sewer can meet the requirements of this sewer use chapter.

(c) No permit shall be issued to connect a house sewer to a public sewer if the connection or any portion thereof is in, under, or on a lot not owned by the person whose house is to be connected and if no recorded easement exists authorizing the connection on such lot.

(d) No permit to connect to or tap a public sewer shall be issued if the sewage to be discharged would, in the opinion of the Director, overload any public sewer or downstream facilities including pump stations and/or treatment plants.

(e) When it is necessary to connect a house connection sewer to a public sewer at a point where no connection facility has been provided, a permit must be obtained from the Building Director to complete a "tap-in" to the City's sewer system.

(f) All "tap-in" connections of a public sewer shall be made by a licensed sewer contractor, with a City Inspector reviewing and approving the implementation of the project.

(1) Deposit Fees.

A. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that does not contain a water, electric, communication and/or gas main shall require a five hundred dollars (\$500.00) refundable deposit at the time of permit application.

B. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that contains a water, electric, communication and/or gas main shall require a two thousand five hundred dollar (\$2,500.00) refundable deposit at the time of permit application.

C. All excavations which require the removal of street pavement or boring beneath public streets shall require a five thousand dollar (\$5,000.00) refundable deposit at the time of permit application.

The Building Director and/or Service Director shall use the deposit at their discretion for debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

(g) No person other than an authorized employee of the City shall in any way tamper with, remove or otherwise move or disturb any manhole cover of a City sewer or sewer opening without first obtaining permission from the Director.

(h) No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices shall not be discharged to storm sewers.

(i) The Director or any employee of the City designated by him may enter on any lot or parcel of land and open and observe the test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot, parcel of land or in the public right of way or easement in front of the same, and to determine whether the sewer connections are connected to the proper sewer.

and present 912.03 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

05/05/14 II

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE CHAPTER 913 REGARDING
CONNECTIONS TO SEWERS
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Chapter 913 which presently reads as follows:

CHAPTER 913
Connections to Sewers

- | | |
|---|---|
| 913.01 Sanitary sewer line connection. | 913.10 Test of sewer connections authorized. |
| 913.02 Storm sewer line connection. | 913.11 Corrective order and expenses therefor. |
| 913.03 Approval on sanitary sewer line. | 913.12 Certificate of occupancy. |
| 913.04 approval on storm sewer line. | 913.13 Provisions to supplement Building Code. |
| 913.05 Cesspool or septic tank construction. | 913.14 Sewer service lines; fee. |
| 913.06 Tap-in fee in lieu of assessment. | 913.99 Penalty. |
| 913.07 Notice to make connection. | |
| 913.08 Downspouts, roof and yard drains. | |
| 913.09 Test of downspouts, yard drains authorized. | |

CROSS REFERENCES

Repair and maintenance of service lines - see S. & P. S. Ch. 915
Sewer rental - see S. & P.S. Ch. 921

913.01 SANITARY SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sanitary sewer line, the sanitary disposal system of such structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties. Such service connection shall be five inches in diameter. (Ord. 75-3. Passed 1-6-75.)

913.02 STORM SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public storm sewer line, the storm water disposal system of the structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties. Such service connection shall be six inches in diameter. (Ord. 75-3. Passed 1-6-75.)

913.03 APPROVAL ON SANITARY SEWER LINE

Whenever any structure shall have been heretofore constructed in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public sanitary sewer line,

the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the sanitary disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.04 APPROVAL ON STORM SEWER LINE.

Whenever any structure shall have been constructed heretofore in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public storm sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the storm sewer disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.05 CESSPOOL OR SEPTIC TANK CONSTRUCTION.

After August 19, 1957, no person owning or having in possession the charge or management of any property within the corporate limits shall construct or permit to be constructed on any such property any cesspool or septic tank. (Ord. 57-122, Passed 8-19-57.)

913.06 TAP-IN FEE IN LIEU OF ASSESSMENT.

Wherever public sanitary sewers, storm sewers or water lines have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the City, or the cost thereof has been partially or wholly assessed against property, and the owner of any abutting property makes application for permit to tap into any such sewer or water line, no permit shall be issued to any such abutting owner if for any reason no assessment has been levied against the property for which the tap is sought, unless such person shall first pay into the City Treasury a sum equal to an amount paid by the City or assessed against similarly situated properties for the cost of constructing such sewers and/or water lines into which he desires to tap. (Ord. 62-135. Passed 9-4-62.)

913.07 NOTICE TO MAKE CONNECTION.

Whenever either a storm sewer or a sanitary sewer or both are available for connection to any lot or parcel of land, the Director of Public Service and Properties shall cause written notice to be given to the owner of such lot or parcel of land to which such connections are to be made, which notice shall state the number and character of the connections required. The notice under this section shall be served by the Clerk of Council upon the owners of the lots or parcels of land to which such connections are to be made, by certified mail addressed to such owner at his last known address, or to the address to which tax bills are sent. If it appears by the return of the certified mail notice, or otherwise, that one or more of such owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail, accepted by the addressee or anyone purporting to act for him, shall be prima-facie evidence of the service of notice under this section. Such connection shall be installed within sixty days from the date of service of the notice. (Ord. 70-97. Passed 6-1-70.)

913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.

Downspouts, roof and yard drains shall not be connected to any sanitary sewer. (Ord. 70-42. Passed 3-10-70.)

913.09 TEST OF DOWNSPOUTS, YARD DRAINS AUTHORIZED.

The Director of Public Service and Properties or any employee of the City designated by him may enter upon any lot or parcel of land within the City and test any downspout or storm water drain on any building thereon to determine whether or not it discharges water into any sanitary sewer. (Ord. 70-42. Passed 3-16-70.)

913.10 TEST OF SEWER CONNECTIONS AUTHORIZED.

The Director of Public Service and Properties, or any employee of the City designated by him, may enter on any lot or parcel of land and open any test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot or parcel of land or in the public street in front of the same, and to determine whether the sewer lines are connected to the proper sewer. (Ord. 70-42. Passed 3-16-70.)

913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks or current property. Inspection to be provided to assure proper connection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter. (Ord. 07-98. Passed 11-5-07.)

913.12 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy shall be issued pursuant to Section 1344.05 until the Director of Public Service and Properties has notified the Building Commissioner in writing that all of the provisions of Chapter 913 of the Codified Ordinances have been complied with in regard to the property for which a certificate of occupancy is sought. (Ord. 70-42. Passed 3-16-70.)

913.13 PROVISIONS TO SUPPLEMENT BUILDING CODE.

The provisions of this chapter are supplementary to the provisions of the City Building Code. (Ord. 70-42. Passed 3-16-70.)

913.14 SEWER SERVICE LINES; FEE.

Should it be necessary, the City shall provide sewer service lines for existing developed lots, when none are available by extending such sewer service line from the existing main sewer to the tree lawn area for the following set fees:

- (a) From any distance between the centerline of the street to the tree lawn: \$250.00
- (b) From any distance further than the centerline of the street to the tree lawn: \$500.00.

Such amount shall be billed to the owner.

If the owner or person having charge of such lands fails to pay the City's invoice for street work Council shall make a written return to the County Auditor of his/her action, with a statement of the charges and a proper description of the premises. Such amount, when allowed, shall be entered upon the tax duplicate, and be a lien upon such lands from and after the date of the entry, and be collected as other taxes and returned to the City with the General Fund. (Ord. 80-43. Passed 5-5-80.)

913.99 PENALTY.

Whoever violates any of the provisions of this chapter and/or fails to make a connection to the requisite sewer as directed by the Director of Public Service and Properties or by Council is guilty of a misdemeanor of the third degree. Each day's continued violation shall constitute a separate offense. (Ord. 80-43. Passed 5-5-80.)

be and the same is amended to read:

**CHAPTER 913
Connections to Sewers**

- | | |
|---|---|
| 913.01 Sanitary sewer line connection. | 913.10 Test of sewer connections authorized. |
| 913.02 Storm sewer line connection. | 913.11 Corrective order and expenses therefor. |
| 913.03 Approval on sanitary sewer line. | 913.12 Certificate of occupancy. |
| 913.04 Approval on storm sewer line. | 913.13 Provisions to supplement Building Code. |
| 913.05 Tap-In fee. | 913.14 Sewer service lines. |
| 913.06 Tap-in fee in lieu of assessment. | 913.15 Cesspool or septic tank construction. |
| 913.07 Notice to make connection. | 913.99 Penalty. |
| 913.08 Downspouts, roof and yard drains. | |
| 913.09 Test of downspouts, yard drains authorized. | |

CROSS REFERENCES

Repair and maintenance of service lines - see S. & P. S. Ch. 915
Sewer rental - see S. & P.S. Ch. 921

913.01 SANITARY SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sanitary sewer line, the sanitary disposal system of such structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties.

913.02 STORM SEWER LINE CONNECTION.

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public storm sewer line, the storm water disposal system of the structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties.

