

AGENDA

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

June 23, 2014
7:30 p.m.

ANNOUNCEMENTS

Mayor Sutherland

Reappointment of Dave Maddux to the Planning Commission for a 5-year term from 8-17-14 to 8-17-19

AUDIENCE

COMMITTEE OF THE WHOLE

2014 Ordinance Codification Revisions (Updating)

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

Cuyahoga Soil and Water Conservation District: Memorandum of Understanding

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

2014 Sidewalk Replacement Program

Removal of following items from Matters Pending before Committee List:

Capital Improvements (All Buildings 2-9-06)

Long Term Sewer Improvement Plan (2-11-08)

Wind Turbines (Public Improvements Committee Meeting 5-10-10)

FINANCE & CLAIMS COMMITTEE – Clark

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Moratorium on Chapter 1158 expires in July

Chapter 1158 – Attached Residence District

Reappointment of Dave Maddux to the Planning Commission for a 5-year term from 8-17-14 to 8-17-19

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Bay Skate and Bike Park – Update

Agenda
Committee Meeting of Council
June 23, 2014

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Removal of following item from Matters Pending before Council Committee List:

LEEDCO – Resolution of Support for Off-Shore Wind Turbines from

MISCELLANEOUS

Motion to convene to Executive Session: Litigation, Personnel/Organization Structure – Police Fire, Service, and Community Services; Contracts – Outside Legal

CAHOON MEMORIAL PARK TRUSTEES

20012 SIDEWALK PROGRAM

6/18/2014

OFFICE COPY

	Current resident	NAME	ADDRESS	STREET	PARCEL NO.	MAILING ADDRESS	MAILING STREET	MAILING CITY	MAILING STATE	MAILING ZIP CODE
1	Resident Current	Leigh Dooley	23717	Krikerbocker	204-26-056	23717	Krikerbocker	Bay Village,	Ohio	44140
2	Resident Current	Richard Stark	23803	Krikerbocker	204-26-055	23803	Krikerbocker	Bay Village,	Ohio	44140
3	Resident Current	Jeff & Heather Distin	23824	Krikerbocker	204-26-049	23824	Krikerbocker	Bay Village,	Ohio	44140
4	Resident Current	Janet Ginn	23800	East Oakland	204-26-033	23800	East Oakland	Bay Village,	Ohio	44140
5	Resident Current	Mary Laule	23812	East Oakland	204-26-035	23812	East Oakland	Bay Village,	Ohio	44140
6	Resident Current	James M. DeSalvo	23706	Russell	204-23-057	23706	Russell	Bay Village,	Ohio	44140
7	Resident Current	Jean M. Townsend	23710	Russell	204-23-056	23710	Russell	Bay Village,	Ohio	44140
8	Resident Current	Dean R. Mitchell	23714	Russell	204-23-055	23714	Russell	Bay Village,	Ohio	44140
9	Resident Current	Scott Bruno	23724	Russell	204-23-053	23724	Russell	Bay Village,	Ohio	44140
10	Resident Current	Jennifer Varga	23730	Russell	204-23-052	23730	Russell	Bay Village,	Ohio	44140
11	Resident Current	Jerome Stockhausen	23721	Bruce	204-23-085	23721	Bruce	Bay Village,	Ohio	44140
12	Resident Current	Peter Fournier	23724	Bruce	204-23-041	23724	Bruce	Bay Village,	Ohio	44140
13	Resident Current	Glenda K. Baran	23727	Bruce	204-23-070	23727	Bruce	Bay Village,	Ohio	44140
14	Resident Current	William Jordan	23728	Bruce	204-23-040	23728	Bruce	Bay Village,	Ohio	44140
15	Resident Current	Ben Brown	23807	Bruce	204-23-046	23807	Bruce	Bay Village,	Ohio	44140
16	Resident Current	Terrence & Anne Torre	23814	Bruce	204-23-038	23814	Bruce	Bay Village,	Ohio	44140
17	Resident Current	Michael Ryan	23815	Bruce	204-23-047	23815	Bruce	Bay Village,	Ohio	44140
18	Resident Current	Jeanie Michaels	23816	Bruce	204-23-037	23816	Bruce	Bay Village,	Ohio	44140
19	Resident Current	Bradley Reust	23712	Wolf	204-26-011	23712	Wolf	Rocky River	Ohio	44140
20	Resident Current	Tom & Lisa Gray	23718	Wolf	204-26-012	23718	Wolf	Bay Village	Ohio	44140
21	Resident Current	Alyson Davies	23721	Wolf	204-23-022	23721	Wolf	Bay Village,	Ohio	44140
22	Resident Current	Suzanne Turner	23730	Wolf	204-26-014	23730	Wolf	Bay Village,	Ohio	44140
23	Resident Current		23809	Wolf	204-26-018					
24	Resident Current	Bonnie Zurcher	23812	Wolf	204-26-017	23812	Wolf	Bay Village,	Ohio	44140
25	Resident Current	Noemi Betancourt	453	Clague	204-23-075	453	Clague	Bay Village,	Ohio	44140
26	Resident Current	Bob Bordine	456	Clague	204-23-063	456	Clague	Bay Village,	Ohio	44140
27	Resident Current	Paul M. Campbell	462	Clague	204-23-062	462	Clague	Bay Village,	Ohio	44140