913.03 APPROVAL ON SANITARY SEWER LINE

Whenever any structure shall have been heretofore constructed in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public sanitary sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the sanitary disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.04 APPROVAL ON STORM SEWER LINE.

Whenever any structure shall have been constructed heretofore in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public storm sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the storm sewer disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

913.05 TAP-IN FEE.

The charge for an initial tap-in connection to the City sanitary sewer system or for an increase of sanitary flow caused by an expansion or change of use shall be as follows:

- (a) Residential: One thousand dollars (\$1,000.00) per dwelling unit.
- (b) Restaurant: Less than 2,000 square foot, two thousand two hundred and fifty dollars (\$2,250.00); each additional square foot 0.50.
- (c) Office Buildings, Retail and Commercial and All Others: Less than 2,000 square foot, one thousand dollars (1,000.00); each additional square foot 0.25.

The Chief Building Official will be responsible for determination of the tap-in fee calculation and approved by the Director of Finance. Existing uses that are being demolished/removed from service due to re-development will be used in the calculation. For example, if a re-development project proposes 30 units of residential and 5 existing units are being demolished, the tap-in fee will be based on 25 units. Other re-development projects will also take into account demolition of existing buildings.

These tap-in fees are for the ability to "tap-in" to the City's sewer system. They do not cover the construction cost for the tap-in. The private sector will be solely responsible for an approved contractor installing the connections with the City Inspector reviewing and approving the implementation of the project. The Director of Public Service will oversee any and all fees involved with City crews conducting any work at the site. The tap-in fees will not cover the cost of having a City Inspector at the site reviewing and approving the connection; such fees will be billed hourly as incurred with such fees as established by the Director of Finance.

The funds received from the collection of such charges shall be kept in a separate and distinct fund which shall be known as the Sewer fund. The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the City's sewerage systems, which includes both storm and sanitary sewers, sewage pumping stations and treatment and disposal works.

913.06 TAP-IN FEE IN LIEU OF ASSESSMENT.

Wherever public sanitary sewers, storm sewers or water lines have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the City, or the cost thereof has

been partially or wholly assessed against property, and the owner of any abutting property makes application for permit to tap into any such sewer or water line, no permit shall be issued to any such abutting owner if for any reason no assessment has been levied against the property for which the tap is sought, unless such person shall first pay into the City Treasury a sum equal to an amount paid by the City or assessed against similarly situated properties for the cost of constructing such sewers and/or water lines into which he desires to tap.

(Ord. 62-135. Passed 9-4-62.)

913.07 NOTICE TO MAKE CONNECTION.

Whenever either a storm sewer or a sanitary sewer or both are available for connection to any lot or parcel of land, the Director of Public Service and Properties shall cause written notice to be given to the owner of such lot or parcel of land to which such connections are to be made, which notice shall state the number and character of the connections required. The notice under this section shall be served by the Clerk of Council upon the owners of the lots or parcels of land to which such connections are to be made, by certified mail addressed to such owner at his last known address, or to the address to which tax bills are sent. If it appears by the return of the certified mail notice, or otherwise, that one or more of such owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail, accepted by the addressee or anyone purporting to act for him, shall be prima-facie evidence of the service of notice under this section. Such connection shall be installed within sixty days from the date of service of the notice. (Ord. 70-97. Passed 6-1-70.)

913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.

Downspouts, roof and yard drains shall not be connected to any sanitary sewer.
(Ord. 70-42. Passed 3-10-70.)

913.09 TEST OF DOWNSPOUTS, YARD DRAINS AUTHORIZED.

The Director of Public Service and Properties or any employee of the City designated by him may enter upon any lot or parcel of land within the City and test any downspout or storm water drain on any building thereon to determine whether or not it discharges water into any sanitary sewer. (Ord. 70-42. Passed 3-16-70.)

913.10 TEST OF SEWER CONNECTIONS AUTHORIZED.

The Director of Public Service and Properties, or any employee of the City designated by him, may enter on any lot or parcel of land and open any test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot or parcel of land or in the public street in front of the same, and to determine whether the sewer lines are connected to the proper sewer.
(Ord. 70-42. Passed 3-16-70.)

913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a

sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks or current property. Inspection to be provided to assure proper connection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter. (Ord. 07-98. Passed 11-5-07.)

913.12 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy shall be issued pursuant to Section 1344.05 until the Director of Public Service and Properties has notified the Building Commissioner in writing that all of the provisions of Chapter 913 of the Codified Ordinances have been complied with in regard to the property for which a certificate of occupancy is sought. (Ord. 70-42. Passed 3-16-70.)

913.13 PROVISIONS TO SUPPLEMENT BUILDING CODE.

The provisions of this chapter are supplementary to the provisions of the City Building Code. (Ord. 70-42. Passed 3-16-70.)

913.14 SEWER SERVICE LINES.

It shall be the responsibility of the owner to construct "sewer service lines" for existing developed lots, when none are available, construction of "sewer service lines" shall be done by a licensed sewer contractor, with a City Inspector reviewing and approving all work.

913.15 CESSPOOL OR SEPTIC TANK CONSTRUCTION.

After August 19, 1957, no person owning or having in possession the charge or management of any property within the corporate limits shall construct or permit to be constructed on any such property any cesspool or septic tank.

913.99 PENALTY.

Whoever violates any of the provisions of this chapter and/or fails to make a connection to the requisite sewer as directed by the Director of Public Service and Properties or by Council is guilty of a misdemeanor of the third degree. Each day's continued violation shall constitute a separate offense. (Ord. 80-43. Passed 5-5-80.)

and present Chapter 913 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

05/09/14 11

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 913.14 REGARDING
SEWER SERVICE LINES
AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 913.14 which presently reads as follows:

913.14 SEWER SERVICE LINES; FEE.

Should it be necessary, the City shall provide sewer service lines for existing developed lots, when none are available by extending such sewer service line from the existing main sewer to the tree lawn area for the following set fees:

- (a) From any distance between the centerline of the street to the tree lawn: \$250.00
- (b) From any distance further than the centerline of the street to the tree lawn: \$500.00.

Such amount shall be billed to the owner.

If the owner or person having charge of such lands fails to pay the City's invoice for street work Council shall make a written return to the County Auditor of his/her action, with a statement of the charges and a proper description of the premises. Such amount, when allowed, shall be entered upon the tax duplicate, and be a lien upon such lands from and after the date of the entry, and be collected as other taxes and returned to the City with the General Fund.
(Ord. 80-43. Passed 5-5-80.)

be and the same is amended to read:

913.14 SEWER SERVICE LINES.

It shall be the responsibility of the owner to construct "sewer service lines" for existing developed lots, when none are available, construction of "sewer service lines" shall be done by a licensed sewer contractor, with a City Inspector reviewing and approving all work.

and present 913.14 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

05/05/14 11



Building Department Services

April 15, 2014 (Revised)

April 29, 2014 (Revised)

Proposed Considerations for Chapter 1158; specifically establishing new and/or amended criteria for Attached Residence District:

Note: In the place of "Attached Residence" the term used in the Building Codes is "Townhouse" which is defined: "TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides."

I offer for your consideration having three (3) models:

1. Model A which would be allowed ONLY in Residence District #3
2. Model B which would be allowed in either Residence District #1 or #3
3. Model C which would be allowed adjacent to Commercial/Retail Business District
4. Model D which would be allowed in retail districts.

	MODEL A	MODEL B	MODEL C	MODEL D
Minimum Lot Size (square foot)	87,120	130,680	65,340	43,560
(Acreage)	2	3	1.5	1
(Approximate number of existing lots)	12	9	N/A	N/A
Density per acre	8	6	10	10
*(Density Bonus when providing Accessibility per ICC/ANSI 117.1 in Buildings with less than 4 Dwelling Units)	2	2	2	2
Minimum open space	35%	50%	30%	30%
Maximum lot coverage	30%	25%	40%	40%
Maximum impervious area	50%	50%	60%	60%
Maximum height	35'	35'	35'	35'

(Note: The maximum height allowed is to reflect the existing character of the surrounding parcels. The applicant would be required to determine the average height of all the buildings on adjoining parcels and then submit a maximum height no greater than 15% higher than the average. (The members of the Planning Commission would then examine an area approximately 500' radius from the proposed site to make a 'reasonable determination to compliance' within the spirit of the ordinance.) This is designed to keep the project compatible with the neighborhood. The inclusion of church steeples and other unusual design features shall not be included in the calculations of average height.)



Building Department Services

Maximum length per structure 160' 160' 160' 160'
 (Note: No plane of wall shall be greater than 40' without an offset of at least 12' and the front elevation shall be multi-faceted in order to present an architecturally and aesthetically pleasing appearance in keeping with the general atmosphere of Bay Village.)