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Current Resident	NAME	ADDRESS	STREET	PARCEL NO.	MAILING ADDRESS	MAILING STREET	MAILING CITY	MAILING STATE	MAILING ZIP CODE
28	Resident Current Sally M. Trimlin	484	Clague	204-23-061	484	Clague	Bay Village,	Ohio	44140
29	Resident Current Joan Tackett	495	Clague	204-23-080	495	Clague	Bay Village	Ohio	44140
30	Resident Elias J. Coury	619	Clague Parkway	204-26-067	24340	Sperry Drive	Westlake	Ohio	44145
31	Current City		Reese Park						
32	Resident Current Sheila M. Francati	384	Fordham	204-22-014	384	Fordham	Bay Village,	Ohio	44140
33	Resident Current Jeffrey J. Kolmich	23001	Lake Road	204-25-008	23001	Lake Road	Bay Village	Ohio	44140
34	Resident Current Nicole Georges	23011	Lake Road	204-25-010	23011	Lake Road	Bay Village,	Ohio	44140
35	Resident Current City	23015	Lake Road	204-25-011					
36	Current City	23101	Lake Road	204-25-030					
37	Resident Current Mary Coleman	23119	Lake Road	204-25-029	23119	Lake Road	Bay Village	Ohio	44140
38	Resident Current Grant Schwede	23401	Lake Road	204-24-010	23401	Lake Road	Bay Village	Ohio	44140
39	Resident Current Jacqueline McKown	23423	Lake Road	204-24-077	23423	Lake Road	Bay Village,	Ohio	44140
40	Resident Current Thomas Tschinkel	23521	Lake Road	204-23-073	23521	Lake Road	Bay Village,	Ohio	44140
41	Resident Current Zaki K. Tourna	23609	Lake Road	204-23-066	23609	Lake Road	Bay Village,	Ohio	44140
42	City		Lake/Clague (north side-NE Corner) (City)						
43	Current City	23709	Lake Road	204-23-029					
44	Resident Current Brian Nelson	23713	Lake Road	204-23-030	23713	Lake Road	Bay Village	Ohio	44140
45	Resident Current Ann Spellacy	23807	Lake Road	204-23-035	23807	Lake Road	Bay Village	Ohio	44140
46	Resident Current Mary Mihalik	23815	Lake Road	204-23-036	23815	Lake Road	Bay Village,	Ohio	44140
47	Resident Current Thomas J. Gavan	23834	Lake Road	204-23-019	23834	Lake Road	Bay Village,	Ohio	44140
48	Resident Current Patrick McClain	23904	Lake Road	204-22-010	23904	Lake Road	Bay Village	Ohio	44140
49	Resident Marion S. Creviston	23705	Cliff	204-23-010	23705	Cliff	Bay Village,	Ohio	44140
50	Current Bay View Park Association	23704 & 23700	Cliff	204-23-08 204-23-09	23807	Cliff	Bay Village,	Ohio	44140
51	Resident Current Lance & A. Smith	23714	Cliff	204-23-006	23714	Cliff	Bay Village,	Ohio	44140
52	Resident Current Patrick Marron	23804	Cliff	204-23-002	23804	Cliff	Bay Village,	Ohio	44140
53	Resident Current Julie Gibbons	23821	Cliff	204-23-018	23821	Cliff	Bay Village,	Ohio	44140
54	Resident Dennis Wendell	451	Queenswood	204-24-028	451	Queenswood	Bay Village,	Ohio	44140

20012 SIDEWALK PROGRAM

6/18/2014

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	resident Current	NAME	ADDRESS	STREET	PARCEL NO.	MAILING ADDRESS	MAILING STREET	MAILING CITY	MAILING STATE	MAILING ZIP CODE	
55	Resident Current	Joan Kunz	452	Queenswood	204-23-069	452	Queenswood	Bay Village,	Ohio	44140	
56	Resident Current	Thomas Karcher	463	Queenswood	204-24-027	463	Queenswood	Bay Village,	Ohio	44140	
57	Resident Current	Sandra Gerlach	486	Queenswood	204-23-084	486	Queenswood	Bay Village	Ohio	44140	
58	Resident Current	Lucius Fowler	487	Queenswood	204-24-026	487	Queenswood	Bay Village	Ohio	44140	
59	Current	Queenswood - North side over creek culvert (city)									
60	Resident Current	Larry Hamilton	458	Devonshire Ct.	204-24-023	458	Devonshire Ct.	Bay Village,	Ohio	44140	
61	Resident Current	Denise Lagrange	477	Devonshire Ct.	204-24-020	477	Devonshire Ct.	Bay Village,	Ohio	44140	
62	Resident Current	Elizabeth Pim	510	Devonshire Ct.	204-27-038	510	Devonshire Ct.	Bay Village,	Ohio	44140	
63	Resident Current	James R. Chiara	513	Devonshire Ct.	204-24-019	513	Devonshire Ct.	Bay Village	Ohio	44140	
64	Resident Current	Vincent J. Vaypot	478	Edinborough	204-25-040	478	Edinborough	Bay Village	Ohio	44141	
65	Resident Current	Paul W. Ziegler	486	Edinborough	204-24-014	486	Edinborough	Bay Village,	Ohio	44140	
66	Resident Current	Paul Riemer	498	Edinborough	204-24-016	498	Edinborough	Bay Village,	Ohio	44140	
67	Resident Current	Beatrice & Chris Johnson	502	Edinborough	204-24-017	502	Edinborough	Bay Village,	Ohio	44140	
68	Resident Current	Lynelle Houser	520	Edinborough	204-24-018	520	Edinborough	Bay Village,	Ohio	44140	
69	Resident Current	Vicki Medlyn	521	Edinborough	204-28-073	521	Edinborough	Bay Village,	Ohio	44140	
70	Resident Current	Charles Stephen	535	Edinborough	204-28-072	535	Edinborough	Bay Village,	Ohio	44140	
71	Resident Current	Daniel Cica	540	Edinborough	204-27-035	540	Edinborough	Bay Village,	Ohio	44140	
72	Resident Current	Gertrude D. Swartwood	548	Edinborough	204-27-034	548	Edinborough	Bay Village,	Ohio	44140	
73	Resident Current	Karen Radcliffe	557	Edinborough	204-27-003	557	Edinborough	Bay Village,	Ohio	44140	
74	Resident Current	Abby Groo	560	Edinborough	204-27-032	560	Edinborough	Bay Village,	Ohio	44140	
75	Resident Current	Michelle Warner	561	Edinborough	204-27-004	561	Edinborough	Bay Village,	Ohio	44140	
76	Resident Current	Chad Waffan	564	Edinborough	204-27-031	564	Edinborough	Bay Village,	Ohio	44140	
77	Resident Current	Roger A. Suehla Trs.	572	Edinborough	204-27-030	572	Edinborough	Bay Village,	Ohio	44140	
78	Resident Current	Cindy Hupp	577	Edinborough	204-27-007	577	Edinborough	Bay Village,	Ohio	44140	
79	Resident Current	Michael Cowin	580	Edinborough	204-27-028	580	Edinborough	Bay Village,	Ohio	44140	
80	Resident Current	Kenneth Dean & Jeanie Kiss	23017	Lincolnshire	204-28-062	23017	Lincolnshire	Bay Village,	Ohio	44140	
81	Resident Current	V. Mitchell Lyles	23021	Lincolnshire	204-28-063	23021	Lincolnshire	Bay Village	Ohio	44140	

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	Current resident	NAME	ADDRESS	STREET	PARCEL NO.	MAILING ADDRESS	MAILING STREET	MAILING CITY	MAILING STATE	MAILING ZIP CODE
82	Resident Current	Denise Lavin	23025	Lincolnshire	204-28-064	23025	Lincolnshire	Bay Village,	Ohio	44140
83	Resident Current	Robert Kahler	23101	Lincolnshire	204-28-065	23101	Lincolnshire	Bay Village,	Ohio	44140
84	Resident Current	Donna Schroeder	23106	Lincolnshire	204-28-069	23106	Lincolnshire	Bay Village,	Ohio	44140
85	Resident Current	Jasson McClain	23200	Lincolnshire	204-27-011	23200	Lincolnshire	Bratenah	Ohio	44140
86	Resident Current	Thomas Kreutzberg	23206	Lincolnshire	204-27-010	23206	Lincolnshire	Bay Village,	Ohio	44140
87	Resident Current	Joseph Nouinec	23213	Lincolnshire	204-27-019	23213	Lincolnshire	Bay Village,	Ohio	44140
88	Resident Current	Ryan Spratt	23218	Lincolnshire	204-27-008	23218	Lincolnshire	Bay Village	Ohio	44140
89	Resident Current	John Swisher	23301	Lincolnshire	204-27-021	23301	Lincolnshire	Bay Village	Ohio	44140
90	Resident Current	Simon & B. Dobrovich	23304	Lincolnshire	204-27-027	23304	Lincolnshire	Bay Village	Ohio	44140
91	Resident Current	Marilyn Reichert	23312	Lincolnshire	204-27-026	23312	Lincolnshire	Bay Village	Ohio	44140
92	Resident Current	James & Theresa Horton	23313	Lincolnshire	204-27-024	23313	Lincolnshire	Bay Village	Ohio	44140
93	Resident Current	John C. Jeresko	568	Huntley Ct.	204-27-013	568	Huntley Ct.	Bay Village	Ohio	44140
94	Resident Current	Herbert Werner	564	Huntley Ct.	204-27-014	564	Huntley Ct.	Bay Village	Ohio	44140
95	Resident Current	Leonard J. Gibel	565	Huntley Ct.	204-28-071	565	Huntley Ct.	Bay Village,	Ohio	44140
96	Resident Current	Dennis Hartzell	573	Huntley Ct.	204-28-070	573	Huntley Ct.	Bay Village	Ohio	44140
97	Current	City	574	Huntley Ct.	204-27-012					
98	Resident Current	Jaoudat Charif	455	Sandalwood	204-25-031	455	Sandalwood	Bay Village	Ohio	44140
99	Resident Current	Jan Arvanetes	474	Sandalwood	204-25-038	474	Sandalwood	Bay Village,	Ohio	44140
100	Resident Current	Kathryn Kerber	485	Sandalwood	204-25-034	485	Sandalwood	Bay Village,	Ohio	44140
101	Resident Current	Jerry Jelenic	486	Sandalwood	204-25-037	486	Sandalwood	Bay Village	Ohio	44140
102	Resident Current	C. Nick Scarletta	502	Sandalwood	204-25-036	502	Sandalwood	Bay Village,	Ohio	44140
103	Resident Current	Terrence Cleary	520	Sandalwood	204-28-052	520	Sandalwood	Bay Village,	Ohio	44140
104	Resident Current	Daniel Rudolph	521	Sandalwood	204-28-054	316	Long Pointe Drive	Avon Lake	Ohio	44012
105	Resident Current	Michael R. Williams	534	Sandalwood	204-28-051	534	Sandalwood	Bay Village,	Ohio	44140
106	Resident Current	Don Henry	535	Sandalwood	204-28-055	535	Sandalwood	Bay Village,	Ohio	44140
107	Resident Current	Senop N. Demirian	540	Sandalwood	204-28-050	540	Sandalwood	Bay Village	Ohio	44140
108	Resident Current	Nichole Kaptur	541	Sandalwood	204-28-056	541	Sandalwood	Bay Village,	Ohio	44140