	MODEL A	MODEL B	MODEL C/D
Minimum # of Bedrooms allowed	1, 2, 3	1, 2, 3	1, 2, 3
Minimum square footage living space	1 BR = 800 2 BR = 1,100 3 BR = 1,400	1 BR = 900 2 BR = 1,200 3 BR = 1,400	1 BR = 750 2 BR = 1,100 3 BR = 1,400
Garages required (Maximum) (Balance to be...)	50% 1-car 2-car	30% = 1-car 2-car	70% = 1-car 2-car

Storage required: All buildings must have a minimum of 80 square foot of storage per dwelling unit incorporated into the building structure

Maximum residences per structure	5	4	6
Accessory Structures Allowed	No	No	No
Clubhouse and or pool allowed	Yes	Yes	Yes

***Note:** All buildings with 4 or more units must have **every** ground floor unit Adaptable with some being Accessible. Therefore a density bonus for these buildings would be a moot point.

All other relevant issues; such as building line setbacks, minimum front/side/rear yards, distances between buildings, distances from accessory structures, etc., would need to be determined once these proposals were discussed.

If the City were to make use of an overlay district in the majority of the city, the setbacks and other zoning issues would be predicated by the regulations in that district.

It should be noted that structures containing 3 residences are treated differently under the building code than structures containing 4 or more residences. Once a building has 4 or more residences, it becomes subject to the Ohio Building Code (commercial) as opposed to the Residential Code of Ohio. This would have a financial impact on the developer and might dictate the size of the buildings and the number of residences contained in each building.

Respectfully Submitted
 John R. Cheatham

City of Bay Village
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE
April 29, 2014
City Hall Conference Room 5:30 p.m.

- Member Present: Councilwoman Karen Lieske, Chairman
Councilman Steve Lee
Councilman Paul Vincent
- Others Present: Bela Persanyi, Chairman of the Planning Commission
Planning Commission member Dick Majewski
John Cheatham of SAFEbuilt, Inc., Chief Building Official
- Audience: Conda Boyd

Councilwoman Lieske, Chair of the Committee, called the meeting to order at 5:30 p.m. in the Conference Room of Bay Village City Hall, and the meeting was open to the public. Mrs. Lieske thanked everyone for their attendance this afternoon. Copies of the minutes of the Planning, Zoning, Public Grounds and Buildings Committee meeting of April 14, 2014, were distributed to the attendees.

Review of Chapter 1158

Mrs. Lieske stated that she has confirmed with President of Council Koomar that the final discussions of Chapter 1158 will be brought forth to the Committee of the Whole of Council on May 12, 2014.

Reference was made to Mr. Cheatham's memorandum of April 15, 2014 regarding proposed considerations for Chapter 1158, specifically establishing new and/or amended criteria for Attached Residence District. Model D has been added which would be allowed in retail districts. Mr. Cheatham noted that he also shortened the length of structures for Model A, B, C, and D, from 180 feet to 160 feet. The minimum lot size for Model A has been changed to two acres, or 87,120 square feet. The density in Model C and Model D has been changed from eight units per acre to ten units per acre. Mrs. Lieske called for comments on the change.

Mr. Lee stated that the lower the density number the higher the price point will be on the units. Ten units would make sense in Model C and Model D. Minimum open space and maximum lot coverage requirements will provide adequate green space.

Mr. Majewski noted that the density per acre of ten units is a maximum number. The builder could still build eight units with a higher price point. Mr. Lee noted that they probably will try to build as much as they can on the property.

The maximum height of 35 feet is indicated as well as a note that the maximum height allowed is to reflect the existing character of the surrounding parcels. The applicant would be required to determine the average height of all the buildings on adjoining parcels and then submit a maximum height no greater than 15% higher than the average. This is designed to keep the project compatible with the neighborhood. The inclusion of church steeples and other unusual design features shall not be included in the calculations of average height.

Mrs. Lieske advised that the previous meeting of the committee included discussion about reducing the percentage of the average height of adjoining parcels. The conclusion was that in terms of the number of feet, it would not be that many feet even if it were 15%. Mr. Lee commented that the requirement is a maximum height of 35 feet but no higher than 15% than the average of the surrounding, so you would assume that in a lot of places that 15% cap is going to dictate. A single family home can be built at 35 feet in height anywhere in the city.

Mr. Persanyi suggested specifying what the surrounding homes are, noting that it would not be favorable to have someone use a three story structure at a shopping center for comparison. Mr. Cheatham stated that the requirement does say adjoining parcels. Mr. Lee questioned whether there is anything in the building code that cites adjoining parcels for comparison. Mr. Cheatham suggested that a city block, or a certain radius such as 500 feet in each direction could be used. Further discussion followed. Mr. Cheatham suggested language stating "a reasonable interpretation by the Planning Commission of the surrounding neighborhood within a 500 ft. radius." If someone comes in and wants to bring one huge building into the equation you can say that is not a reasonable interpretation. You are still protected with the 35 ft. maximum. Mr. Lee noted that we are trying to prevent a large structure that would not fit in with the surrounding homes.

Mr. Majewski noted that there are two layers of review. The Architectural Board of Review will also review proposed projects to be sure they fit in with the surrounding neighborhood. Mr. Majewski stated that the approval process ordinance, Chapter 1129, states that commercial, attached residences, and cluster development must be reviewed by the Architectural Board of Review.

Mr. Persanyi stated that it is reasonable to include the 500 feet radius. Mr. Majewski suggested wording that the Planning Commission can use an area of a 500 feet radius to determine the maximum height rather than leaving it to the developer to decide.

In regard to minimum open space, maximum lot coverage, and maximum impervious area requirements, Mr. Lee asked for further explanation from Mr. Cheatham regarding the percentages outlined. If the minimum open space is 30%, should not the maximum impervious area be 70%, rather than the 60% noted?

Mr. Cheatham explained that the impervious area is where the water cannot go into the soil. The open space is more definitive as green space, such as lawns and landscaping. The percentages will never reach 100%. When an architect is designing a project, he will know that he has to have a minimum of so much green space, a maximum of so much impervious space, and he makes them fit. He can have more green space, and less impervious, but there has to be some limitation.

Mr. Vincent asked how you determine 30% open space. Mr. Persanyi stated that mathematically you will end up with more open space because specifying the maximum impervious area forces the green space to happen. Mr. Majewski noted that you can define what open space includes. In the cluster development, for example, open space would count a recreational area, such as a swimming pool.

Conda Boyd asked about some of the newer materials for driveways and parking lots that are not impervious, such as the material that will be used in the city hall parking lot. Mr. Persanyi stated that in an area where it is only used in emergencies it is probably alright, for example, the driveway going into Cahoon Park on the north side of Lake Road. You would not want a situation where a driveway or parking spot is made out of that material because there would be settlement eventually resulting in a maintenance issue. Mr. Vincent asked if pavers that are used that allow water to run through would be considered impervious. Mr. Lee stated that the Service Department is applying for a grant for the parking lot of city hall. We don't know the details of what is to be done if the grant is successful. To this issue, would something like that type of paver apply to the impervious area restrictions? It is not technically impervious. Mr. Cheatham stated that if someone came into the Planning Commission and said they are using special material and technically the water can go through, and it's permeable, and they ask for it not be counted against the 65%, the Planning Commission at that point is going to look at the intent. They do not want to look at all pavement, no matter what it is technically.

Ms. Boyd asked if there is a better word that would create that question. Mr. Persanyi stated that impervious is pretty clear. It is either a roof or concrete, or asphalt. Water does not go through it, it has to have run-off and a storm sewer. Mr. Majewski stated that this is really the key, you don't want to overload a storm sewer so you have to have some kind of quantitative method of measuring how much water is going to be put into the storm sewers. Mr. Persanyi noted that, for

example, the School Board had to bring calculations to the Planning Commission to indicate how much run-off would come from the Middle School parking lots to show that the sewers that were there were adequate. The result was installing a 24-inch storm sewer that went under Cahoon and outlets to the creek. Those are things a developer would have to show to indicate whatever is there is adequate.

Mrs. Lieske asked if some kind of description of the maximum area for driveways, parking lots and a list of the things that would be included instead of the word impervious be used. Mr. Cheatham stated that the existing statement is standard among designers. It is what they understand and they know what the city is trying to accomplish. You would not need to be definitive by listing.

Ms. Boyd stated that what she is hearing is that there is more concern about the storm sewers than the look of the project. Mrs. Lieske noted that there can always be further fine-tuning of the code in the future.

Mr. Lee asked if the maximum pervious area requirement is used in other areas of the building code. Mr. Cheatham stated that they do use that requirement. Mr. Lee stated that the whole concept may need to be reconsidered as people shift to other materials. It makes good sense to go with the existing language but it is a good point for consideration in the future.

The minimum number of bedrooms allowed was discussed. Mr. Lee asked if a developer could build all one bedrooms, all two bedrooms, or all three bedroom units. Mr. Cheatham stated that he does not think that would happen, but, it is a possibility the way this is written. Mr. Lee asked if it makes sense to even have that requirement in the code. Mr. Cheatham stated that there are a lot of communities that will not allow one bedroom units. This lets them know that we do allow one-bedroom units. Mrs. Lieske asked about efficiency units. Mr. Persanyi stated that 800 square feet minimum would be larger than an efficiency unit. Mr. Cheatham stated that the point is that a developer would not want units of all the same number of bedrooms, they want a mix. Whatever is selling is what they will build. We just want them to know that all three are acceptable.