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current resident	NAME	ADDRESS	STREET	PARCEL NO.	MAILING ADDRESS	MAILING STREET	MAILING CITY	MAILING STATE	MAILING ZIP CODE
109 Resident Current	Linda & Norma Stokes	548	Sandalwood	204-28-049	548	Sandalwood	Bay Village,	Ohio	44140
110 Resident Current	Raymond Barge	549	Sandalwood	204-28-057	549	Sandalwood	Bay Village,	Ohio	44140
111 Resident Current	Bryan Hooever	557	Sandalwood	204-28-058	557	Sandalwood	Bay Village,	Ohio	44140
112 Resident Current	Carol S. Robinson Trs.	564	Sandalwood	204-28-047	564	Sandalwood	Bay Village,	Ohio	44140
113 Resident Current	Dennis Fechter	565	Sandalwood	204-28-059	565	Sandalwood	Bay Village,	Ohio	44140
114 Resident Current	Walter & Anna Stutz	572	Sandalwood	204-28-046	572	Sandalwood	Bay Village,	Ohio	44140
115 Resident Current	Mark Galinas	490	Humiston	204-25-015	490	Humiston	Bay Village,	Ohio	44140
116 Resident Current	Beverly M. Oring	503	Humiston	204-25-019	503	Humiston	Bay Village,	Ohio	44140
117 Resident Current	Kristine Meaux	506	Humiston	204-25-017	506	Humiston	Bay Village,	Ohio	44140
118 Resident Current	Mary Hinshaw	533	Humiston	204-28-042	533	Humiston	Bay Village,	Ohio	44140
119 Resident Current	Kenneth D. Balazs	536	Humiston	204-28-006	536	Humiston	Bay Village,	Ohio	44140
120 Resident Current	Clifford Charvat	542	Humiston	204-28-007	542	Humiston	Bay Village,	Ohio	44140
121 Resident Current	Christopher Newell	573	Humiston	204-28-034	573	Humiston	Bay Village,	Ohio	44140
122 Resident Current	Christopher Hartzell	577	Humiston	204-28-033	577	Humiston	Bay Village,	Ohio	44140
123 Resident Current	Florence Nyerges	580	Humiston	204-28-015	580	Humiston	Bay Village,	Ohio	44140
124 Resident Current	Jeffrey McNaught	587	Humiston	204-28-031	587	Humiston	Bay Village,	Ohio	44140
125 Resident Current	Margaret Kalister	588	Humiston	204-28-017	588	Humiston	Bay Village,	Ohio	44140
126 Resident Current	Scott A. Saxton	603	Humiston	204-28-030	603	Humiston	Bay Village,	Ohio	44140
127 Resident Current	Martin & Mary Walsh	604	Humiston	204-28-018	604	Humiston	Bay Village,	Ohio	44140
128 Resident Current	Richard C. Miller	607	Humiston	204-28-029	607	Humiston	Bay Village,	Ohio	44140
129 Resident Current	Matthew John Saal	619	Humiston	204-28-028	619	Humiston	Bay Village,	Ohio	44140
130 Resident Current	Sharon Burke	621	Humiston	204-28-026	621	Humiston	Bay Village,	Ohio	44140
131 Resident Current	John G. McMilian	622	Humiston	204-28-022	622	17904 Lake Road	Lakewood	Ohio	44107
132 Resident	Devon Campbell	628	Humiston	204-28-023	628	Humiston	Bay Village,	Ohio	44140

MEMORANDUM OF UNDERSTANDING
Between the Cuyahoga Soil and Water Conservation District
and
Bay Village

This Memorandum of Understanding ("MOU") is made this ____ day of _____, 2014 ("Effective Date"), between the Cuyahoga Soil and Water Conservation District (SWCD) and City of Bay Village ("City"), for providing assistance with technical assistance in implementing soil and water conservation measures.

Whereas, cooperation between the SWCD and the City facilitates solutions to problems encountered by the City as it plans for the development/redevelopment and conservation of its environment, as well as, water quality improvements; and

Whereas, in making technical assistance and expertise available to the City, the SWCD seeks to influence local planning and regulatory capability toward better conservation of soil and water resources; and

Whereas, the SWCD has authority to enter into this MOU with the City pursuant to Chapter 1515 of the Ohio Revised Code; and

Whereas, recognizing the need for effective collaboration in carrying out mandated responsibilities, especially related to the Minimum Control Measures for the National Pollutant Discharge Elimination System (NPDES) for Storm Water as defined with the Ohio Revised Code 3745-39-04 (B)(1) through (6), the City and SWCD agree to enter into this MOU as the document which describes the process for collaboration between the parties.

NOW, THEREFORE, the parties' understanding is as follows:

Project Tasks

The Cuyahoga SWCD and the City have mutually agreed to the scope of technical assistance related to natural resources conservation and storm water pollution prevention on construction sites disturbing one or more acres of total land, including the entire area disturbed in the larger common plan of development or sale (≥ 1 acre) as required under the NPDES rules. Construction activities disturbing less than one acre and not part of a larger common plan of development or sale of total land (< 1 acre), and not covered under the NPDES rules, will be reviewed by the Cuyahoga SWCD as requested by the City.

The Cuyahoga SWCD will: (i) perform Storm Water Pollution Prevention Plan (SWP3) reviews for proposed development, redevelopment and infrastructure renovation projects; (ii) perform abbreviated construction plan reviews, as requested by the City; (iii) perform monthly field reviews of active construction projects; (iv) perform annual long-term maintenance field reviews of post-construction water quality facilities; and (v) provide written technical advisory reports detailing plan review recommendations, site conditions, and recommendations for compliance and/or maintenance activities needed.

District's Role Related to Storm Water Pollution Prevention and Best Management Practice Technical Assistance (Minimum Control Measures 4 & 5)

1. The Cuyahoga SWCD will provide technical assistance, related to storm water pollution prevention and storm water quality management, as requested, including:
 - a. Review of development, redevelopment, and infrastructure renovation plans for compliance with NPDES rules and the current edition of Ohio's Rainwater and Land Development standard guidance manual;
 - b. Provide rapid field assessment of soils and soil quality; and
 - c. Provide an annual summary of all activities undertaken (including copies of any other data collected).
2. The Cuyahoga SWCD will also provide technical advice on planning issues, including:
 - a. Technical assistance on local legislation if the City pursues universal application of accepted best management practices at construction sites;
 - b. Sound storm water management;
 - c. Protection of sensitive natural areas;
 - d. General evaluation of sensitive areas such as creeks, floodplains, soils, slopes, wetlands, watersheds, woodlands or other unique areas that are planned for development;
 - e. Recommendations for stream bank and wetlands restoration, slope erosion control; and
 - f. Small drainage systems and wildlife habitat enhancements.

City's Role Related to Storm Water Pollution Prevention Activities

1. The City will designate a liaison for the storm water pollution prevention program.
2. The City will recognize the environmental and economic functions of naturally-vegetated open spaces, such as wetlands, stream corridors, ravines, woodlands and fields as worthy of the City's protection.
3. The City will utilize the Cuyahoga SWCD's technical assistance including plan reviews, project inventories, evaluations, and inspections of planned construction sites, storm water management basins or sensitive natural areas of concern to protect and restore soil and water resources.
4. For better implementation, the City will direct builders, developers and consultants to the Cuyahoga SWCD for assistance on planning and conservation early in the concept planning stage of the construction planning cycle.
5. The City recognizes that the Cuyahoga SWCD has no enforcement authority to enforce NPDES rules and will consider SWCD recommendations for protection of natural resources.
6. The City will provide the Cuyahoga SWCD with field surveys, proposed layouts, designs or meeting notices needed for adequate technical assistance in a timely manner.

Agreed Procedures

That the City agrees to provide an annual conservation appropriation to the SWCD, not to exceed \$ 4,000, based on 2-4 active construction sites and 2-4 post construction water quantity basins for each 12-month period following the Effective Date and the District agrees to use the grant funds to provide technical assistance to the City.

- The City will provide a resolution to the SWCD that acknowledges this working agreement and provides documentation to facilitate dispersal of funds to the SWCD on an annual basis.

- That the SWCD and the City will meet at least once a year to coordinate a work plan and exchange information.
- The SWCD will provide the City with a written annual summary, relevant to its role, as outlined in this MOU.
- The NPDES rules, current edition of Ohio's Rainwater and Land Development standard guidance manual, and standards of the USDA, Natural Resources Conservation Service will be used in planning and application of conservation measures.
- That all parties agree to evaluate the program and quality of service and address concerns as they arise.

Miscellaneous Provisions

- Regulatory authority. The parties agree and acknowledge that the SWCD is an agency that provides non-regulatory public services focused on technical assistance with no regulatory authority under the Ohio Revised Code.
- Authorship. The parties agree that all articles published in natural resource/ NPDES Phase II related publications, that describe technical assistance activities that are part of the scope of this MOU, will name both the City and SWCD as authors.
- Public Records. The parties hereto acknowledge that the District is a political subdivision in the State of Ohio and as such, is subject to the Ohio Revised Code and other law related to the keeping of and access to Public Records, including any and all applicable Sunshine Laws, open meeting requirements, and retention schedules effecting any and all manner of communication with the District and the City, and any and all documents in any format or media.
- Non-discrimination. All services of the SWCD are offered on a non-discriminatory basis without regard to race, age, marital status, handicap or political persuasion.
- Authority. This MOU has been properly authorized pursuant to the legal requirements of the District and City. The individuals signing on behalf of the parties to this MOU are authorized to execute this MOU on behalf of District and City. City recognizes and agrees that no public official or employee of District may be deemed to have apparent authority to bind the District to any contractual obligations not properly authorized.

Term

This MOU shall be in effect as of the Effective Date first written above and may be amended or terminated upon written mutual consent of the parties or upon thirty (30) days written notice from either party to the other that they are withdrawing from this MOU.