The minimum square footage of living space is only different in the models in the case of the one bedroom units. Mr. Lee noted that it is not a significant difference. Mr. Cheatham stated it is not significant but is something that can make a difference in the long run. The 750 square feet minimum for the retail or commercial areas allows for more flexibility in those areas.

The garage requirements of 50% for one car in Model A, 30% for one car in Model B, and 70% for one car in Models C and D, and the balance in each model to be 2-car garages, conforms to

the idea that there are small percentages in Model B for one car and high percentages for one car in Models C and D.

Mr. Persanyi noted that total parking spaces in a development should be covered in order to allow for guest parking. Mr. Vincent noted that if there is not accommodations for guest parking the street will be used for parking, probably on both sides of the road. Mr. Majewski referred to the cluster development and existing attached residences provisions for guest parking. Mr. Persanyi noted that some of those numbers will come into play when talking about impervious areas. Mrs. Lieske asked about provisions for handicap parking. Mr. Cheatham stated that handicap parking is dictated by the building code. He explained that the ordinances dictate how many parking spaces are required based on square footage. The building code says how many have to be handicap parking based on the total number of parking spaces. The Planning Commission will review for approval, and it is also part of the plan review process when the plans are submitted. Mr. Persanyi noted that when the Planning Commission considered those in the past, they were always in commercial areas. He asked if there is anything applicable to the residential areas. Mr. Chatham stated that Mr. Persanyi is correct, the number of spaces would not be dictated by ordinances because that is for commercial and retail districts. Basically it would be a case that the developer says to the Planning Commission that in the plan part of the impervious area is for parking spaces. Whatever the Planning Commission says will be the acceptable number for parking spaces, and it will be arbitrary based on the buildings and the entire plan. At that point it comes to the building code and the building code states that "x" number of parking spaces equals so many handicap spaces required.

Mr. Majewski noted that it would be more applicable if there is a clubhouse. Mr. Persanyi stated that spaces are required for entrances for numerous people as opposed to a cluster where there are many single entrances.

Mr. Majewski stated that one consideration should be the length of the driveways leading into the garage so that there is room to park the car in the driveway without the car encroaching into the roadway. Mr. Cheatham stated that, once again, that would be part of the review of the Planning Commission. If you get too restrictive or too cumbersome with Chapter 1158, it will be hard to work with. There needs to be some areas that are not addressed so that the Planning Commission can customize for every project. Mr. Persanyi noted that there is a single family residence requirement for parking. There is a requirement for enclosed parking, there is a garage, and also a requirement for off-street parking for that individual home. Even in Third Residence District you would have to have two spots, one inside and one outside. Mr. Cheatham noted that during snow removal season the residents have to have a place to put their vehicles.

There is a minimum of 80 square feet of storage per dwelling unit incorporated into the building structure in Mr. Cheatham's recommendations. Mr. Cheatham stated that this would not include basements. His thoughts were more for sports equipment and bicycles, etc. A community in Medina County provided an area on the side of the house or garage for a little lean-to, roughly 5' x 10'. Another community stretched the garages out for extra space and made a double-wide man door so they could get a golf cart in. The storage requirement was brought up by someone on the Planning Commission who said if they are not allowed to have accessory structures they have to have a place for storage. Typically in these kinds of communities, the garages are small.

The maximum residences per structure is defined as five for Model A, four for Model B, and six for Models C and D. Mr. Persanyi stated that this is probably a reasonable number. By not allowing eight or ten you avoid a potentially long building. Any with four or more must have every ground floor unit adaptable with some being accessible. A density bonus for these buildings would be a moot point.

Accessory structures are not allowed in any of the models. Mr. Cheatham stated that this would also include something like a gazebo. But, if there were green space where they wanted a gazebo for common use the Board of Zoning Appeals or Planning Commission could approve that. If accessory structures are discouraged, an exception can always be made for something that is part of the landscaping.

Clubhouses and pools are permitted in all models. Mr. Persanyi stated that it is unlikely that this would happen because of the green space requirements. Mr. Cheatham noted that a number of these developments are in Medina County and the surrounding areas, and a number of them that are a little higher price point would provide a very small but functional clubhouse with an outdoor in-ground pool and in the clubhouse a fitness area and a recreation/leisure time area. It is unlikely to occur here due to the confines of Bay Village. Mr. Lee noted that there would probably need to be a certain number of units to establish the need for that type of facility. Mr. Cheatham noted that you have to be able to recapture the cost, and then the maintenance of the pool and clubhouse comes out of the dues. You have to have enough residents to make it viable.

Mr. Majewski asked if accessory structures before the Board of Zoning Appeals would be by special permit. Mr. Cheatham stated that it would be by special use permit, and not by variance.

Mrs. Lieske asked her committee members about presenting these recommendations to the Council Committee of the Whole on May 12, 2014. She asked if they would prefer to present Mr. Cheatham's document for discussion or to have something that did not include all of the things just reviewed, but just include some of the basic things. Or, include everything and see how Council feels and revise it after that. The acreage and the density per acre are the big

things, looking at what they had looked at in 2009. The height is a little a different, the residences per building are the same. They had a larger floor area required.

Mr. Lee stated that from his perspective it makes sense to present Mr. Cheatham's recommendations to the Committee of the Whole and invite discussion about the points prior to drafting legislation.

Mr. Vincent stated that he thinks this would be a lot to discuss for the entire committee. A big change would be the acreage, bumping down from the existing five per acre to two in Model A and three in Model B.

Mrs. Lieske will talk with President of Council Koomar to see what his thoughts are and if he would like to focus the first discussion on the acreage. Time is of the essence and this is something we have spent a great deal of time on with the Planning Commission gaining their insights, as well as the meetings of this committee.

Mr. Majewski suggested a more general discussion to begin before getting into specific numbers. Mr. Vincent stated that he would like to hear what everyone thinks about whether it is a good idea.

Mr. Cheatham suggested that they look at the whole document and the President of Council direct focus to one area.

Mr. Majewski stated that according to the President of Council the charge was to review the document. There is quite a difference in this document than the one that was originally drafted.

Mr. Cheatham will make the revisions suggested this evening to his recommendations and send them out to the committee to review.

Mr. Vincent asked if districts have been defined. Mr. Cheatham stated that his recommendations are based on Zoning Districts. Residence District 1 is the area west of Sutcliff Drive. Residence District 3 is the area east of Sutcliff Drive. All of Lake Road is Residence District 1.

Conda Boyd asked if the paragraph about overlay districts can be removed since, as she understood, there is to be no overlay district. Mr. Cheatham will remove the paragraph.

Ms. Boyd asked if the committee needs to recommend something in regard to building line setbacks, minimum front/side/rear yards, distances between buildings, etc. Mr. Cheatham stated that the paragraph needs to be left in the document as a disclaimer so that it is apparent that

nowhere in the recommendations of Mr. Cheatham did he specify setbacks, etc. If City Council is going to adopt something like this, they may want to leave those items to the zoning of the district where the potential developments are located or they may want to create whole new setbacks for these types of projects.

Mr. Lee stated that one of the questions he has had all along is that if you put in all these requirements for open space, e.g., lot coverage, impervious areas, etc., and apply those with the existing setbacks in District 1 or District 3, is a developer going to come back and say this is still a non-starter. Mr. Cheatham stated that this is why he left these undetermined, because if you are requiring the same existing setbacks it wouldn't be applicable to these developments. It would be a non-starter if you did that. This is why he said that if you did an overlay district that takes it back to the zoning of that district, otherwise the Planning Commission or somebody will have to take these units case-by-case taking into consideration the area, or establish the minimum setbacks. Mr. Cheatham noted that his recommendations are just the nuts and bolts to get started.

Mr. Majewski stated that, similar to the cluster development, access points are going to be limited to each development. Those setbacks will be completely different than what residential streets look like, unless there are one or two individual driveways without that separate entrance. Each developer will probably approach it differently. The cluster development was handled with a certain frontage with a single access point.

Mr. Persanyi noted that he was phoned by Mr. Lustri recently and informed him that Council will be reviewing Chapter 1158 and probably making some changes. One of the ideas that came up was that if you put in six townhouses you wouldn't want to have six driveways for six townhouses. Even with the development done by Doug Gertz, there were five homes but they don't have five driveways because it is not desirable from a traffic or appearance standpoint.

Mr. Persanyi noted that Mr. Lustri brought up that one of the reasons the rezoning didn't pass in his precinct was because people were associating the whole project with one developer whose projects they didn't like. Mr. Lustri brought up the point about what would happen if someone came forward with a set of architectural plans and a proposal, and asks to rezone the parcel of land to townhouses, and then decides he does not want to go through with the development and sells it to another party who has no obligation under the law to do what another developer has proposed, after it has passed rezoning. Mr. Cheatham noted that every project goes before the Planning Commission. He suggested that maybe the rezoning could say that it is rezoned for a specific project only. Mr. Persanyi stated that the question is: can you do that from a legal standpoint.

Mr. Lee stated that this is a question that can be asked of the Law Director for clarity. You still have the protections of the Planning Commission and the Architectural Board of Review. He noted that it is a serious problem when a whole community is against something and we don't have a legal basis to say we can't do that.

Ms. Boyd noted that you have to think about what happens way into the future. At some point it is zoned Attached Residence. Something goes up and somebody else comes along and takes that down and puts something new in. You can't keep that protection forever.

Mr. Persanyi noted that you can't put into an ordinance that something must be architecturally pleasing. Mr. Majewski noted that this is why it has taken so long. You are selling a concept of attached residences. Mr. Lee stated that he has seen many that he likes in Westlake and Rocky River, but there is no guarantee that that would be built here. The issue for years has been what fits in Bay Village.

Mrs. Lieske noted that it gets back to what Mr. Majewski enlightened the committee about in Rocky River and where these types of developments are allowed. It isn't just city-wide where you come up with the acreage. It is very specific.

Mr. Lee noted that one of the areas that was mentioned in the past on Bassett Road for development for attached residences is now under single family home construction.

Mr. Persanyi advised that Mr. Lustri asked, based on our current code, in First or Third Residence District adjacent to commercial area, if you can put up duplexes. He has enough land to put up five duplexes. Mr. Majewski stated that according to definition in the code duplexes have to be on a corner lot. You can put a double house, or a two-family dwelling if it is adjacent to commercial area. It can be side by side, and a two family house can be up and down. A duplex, by definition, has to be on a corner lot. Mr. Cheatham stated typically a duplex is either owner-occupied with one side renting the other, or they are both rented. Whereas a two family is typically a small condo. You own both of them and have a property line going through the middle.

Mrs. Lieske thanked everyone for their efforts. We have a place to start with the Council, thanks to everyone's work.

Mr. Persanyi noted that there are other issues such as garbage disposal as written in 1974 as all the places will have to have their own disposal. Mrs. Lieske stated that what she was thinking was an expanded version of the memorandum Council Planning and Zoning Committee, which included Councilman Tadych and former Councilman Barbour, did in 2009. She did not see

anything regarding the garbage disposal in that memorandum. Mrs. Lieske stated that she had not planned to bring up more things at this point in time. This is the first wave of review and if we want to tackle more in the future we can. Mr. Persanyi noted that some of these sections written in 1974 are no longer applied to some of the other developments.

Mr. Lee stated that assuming we get approval on these parameters then the Law Director would be drafting legislation. We would then compare that to the existing Chapter 1158 and identifying any other incidentals that need to be addressed. He noted that there would be multiple readings of legislation. There has been a lot of effort put into this over the last several years and the change has yet to be seen. Mr. Cheatham and the Planning Commission have done a lot of good work and hopefully we can turn this into something meaningful.

Mrs. Lieske thanked everyone, and the meeting adjourned at 6:35 p.m.

Karen Lieske, Chairman

Joan Kemper, Secretary



Building Department Services

April 15, 2014 (Revised)

Proposed Considerations for Chapter 1158; specifically establishing new and/or amended criteria for Attached Residence District:

Note: In the place of "Attached Residence" the term used in the Building Codes is "Townhouse" which is defined: "TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides."

I offer for your consideration having three (3) models:

1. Model A which would be allowed ONLY in Residence District #3
2. Model B which would be allowed in either Residence District #1 or #3
3. Model C which would be allowed adjacent to Commercial/Retail Business District
4. Model D which would be allowed in retail districts.

	MODEL A	MODEL B	MODEL C	MODEL D
Minimum Lot Size (square foot)	87,120	130,680	65,340	43,560
(Acreage)	2	3	1.5	1
(Approximate number of existing lots)	12	9	N/A	N/A
Density per acre	8	6	10	10
*(Density Bonus when providing Accessibility per ICC/ANSI 117.1 in Buildings with less than 4 Dwelling Units)	2	2	2	2
Minimum open space	35%	50%	30%	30%
Maximum lot coverage	30%	25%	40%	40%
Maximum impervious area	50%	50%	60%	60%
Maximum height	35'	35'	35'	35'
(Note: The maximum height allowed is to reflect the existing character of the surrounding parcels. The applicant would be required to determine the average height of all the buildings on adjoining parcels and then submit a maximum height no greater than 15% higher than the average. This is designed to keep the project compatible with the neighborhood. The inclusion of church steeples and other unusual design features shall not be included in the calculations of average height.)				
Maximum length per structure	160'	160'	160'	160'



Building Department Services

(Note: No plane of wall shall be greater than 40' without an offset of at least 12' and the front elevation shall be multi-faceted in order to present an architecturally and aesthetically pleasing appearance in keeping with the general atmosphere of Bay Village.)

	MODEL A	MODEL B	MODEL C/D
Minimum # of Bedrooms allowed	1, 2, 3	1, 2, 3	1, 2, 3
Minimum square footage living space	1 BR = 800 2 BR = 1,100 3 BR = 1,400	1 BR = 900 2 BR = 1,200 3 BR = 1,400	1 BR = 750 2 BR = 1,100 3 BR = 1,400
Garages required (Maximum) (Balance to be...)	50% 1-car 2-car	30% = 1-car 2-car	70% = 1-car 2-car

Storage required: All buildings must have a minimum of 80 square foot of storage per dwelling unit incorporated into the building structure

Maximum residences per structure	5	4	6
Accessory Structures Allowed	No	No	No
Clubhouse and or pool allowed	Yes	Yes	Yes

***Note:** All buildings with 4 or more units must have **every** ground floor unit Adaptable with some being Accessible. Therefore a density bonus for these buildings would be a moot point.

All other relevant issues; such as building line setbacks, minimum front/side/rear yards, distances between buildings, distances from accessory structures, etc., would need to be determined once these proposals were discussed.

If the City were to make use of an overlay district in the majority of the city, the setbacks and other zoning issues would be predicated by the regulations in that district.

It should be noted that structures containing 3 residences are treated differently under the building code than structures containing 4 or more residences. Once a building has 4 or more residences, it becomes subject to the Ohio Building Code (commercial) as opposed to the Residential Code of Ohio. This would have a financial impact on the developer and might dictate the size of the buildings and the number of residences contained in each building.

Respectfully Submitted
John R. Cheatham
Chief Building Official

MEMORANDUM

TO: City Council

DATE: May 23, 2008

FROM: Planning, Zoning, Public Buildings & Grounds Committee
Dave Tadych, Chair
Mark Barbour
Scott Pohlkamp

RE: C.O. 1158, Attached Residence District Zoning Regulations

Any review that supports an effort to change, in a major way, current zoning code in Bay Village, cannot be taken lightly. We all live in a proud, successful, and well-planned community, a community of predominantly residential homes nestled into comfortable, well-treed neighborhoods and streets. The city business center serves our residents well and is the envy of many cities with business sprawl throughout their streets. Changes to our community appearance and feel must be pensive and measured when made, if implemented at all.

Over the years, in fact, since 1999, various commissions, committees, city administrations, city councils, developers, and individual citizens have formally and informally called for moderating changes to codified ordinance Chapter 1158, Attached Residence District regulations. This call has been due primarily to the lack of available land for this type of development and a perceived need of our citizens.

Since January of 2007, this review process has been in Council's Planning, Zoning, Public Grounds and Buildings Committee.

Our committee, brought together in January of 2008, has reviewed Codified Ordinance Chapter 1158 and cautiously identified recommended city wide changes to its regulations.

We believe that if attached housing is desired in Bay, our current ordinance makes it most difficult. We further anticipate that our recommendations, if adopted by this Council, would provide an opportunity for attached resident housing to be brought to fruition.

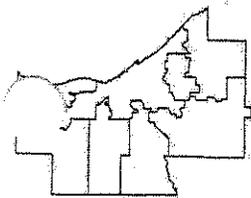
Please review our committee minutes for further understanding of the following changes:

- Acreage – A minimum of two to three acres
- Density- City-wide, no more than 8 units per acre limited to a maximum of four units per building
- Building Height- A maximum of 30 feet using current city criteria and standards for measurement

- Building Length- A maximum of 160 feet
- Floor Areas-
 - One or Two Bedroom Units – A minimum of 1100 square feet
 - Three Bedroom Units – A minimum of 1400 square feet
 - Four Bedroom Units – A minimum of 1600 square feet
- Open Space- A minimum of 50% using current measurement criteria and standards

These recommendations address the major points of change that we believe will give an opportunity to city wide attached resident housing development. They do not, however, address the idea of a city area being set aside for attached housing with lesser acreage requirements and a greater density of units. We believe this should be pursued, if desired, after city wide recommendations are effectively placed and approved by City Council.