In witness thereof, the MOU is executed and agreed to on the day, month and year written above.

Cuyahoga Soil & Water
Conservation District

City of Bay Village

By: Ruth Skuly, Chair

By: Debbie Sutherland, Mayor



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.

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

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING CODIFIED ORDINANCE CHAPTER 1158
REGARDING ATTACHED RESIDENCE DISTRICT,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Chapter 1158 which presently reads as follows:

CHAPTER 1158
Attached Residence District

1158.01	Intent.
1158.02	Development plans.
1158.03	Building and occupancy permits.
1158.04	Permitted buildings, structures and uses.
1158.05	Accessory buildings, structures and uses.
1158.06	Definitions.
1158.07	Area and height regulations.
1158.08	Yard and related requirements.
1158.09	Parking requirements.
1158.10	Street and access requirements.
1158.11	Open space requirements.
1158.12	Landscape planting and design.
1158.13	Other site improvements.
1158.14	Maintenance and use of public and common areas.
1158.15	Solid waste disposal.
1158.16	Compliance with code.

1158.01 INTENT.

An Attached Residence District and its regulations are established in order to achieve, among others, the following purposes:

(A) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and

(B) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services; and

(C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability; and

(D) To promote the most desirable and beneficial use of the land based on the Master Plan and directed to bring about the eventual conformity with said Master Plan as it may be amended. (Ord. 74-51. Passed 7-1-74.)

1158.02 DEVELOPMENT PLANS

Preliminary and final development plans shall be required for all proposed development in an Attached Residence District.

(A) Preliminary Plans:

(1) Plan Requirements:

- (a) Survey. A survey of the property and topography, showing the land owned and proposed for development.
- (b) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color.
- (c) Streets. The proposed pattern of vehicular circulation, including estimated traffic volumes, service access and relationship to existing streets.
- (d) Utilities. Evidence of adequacy of all required utilities and services.
- (e) Parking. General layout and estimate of spaces provided, both open and enclosed.
- (f) Miscellaneous. Other site improvement, including general drainage pattern.

(2) Submittal of Plans:

- (a) Presentation of preliminary plans shall be made concurrently with the Building Department (to file an application for construction) and to the Planning Commission.
- (b) A nonreturnable application fee in the amount of \$10 per dwelling unit shall accompany application in the Building Department.
- (c) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e. Fire, Police and Service.

(3) Approval of Plans:

- (a) If preliminary plans are not acceptable to the Planning Commission, based on the requirements and intent of this chapter, a revised preliminary may be submitted.
- (b) If preliminary or revised preliminary plans are acceptable to the Planning Commission with slight modification, final plans, including such modifications, may be submitted.

(B) Final Development Plans:

(1) Plan Requirements:

- (a) Site Plan. All items submitted for preliminary approval, with modifications as requested.
- (b) Utilities Plan. Detailed drawings of all required utilities, including water, sewers and underground electric and telephone systems.
- (c) Fire Protection Plan. Water mains, hydrants and other appurtenances.

- (d) Landscape Plan. Landscaping, buffers, drainage and grading.
 - (e) Miscellaneous. Construction schedule and disposition program and any other information specifically required by the Planning Commission.
- (2) Submittal of Plans:
- (a) Presentation of final plans shall be made to the Planning Commission.
 - (b) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e., Fire, Police, Service, and Building
 - (c) When development given preliminary approval is to be constructed in two or more phases, final plans shall be submitted separately for each phase, prior to scheduled construction.
- (3) Approval of Plans:
- (a) If final plans are not acceptable to the Planning Commission, based upon the requirements and intent of this chapter, revised final plans may be submitted.
 - (b) Only when final or revised final plans are acceptable to the Planning Commission without modification, shall final approval be given.
(Ord. 74-51. Passed 7-1-74.)

1158.03 BUILDING AND OCCUPANCY PERMITS.

(A) No building permit for the improvement of a parcel or a portion thereof or for the erection of any building shall be issued for any building or structure in an Attached Residence District unless and until a final development plan has been approved by the Planning Commission in accordance with the provisions of this Chapter. If and when any proposed final development plan has been so approved, the Building Commissioner shall then issue the necessary building and other permits upon payment of the required fees and compliance with applicable codes.

(B) An occupancy permit shall be issued by the Building Commissioner if the use qualifies under the various restrictions of the Planning and Zoning Code and the inspections required by Chapter 1304 of the Codified Ordinances have been made and the work approved.

(C) Occupancy permits will not be granted until all required improvements, including landscaping, are completed in compliance with this chapter.
(Ord. 74-51. Passed 7-1-74.)

1158.04 PERMITTED BUILDINGS, STRUCTURES AND USES.

In an Attached Residence District, the following buildings, structures and uses are permitted: Attached Residences including townhouses, four-plexes and other multiple dwellings having separate private entrances.
(Ord. 74-51. Passed 7-1-74.)

1158.05 ACCESSORY BUILDINGS, STRUCTURES AND USES.

The following accessory buildings, structures and uses are permitted on a lot in the Attached Residence District:

- (A) Automobile storage facilities including enclosed garages.
- (B) Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.
- (C) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
- (D) Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment as permitted under this chapter.
- (E) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.

(Ord. 74-51. Passed 7-1-74.)