We have received suggestions from multiple individuals that a professional organization such as the Cuyahoga County Planning Commission (CCPC) review or re-write a final Chapter 1158 document based on Council's recommendations. We believe this idea is of merit and follow through is recommended.



CUYAHOGA COUNTY PLANNING COMMISSION

*Eberet C
Planning & Zoning
Committee
9-5-13*

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Director

MEMORANDUM

TO: Council President Brian Cruse, Councilman David Tadych and Law Director Gary Ebert

CC: Douglas Milburn, Chief Building Official

FROM: Kristin Hopkins, AICP, Principal Planner

DATE: October 24, 2008

RE: Chapter 1158 Attached Residence District

I attended a meeting with representatives of Bay Village on September 10, 2008 to discuss issues related to amending the Attached Residence District (Chapter 1158) of the Bay Village Zoning Code. This memo is a summary of the issues discussed as well as a commentary on the benefits and details of utilizing an Overlay District as the mechanism to ensure the compatibility of new development with the existing character of Bay Village.

The issues include:

- The current Attached Residence District has been in the zoning code since 1974, but so far there is only one area of the City that has been rezoned to the Attached Residence District and developed according to the district regulations: Bay Commons Condominiums on Bradley Road.
- The City's desire is to encourage more alternative housing that is affordable to older residents of Bay Village who are looking for a smaller unit with less maintenance.
- Developers have indicated that the current regulations, because of the high number of acres required for the development project (5 acres) and low number of units permitted per acre (6 units), make it economically difficult to build moderate priced attached units.
- Since all zoning map changes must be approved by the voters, the regulations must ensure that new development is compatible with the existing character of the neighborhoods where ever the rezoning is proposed.
- There is concern that not all areas of the City are suitable for alternative housing options, and that more than one set of regulations for the attached residence district is needed since the eastern half of the City is denser, with smaller lots, than the western part of the City.
- The 1999 Bay Village Master Plan (prepared by the Cuyahoga County Planning Commission) and the 2004 Bay Village Retail Improvement Strategy (prepared by the Urban Design Center) both identified suitable locations for attached residences.

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Background

Residential development in Bay Village is predominately single-family houses on individual lots. There are two single-family residential zoning districts:

District	Minimum Lot Size	Statistical Density ⁽¹⁾	Effective Density ⁽²⁾
Residence District No. 1	14,700 square feet	2.96 units/acre	2.25 units/acre
Residence District No. 3	7,500 square feet	5.81 units/acre	4.2 units/acre

(1) Statistical density is the result of 43,560 square feet divided by minimum lot size.

(2) Effective density is the actual average number of dwelling units per acre in a typical subdivision, once the area devoted to streets and an inefficiency factor (based on a % of lots being larger than the minimum lot size) are included.

Most of the City east of Suitcliff Drive is zoned District No. 3, while west of Suitcliff Drive is zoned District No. 1.

The maximum building height permitted in the two districts is 35 feet, but there are some neighborhoods where the houses are predominately single-story buildings.

The current Attached Residence District requires a 5 acre minimum project area, and allows a maximum density of 6 dwelling units per acre.

There is no vacant land currently zoned Attached Residence District: any new project will require a zoning map amendment to change the current zoning classification to the Attached Residence District. Once the zoning map change occurs, there is no longer any reference to the former zoning district.

Conclusion

Based on the distinct differences in development among the various neighborhoods in Bay Village, it is reasonable to develop different standards to apply in different areas of the City. Revising Chapter 1158 Attached Residential District to be an overlay district meets the objective of providing different development standards for different parts of the City without creating additional zoning districts.

Using Overlay Districts

An overlay district is used to establish **alternative** land development requirements in areas of the community that require special attention, while keeping the underlying regulations intact, as well as maintaining a record of the underlying district. Using an overlay district makes sense when a set of regulations is to be utilized in tandem with **more than one of the existing districts, and allows the standards of the overlay district to vary based on the underlying district regulations.** This allows the regulations of the overlay district to address the conditions in each of the **underlying districts.**

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An overlay district is superimposed over conventional zoning districts, so that, for example, a parcel zoned Residence District No. 1 could also be zoned to the overlay district so that the Zoning Map reflects that the parcel is in two zoning districts. In this manner, a physical area is delineated on the Zoning Map with mapped boundaries. The written text for the overlay district would indicate that attached dwelling units are a permitted use (or conditional use) in addition to the uses that are also permitted in the underlying district. Other standards in the overlay district would be noted as being either added to, or in place of, the regulations of the underlying district.

The minimum project size, maximum density and other standards can be different based on the underlying district. Unlike a typical rezoning where a new zoning district (ie. Attached Residences District) replaces the existing district (ie. Residence District No. 3) and all mention of the former standards is eliminated, an overlay district adds to and can reference or be related to the underlying district. By keeping the underlying zoning district intact, the regulations for density, height, setbacks and other standards for the attached residence development can be directly linked to the characteristics of the underlying district to ensure the attached residence development is compatible with the existing development.

Examples of how standards for attached residences developments could vary by underlying district include:

Category	Standards based on the underlying district:		
	Res District No. 1	Res District No. 3	Commercial Business/Retail Business Districts
Minimum Project Area	3 acres	2 acres	No minimum
Maximum Density	6 units per acre	8 units per acre	12 units per acre
Minimum Aggregated Open Space	50%	50%	25%
Maximum Building Height	Same as underlying district		
Minimum Building Setback	Same as underlying district		

It is possible to provide additional flexibility to even further respond to differing circumstances in the City in the following three ways:

1. A small density bonus could be permitted when a project is located immediately adjacent to the Bay Village Square or Dover Junction (or other retail/commercial district). For example, the UDC Retail Improvement Strategy suggested 32 live/work townhouses on approximately 3 acres (which is a density of 10.66 units/acre) along the east side of Dover Center Road, directly across from Heinens. This area is currently zoned Residence No. 3.
2. The regulations could include an alternate method for determining the maximum building height and building length that would be permitted for a specific project, based on the existing building character of the surrounding parcels. For example, an

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applicant could be required to determine the average height of all the buildings on adjoining parcels and then be limited to that average or to perhaps not be more than 10% higher than the average. That way, in the areas of the City where houses are predominately single-story, new development could be required to comply with a height that is more compatible with the neighborhood.

3. A minimum project area provides assurance that a new development project will have enough dwelling units/households to support a homeowners association – primarily to fill the leadership roles required to sustain the organization as well as to adequately fund the maintenance required for common open space. However, it is useful to include a waiver provision to allow for consideration of smaller sites when unique circumstances exist. Examples of when a waiver could be warranted include:

- When an unusual physical or topographic feature of importance to the area as a whole, such as wetlands, exists on the site or in the surrounding neighborhood that will contribute to and be protected by the new development.
- When the proposed development is adjacent to an approved Attached Residence District that has been completed and the proposed development will contribute to the amenities and values of the neighborhood.
- When the proposed development is located in a larger area that is being redeveloped and will implement the policies of an existing plan.

In order to grant a waiver, additional findings could include:

- The project will not result in isolated development.
- The project will not have any unreasonable or adverse impacts on adjacent single family residential areas.

Appropriate Locations for Attached Residence Development

Regardless of the mechanism used for regulating attached residential development (as an overlay district or as a standard district), the best way of identifying appropriate locations for such higher density developments is through the comprehensive planning or neighborhood planning process – as has been done in the City's Master Plan and Retail Improvement Strategy. These previous planning processes evaluated the City's development patterns and determined specifically where future higher density development is appropriate.

At the beginning of the zoning district chapter, there should be a section that discusses the applicability of the district and refer to appropriate locations specified in the plans so that future zoning map amendments are clearly reviewed for compliance with the City's plans. The zoning district text can also specify areas of the City that are not appropriate for higher density development.

When zoning map changes are proposed by an applicant, the City Planning Commission and Council should use the plan as a guide in determining if the proposal is consistent with the plan.

Joan Kemper

From: Conda Boyd <conda_boyd@yahoo.com>
Sent: Wednesday, April 23, 2014 4:07 PM
To: Paul Koomar; Dwight Clark; Steven Lee Gmail; Dave Tadych; Paul Vincent; Karen Lieske; Tom Henderson
Cc: Joan Kemper; Gary Ebert SSEG; Deborah Sutherland; Barbara Ebright; Susan Murnane; Claire Banasiak; George Ryan
Subject: Quick Facts - Petition vs. Write-In Candidates
Attachments: 20140423Charter Amendment quick facts.doc

Dear Members of Council,

As you consider whether to put a Charter Amendment to limit write-in candidates on this November's ballot, Bay Village's League of Women Voters Chapter urges you to consider the attached fact sheet, newly updated to show possible amendment and ballot language.

The Ad Hoc Committee dropped the option of allowing write-ins only for the primary, thinking that it would require multiple amendments. It appears that one amendment would suffice after all. If Council prefers to limit only general election write-ins, that might in fact be easier to explain to voters. In either case, the intent of the primary election -- assuring majority-elected officials -- will be preserved.

Please feel free to call (899-2987) if you have any questions. Thank you for your careful consideration -- and for all you do to Make Democracy Work!

Conda Boyd, Chair, Bay Village Chapter
LWV-Cuyahoga Area

cc: Clerk of Council Kemper
Law Director Ebert
Mayor Sutherland

Quick Facts - Petition vs. Write-In Candidacies

In Ohio, there are two ways to become a candidate for office.

- **Petition.** To file by petition for Bay Village municipal office, a candidate must collect signatures equal to 3% of the votes cast at the last regular municipal election in the ward (for a ward Council member) or the city (for city-wide candidates).
 - The petition process offers the candidate an opportunity to get to know voters and hear about the issues that are important to them.
 - The candidate's name appears on the ballot.
- **Write-In.** A write-in candidate must only file a *declaration of intent*.
 - No contact with voters is required. The candidate's own signature is sufficient.
 - If no one files as a write-in, there is no write-in space on the ballot. If there is at least one write-in candidate, a write-in space does appear for that office. Voters can write in Mickey Mouse, George Washington, or any other fictional, dead, or felonious character they wish. However, the Board of Elections will only *count* Mickey Mouse votes if Mickey filed a valid declaration of intent by the deadline.

In 2007, Bay Village instituted a primary election to assure a majority vote.

- 63.7% of voters said "YES" to holding a primary election to narrow the field to two candidates for an office.
- In 2013, four candidates -- each of whom had collected voter signatures and filed petitions -- ran in the primary election. All four participated in the Candidates' Night and Voters' Guide. All four went door-to-door asking for votes. A fifth candidate bypassed this democratic process and filed as a general election write-in for Mayor. He quickly withdrew, but had he persisted and split the vote, our Mayor could have been elected by as little as 34%.

What if a candidate dies or withdraws?

- Any remaining candidates face off in the primary or general election, as applicable.
- If no candidates remain, or if a newly elected official dies or withdraws before taking office, a vacancy is created on Inauguration Day. The Charter provides for filling vacancies.
 - If the **Office of the Mayor** is vacant, the President of Council becomes Mayor. If s/he declines, Council appoints a successor by majority vote.
 - If a **Council** position is vacant, the remaining members of Council appoint a successor by majority vote.

Effects of clarifying the "majority vote" intent of the primary election by requiring petitions:

- All candidates, even those running unopposed, will pass the test of collecting voter signatures.
- Like many other cities, Bay will eliminate the write-in option for municipal offices.
- All officials will be elected by a majority.
- Any officials appointed due to a candidate's death or resignation will be chosen by Council, as currently happens when a sitting official dies or resigns.

The League of Women Voters-Cuyahoga Area, Bay Village Chapter recommends clarifying the Bay Village City Charter to affirm the original intent of Bay Village's primary election. Requiring all candidates to file petitions will ensure the most democratically elected government.

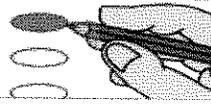
Timetable. In 2013, the timetable for candidates was as follows.

- **September Primary** - Contested races with more than two validated candidates appear on the ballot.
 - 6/12 - candidate **petition** filing deadline
 - 7/1 - **write-in** candidate filing deadline
 - 9/10 - Election Day
- **November General Election**
 - 8/26 - **write-in** candidate filing deadline - The write-in candidate filed on the last day permitted.
 - 8/30 - Protest against write-in candidates - Mr. Ebert's protest was dated August 29.
 - 11/5 - Election Day

Three attachments follow:

- The ballot for the November 2012 Charter Amendments. The full amendment does not appear on the ballot, only a summary.
- The 2012 US President / Vice President ballot with a space for write-ins at the bottom of the second column. Note that no other offices have write-in options.
- Bay Village Charter Article XI. Possible language for the amendment and the ballot appears in red.

A	B	C
<p>11</p> <p>13</p> <p>21</p> <p>40</p> <p>41</p> <p>42</p> <p>44</p> <p>52</p>	<p>BAY VILLAGE -02-C</p>	<p>BAY VILLAGE -02-C</p>
<p>State Issue 2, continued Asunto 2 del Estado, continuación</p> <p>del grupo final a tres miembros adicionales, que deberán incluir un miembro afiliado al partido político más grande, un miembro afiliado al segundo partido político más grande y un miembro no afiliado a ninguno de estos partidos. Al seleccionar a los tres miembros finales, los miembros de la Comisión buscarán una membresía total de la comisión que refleje la diversidad de Ohio y que tenga los conocimientos y habilidades relevantes, incluida la capacidad para la imparcialidad, lo que permitirá a la Comisión cumplir con sus responsabilidades. Los nueve miembros seleccionados por sorteo y los tres miembros adicionales seleccionados por los nueve miembros originales comprenderán la Comisión completa.</p> <p>F. Ningún miembro de la Comisión estará sujeto a destitución por la asamblea general ni por ningún miembro de la rama ejecutiva.</p> <p>3. Requeriría que la Comisión establezca inmediatamente nuevos distritos legislativos y del congreso para reemplazar los distritos más recientes adoptados por los representantes elegidos por elección democrática, distritos que no serán disputados excepto por orden judicial hasta el próximo censo y distribución decenal federal. Se necesitan votos afirmativos de 7 de los 12 miembros de la Comisión para seleccionar un plan. En el caso de que la Comisión no pueda determinar un plan para el 1 de octubre, el Tribunal Supremo de Ohio tendrá que adoptar un plan de entre todos los planes presentados a la Comisión.</p> <p>4. Revocaría los requisitos constitucionales vigentes para trazar distritos legislativos que evitan divisiones de condados, ayuntamientos, municipalidades y distritos de ciudades cuando sea posible, y cuando no sea posible, limitan dichas divisiones a solo una división por unidad gubernamental, y también revocaría los requisitos para formar tantos distritos legislativos enteros únicamente dentro de un condado como sea posible. Lo anterior sería reemplazado y requeriría que la Comisión adoptase un plan que cumpla con todas las disposiciones constitucionales federales y estatales aplicables, las disposiciones de la ley federal y el requisito de contigüidad y que cumple más estrechamente con los factores de la conservación, competitividad, equidad de representación y compacidad de la comunidad. A la Comisión también se le requeriría que no trazara ni adoptara un plan con la intención de favorecer o desfavorecer a un partido político, titular o posible candidato.</p> <p>5. Ordenaría a la Asamblea General la apropiación de todos los fondos necesarios para financiar adecuadamente las actividades de la Comisión para, entre otros, compensar a:</p> <p>A. Personal B. Asesores C. Asesores legales D. Miembros de la Comisión</p>	<p>3</p> <p>PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p> <p>Shall Article IV Administrative Officers and Departments, Section 4.1 General Provisions, of the Charter of the City of Bay Village be amended to give council the authority to combine or abolish any city department?</p> <p>3</p> <p>PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá enmendarse el Artículo IV Departamentos y Funcionarios Administrativos, Sección 4.1 Disposiciones Generales, de los Estatutos de la Ciudad de Bay Village para dar al consejo la autoridad de combinar o abolir cualquier departamento de la ciudad?</p> <p><input type="radio"/> YES / SÍ <input type="radio"/> NO / NO</p> <p>4</p> <p>PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p> <p>Shall Article VI Civil Service Commission, Section 6.3 Classification of Service, of the Charter of the City of Bay Village be amended to provide that classified service shall be comprised of all positions not specifically included with the unclassified service?</p> <p>4</p> <p>PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá enmendarse el Artículo VI Comisión del Servicio Civil, Sección 6.3 Clasificación de Servicio, de los Estatutos de la Ciudad de Bay Village para disponer que el servicio clasificado comprenda todos los puestos que no estén incluidos específicamente en el servicio sin clasificar?</p> <p><input type="radio"/> YES / SÍ <input type="radio"/> NO / NO</p>	<p>5</p> <p>PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p> <p>Shall Article VI Civil Service Commission, Section 6.7 Regional Participation, of the Charter of the City of Bay Village be adopted to permit participation in regional civil service programs?</p> <p>5</p> <p>PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá adoptarse el Artículo VI Comisión del Servicio Civil, Sección 6.7 Participación Regional, de los Estatutos de la Ciudad de Bay Village para permitir la participación en programas de servicios civiles regionales?</p> <p><input type="radio"/> YES / SÍ <input type="radio"/> NO / NO</p> <p>6</p> <p>PROPOSED CHARTER AMENDMENT CITY OF BAY VILLAGE A majority affirmative vote is necessary for passage</p> <p>Shall Article XIII, Section 13.3 Disqualification of the Charter of the City of Bay Village, regarding disqualifications of certain city officials, be amended?</p> <p>6</p> <p>PROPUESTA DE ENMIENDA A LOS ESTATUTOS CIUDAD DE BAY VILLAGE Se requiere un voto afirmativo por mayoría para su aprobación</p> <p>¿Deberá enmendarse el Artículo XIII, Sección 13.3 Descualificaciones de los Estatutos de la Ciudad de Bay Village, referente a las descualificaciones de ciertos funcionarios de la ciudad?</p> <p><input type="radio"/> YES / SÍ <input type="radio"/> NO / NO</p>