1158.06 DEFINITIONS.

The various area and height regulations of the area to be developed are defined in this section and scheduled in the following section.

- (A) Land Area Per Dwelling Unit. "Land area per dwelling unit," means the minimum area required within a development area for each dwelling unit.
- (B) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, excluding the whole area of garages and one-half the area of balconies, porches.
- (C) Maximum Height. "Maximum height" refers to the height to which any main building may be constructed above the designed finished grade at center of front elevation.
- (D) Dwelling Unit. "Dwelling unit," means a space within a dwelling comprising a living room, a dining room, kitchen, and a sleeping room or rooms, storage closets and space and equipment for bathing and toilet facilities, all used by one family.

(Ord. 74-51. Passed 7-1-74.)

1158.07 AREA AND HEIGHT REGULATIONS.

Land and buildings shall be used in an Attached Residence District and buildings shall be designed, erected, altered, moved or maintained in such District in accordance with the following:

- (A) Development Area. The minimum development site in an Attached Residence District shall be 5 acres.
- (B) Density. The density of development for Attached Residences shall not exceed 6 dwelling units per acre.
- (C) Height of Buildings. Attached Residences shall exceed neither two and one-half (2-1/2) stories nor 30 feet in height.
- (D) Attached Residences per Building. Eight dwelling units, or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building (but not as a single dwelling unit). All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length.

(E) Gross Floor Areas of Dwelling Units. Schedule as follows:

Dwelling Unit	Minimum Area (Sq. Ft.)
2 bedroom unit	1,200
3 bedroom unit	1,400
4 bedroom unit	1,600

(F) Restrictions on Units. One-bedroom units are specifically not permitted. The total units shall be divided so that approximately one-third contains two bedrooms, one-third contains three bedrooms, and the remaining one-third may consist of the builder's choice of any mix of approved number of bedrooms.
(Ord. 74-51. Passed 7-1-74.)

1158.08 YARD AND RELATED REQUIREMENTS.

In an Attached Residence District, the following yard and related requirements shall be observed:

- (A) Frontage Requirement. Frontage at each entrance to the development shall be at least one hundred feet wide including a minimum buffer of 30 feet on each side of the paved access, except that frontage at pedestrian entrances need not exceed 50 feet in width including minimum buffers of 20 feet on each side of the walk.
- (B) Building Line Setbacks. Placement and erection of all buildings shall be 50 feet from the property line adjoining a dedicated street.
- (C) Minimum Yards. No building or structure, except as provided in (E) below, may be placed or erected within 40 feet of any site boundary, except that when such boundary is a present or planned dedicated street, the 50 feet setback as set forth in C.O. 1158.08(B) shall apply.
- (D) Distances Between Buildings. The minimum distance between any 2 adjacent buildings shall be determined by the relationships between their respective main walls according to the requirements of Schedule 1158.08(D) where:

B = the combined Base Factor
of 2 adjacent buildings = 40 feet

H = the combined Height Factor = 5 feet per 10 feet of combined building height

L = the combined Length Factor
of two adjacent buildings = One foot per 10 feet of combined
main wall length

CROSS REFERENCES

See diagram 1 (insert)

(E) Distances from Accessory Uses to Main Buildings or Boundaries. The minimum distances from any Attached Residence to parking areas, driveways, walks and

recreation areas and to the development area boundaries, as set forth below, are intended as desirable criteria and are to be applied in the site planning insofar as possible:

Accessory Use:	<u>Minimum Distances (Feet)</u>		
	<u>From Dwelling</u>		<u>From Boundary Line</u>
	<u>Main Wall</u>	<u>End Wall</u>	
Surface Garage	40*	30*	20
Open Parking Areas	20	20	20
Private Drives	30	10	20
Walks (Public Use)	15	10	20
Recreation Areas (Active Play)	40	30	40

* or attached to building

The minimum distances set forth in the above schedule are intended to be applied to:

- (1) The main wall, meaning any exterior wall containing the principal windows of a living, dining or sleeping room or rooms.
- (2) The end wall, meaning any exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of a kitchen or bathroom, or a blank surface.
- (3) Private drives at all locations except at the garage entrance or main entrance of the dwelling served.
- (4) Walks used by the public at all locations except at the entrance to the dwelling served.
- (5) Recreation areas, meaning areas used for active play.

(F) Private Area. Each Attached Residence shall have a private area of not less than 200 square feet at an entrance and differentiated as such by approved patios, screens, walls and plantings.

(G) Projections of Building Features:

(1) Intent. A projection is that part or feature of a building which extends outside of the enclosing walls and makes the enclosed space more usable. It is intended that certain features may project into required yards, but they shall be regulated as herein set forth so that they will not substantially interfere with the reception of sun, light and air on adjacent lots.

(2) Types of Projecting Features.

The following definitions shall apply to the terms used in the section:

- a. Architectural Feature. A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.
- b. Entrance Feature. A platform, landing, steps, terrace or other features not extending above the level of the floor of the first floor level of a building.
- c. Shelters, Enclosed. An enclosed entry or porch.
- d. Shelters, Unenclosed. An entrance hood or open but roofed porch.

(3) Projection Limitations. Building features may project into required front and side yards of a dwelling, but shall not project more than set forth in the following schedule:

<u>Projecting Feature</u>	<u>Maximum Projection Into Required Front or Side Yard (Ft.)</u>
Architectural	4
Entrance	5
Shelters, enclosed	None
Shelters, unenclosed	4

(Ord. 74-51. Passed 7-1-74.)