BAY VILLAGE 22-C		BAY VILLAGE 22-C	
<p>Instructions to Voter Instrucciones para el Elector</p> <p>● To vote, completely darken the oval (●) to the left of your choice. Para votar, oscurezca completamente el óvalo (●) a la izquierda de su elección.</p>  <p>● Note the permitted number of choices directly below the title of each candidate's office. Do not mark the ballot for more choices than allowed. Observe el número permitido de opciones directamente debajo del título de cada contienda al cargo. No marque en la papeleta más opciones de las permitidas.</p> <p>● If you mark the ballot for more choices than permitted, that contest or question will not be counted. Si usted marca en la papeleta más opciones de las permitidas, no se contará esa contienda o preguntas.</p> <p>● To write-in a candidate, completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. Para un candidato por escrito, oscurezca completamente el óvalo (●) a la izquierda de la línea en blanco y escriba el nombre del candidato. Solo se pueden contar los votos de aquellos candidatos que solicitaron ser candidatos por escrito.</p> <p>● Do not write-in a candidate's name if that person's name is already printed on the ballot for that same contest. No escriba el nombre del candidato si el nombre de esa persona ya está impreso en la papeleta para esa misma contienda.</p> <p>● If you make a mistake or want to change your vote, return your ballot to an election official and get a new one. You may ask for a new ballot up to two times. Si usted comete un error o desea cambiar su voto, devuelva la papeleta a un funcionario electoral y obtenga una nueva. Usted puede pedir una papeleta nueva hasta dos veces.</p>	<p>For President and Vice President Para Presidente y Vicepresidentes (Vote for not more than 1 pair) (Vote por no más de 1 par)</p> <p>A vote for any candidate for President and Vice President shall be a vote for the election of those candidates whose names have been certified to the Secretary of State. El voto por cualquier par de los candidatos a Presidente y Vicepresidente debe ser un voto de las elecciones por aquellos candidatos cuyos nombres hayan sido certificados por el Secretario de Estado.</p> <p><input type="radio"/> For President Para Presidente Mitt Romney</p> <p><input type="radio"/> For Vice President Para Vicepresidentes Paul Ryan Republican/Republicano</p> <p><input type="radio"/> For President Para Presidente Jill Stein</p> <p><input type="radio"/> For Vice President Para Vicepresidentes Cheri Honkala Green/Verde</p> <p><input type="radio"/> For President Para Presidente Stewart Alexander</p> <p><input type="radio"/> For Vice President Para Vicepresidentes Alex Mendoza Socialist/Socialista</p> <p><input type="radio"/> For President Para Presidente Richard Durican</p> <p><input type="radio"/> For Vice President Para Vicepresidentes Ricky Johnson Nonparty candidate Candidato sin partido</p> <p><input type="radio"/> For President Para Presidente Virgil Goode</p> <p><input type="radio"/> For Vice President Para Vicepresidentes Jim Clymer Constitution/Constitucionalista</p> <p><input type="radio"/> For President Para Presidente Gary Johnson</p> <p><input type="radio"/> For Vice President Para Vicepresidentes James F. Gray Libertarian/Libertaria</p> <p><input type="radio"/> For President Para Presidente Barack Obama</p> <p><input type="radio"/> For Vice President Para Vicepresidentes Joe Biden Democratic/Demócrata</p> <p><input type="radio"/> For President Para Presidente</p> <p>Write-in / Por escrito For Vice President Para Vicepresidentes</p> <p>Write-in / Por escrito</p>	<p>For U.S. Senator Para Senador de Estados Unidos (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Scott A. Rupert Nonparty candidate Candidato sin partido</p> <p><input type="radio"/> Sherrod Brown Democratic/Demócrata</p> <p><input type="radio"/> Josh Mandel Republican/Republicano</p> <p>For Representative to Congress (9th District) Para Representante al Congreso (Distrito 9) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Samuel J. Wurzelbacher Republican/Republicano</p> <p><input type="radio"/> Nancy Kaptur Democratic/Demócrata</p> <p><input type="radio"/> Sean P. Stipe Libertarian/Libertaria</p> <p>For State Senator (24th District) Para Senador del Estado (Distrito 24) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Thomas F. Patton Republican/Republicano</p> <p><input type="radio"/> Jennifer Brady Democratic/Demócrata</p> <p>For State Representative (16th District) Para Representante del Estado (Distrito 16) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Andrew A. Meyer Democratic/Demócrata</p> <p><input type="radio"/> Nan A. Baker Republican/Republicano</p> <p>For Prosecuting Attorney Para Abogado Fiscal (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Ed Wade</p> <p><input type="radio"/> Timothy J. McGinty Democratic/Demócrata</p> <p>For Member of State Board of Education (5th District) Para Miembro de la Junta Estatal de Educación (Distrito 5) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Bryan C. Williams</p> <p><input type="radio"/> Marianne Gasiotki</p> <p><input type="radio"/> Rich Javorek</p> <p>For Justice of the Supreme Court (Full term commencing 1-1-2013) Para Juez del Tribunal Supremo (Período completo comenzando el 1-1-2013) (Vote for not more than 1) (Vote por no más de 1)</p> <p><input type="radio"/> Mika Skindell</p> <p><input type="radio"/> Terrence O'Donnell</p>	
	<p>Write-in / Por escrito For Vice President Para Vicepresidentes</p> <p>Write-in / Por escrito</p>		<p>Continue voting next side Continúe votando el otro lado</p>

ARTICLE XI

NOMINATIONS AND ELECTIONS

SECTION 11.1 MUNICIPAL ELECTIONS.

Regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Primary elections, if necessary, shall be held on the second (2nd) Tuesday in September prior to the general election date in the odd numbered years. All municipal elections shall be conducted by the election authorities prescribed by the general laws of the State unless the Council shall otherwise ordain, and the provisions of the general election laws of the State shall apply to all such elections unless the Council or this Charter shall otherwise provide.

SECTION 11.2 NOMINATION.

Any qualified person may be placed in nomination for any elective office created by this Charter or by Council by:

(a) A petition or petitions, in the case of a candidate for ward Councilman, signed by the registered voters of the Municipality residing in such ward in a number not less than three per cent (3%) of the vote cast at the last regular municipal election in such ward.

(b) A petition or petitions, in the case of a candidate for any elective office other than ward Councilman (including, without limitation, a candidate for Mayor, for President of Council, or for Councilman at large) signed by the registered voters of the Municipality in a number not less than three per cent (3%) of the vote cast at the last regular municipal election in all of the precincts comprising the Municipality.

Such petition or petitions when filed must be accompanied by the written acceptance of the nominee. Each signer of a petition shall sign his name and after his name shall designate his residence. A registered voter may sign as many nominating petitions for different candidates for a particular elective office as there are elective positions to be filled in that office at the election for which the petition is filed.

No write-in candidates shall be permitted [for the general municipal election].

SECTION 11.3 NONPARTISAN BALLOTS/PRIMARY ELECTIONS.

Commencing with the year 2009, primary elections shall be held for the selection of candidates for the offices of Mayor, President of Council, Council-At-Large, and Ward Councilperson. The two candidates receiving the greatest number of votes for a particular elective office in the Primary Election shall be selected for the election in the Regular Municipal Election. In the event that no more than two candidates file petitions for the aforesaid offices, then there shall be no primary election for these offices, and these candidates shall be designated candidates for the Regular Municipal Election. The ballots used in the elections shall be without party mark or designation of any sort. The names of all candidates shall be placed upon the same ballot and shall be rotated in the manner provided by the general laws of Ohio.

SECTION 11.4 RUN-OFF ELECTION FOR MAYOR.

(EDITOR'S NOTE: Charter Section 11.4 was repealed by the electors on November 6, 1979, pursuant to Ordinance 79-81.)

SECTION 11.5 VALIDITY OF BALLOTS.

The election authorities counting the ballots shall not invalidate or reject any ballot for any technical error which does not make it impossible to determine the voter's choice therefrom so long as the marking of the ballot complies with the general law or laws of the State of Ohio and the intention of the voter can be ascertained with reasonable certainty, and to the extent that such intent can be determined, the ballot shall be valid and shall be counted.

SECTION 11.6 QUALIFICATIONS OF ELECTORS.

Any person may vote as an elector in any municipal election only if such person is a bona fide resident of the Municipality and has registered as a voter with the election authorities in the manner and within the time prescribed by the laws of the State of Ohio.

=====

Sample Ballot language:

PROPOSED CHARTER AMENDMENT

CITY OF BAY VILLAGE

A majority affirmative vote is necessary for passage.

Shall Article XI Nominations and Elections, Section 11.2 Nomination, of the Charter of the City of Bay Village be amended to state that no write-in candidates shall be permitted [for the general municipal election]?