1158.09 PARKING REQUIREMENTS.

(A) The parking of automobiles and other motor vehicles on private or public streets within an Attached Residence District is prohibited. All automobile parking lots shall be screened from adjoining streets and properties by the planting of shrubbery or the construction of a decorative fence or wall. Parking areas shall be permitted at convenient locations throughout the development except that:

- (1) No parking areas or access drives shall be constructed within 20 feet of any Attached Residence building.
- (2) No parking area shall be closer than 20 feet from the side or rear property line abutting a street.
- (3) Landscaped islands and planting areas shall be designed so that no more than eight parking spaces shall be contiguous.

(B) Off-street parking shall be provided in an Attached Residence District as follows:

- (1) Resident Parking. Two spaces per unit, at least one of which shall be an immediately attached garage having at least 280 square feet of usable floor space; and
- (2) Guest Parking. One space per unit.

(C) In view of the desire to preserve natural open space within the development, off-street parking shall not exceed minimum requirements pursuant to C.O. 1158.09(B) by more than 20%.

(Ord. 74-51. Passed 7-1-74.)

1158.10 STREET AND ACCESS REQUIREMENTS.

(A) All proposed streets and access within an Attached Residence District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of automobiles and safety and service vehicles.

(B) All vehicular pavement in an Attached Residence District shall be constructed in accordance with the standards established by the City of Bay Village.

(C) Circulation and access shall be designed according to the following criteria:

- (1) Dedicated Streets. No dedicated street shall extend more than 1, 200 feet without juncture with another dedicated street.

- (2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to no more than 30 units.
- (3) Private Drives. Private drives shall be no more than 600 feet in length and provide direct or indirect access to no more than 30 units.
- (4) Private Cul-de-Sacs. Nondedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.
- (5) Individual Driveways. No individual driveway shall be more than 50 feet in length nor provide access to more than two units.

(D) Services to the building shall be separate from pedestrian and vehicular circulation routes.

(E) A comprehensive walkway system adequately separated from vehicular circulation shall be provided.
(Ord. 74-51. Passed 7-1-74.)

1158.11 OPEN SPACE REQUIREMENTS.

(A) Open Space as used in this Chapter means that portion of the total acreage not devoted to buildings and pavement. Open Space includes the spaces between buildings, required yards and setbacks, landscaped buffers and lawn areas, tennis courts, swimming pools or other recreational improvements.

(B) No less than 60%, of the total acreage shall be devoted to open space.
(Ord. 74-51. Passed 7-1-74.)

1158.12 LANDSCAPE PLANTING AND DESIGN.

All development within an Attached Residence District shall be landscaped according to a landscape plan accepted as part of the Final Development Plan. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances. Natural wooded areas shall be preserved whenever possible.

(Ord. 74-51. Passed 7-1-74.)

1158.13 OTHER SITE IMPROVEMENTS.

In an Attached Residence District the following other site improvements shall be required:

- (A) Water Supply. An adequate source of potable water shall be brought to the Attached Residence District from the City of Cleveland Water System and must be approved by the City of Bay Village, the City of Cleveland and the State of Ohio.
- (B) Sewer System. The Landowner shall at its sole expense construct a sanitary sewage system meeting all requirements of the City of Bay Village, title of which is recognized by Council by the acceptance of dedication of the street. Plans and specifications must be approved by the City of Bay Village Sanitary Engineering Department and the State Department of Water and Health.

- (C) Electric and Telephone Systems. Plans and specifications must be approved by the appropriate utilities serving this area.
- (D) Fire Protection. Plans and specifications must be approved by the Fire Prevention Bureau. (Ord. 74-51. Passed 7-1-74.)

1158.14 MAINTENANCE AND USE OF PUBLIC AND COMMON AREAS.

(A) As a condition to approval of a proposed development under provisions of this Chapter, plans for the care, maintenance, use and disposition of all public and common area, if any, shall be approved by the City Planning Commission providing for:

- (1) The public dedication and acceptance for maintenance by the City of property found by the Council to be of benefit to the general public, or
- (2) The retention of property in common ownership of the individual owners through appropriate legal means with appropriate legal provisions to insure continuous maintenance and use for the purpose intended.

(B) All areas proposed for dedication to the City must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to the general public. Title of all land dedicated to public use shall be unencumbered at the time of conveyance and all areas shall be fully improved by the applicant, as required by the City Planning Commission, including all utilities, public walkways and streets through or abutting the property.

(C) For all areas proposed for common ownership by the residents, all rights of development other than for the use specified in the approved Final Development Plan shall be subject to approval of the City. However, each proposal for such use, including parking areas, private access ways, private parks and recreational facilities, and common service facilities shall be accompanied by appropriate legal documents which provide for the management and maintenance of common facilities. Legal instruments providing for dedications, covenants, home associations and subdivision controls shall:

- (1) Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home association, cooperative, etc.
- (2) Appropriately limit the use of common property.
- (3) Place responsibility for management and maintenance of common property. Council, at its discretion may require the applicant to obtain City services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.
- (4) Place responsibility for enforcement of covenants.
- (5) Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.

(D) All common property shall be fully improved by the applicant, as required by the Council, including all utilities, public walkways and streets through or abutting the property.

(E) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.
(Ord. 74-51. Passed 7-1-74.)

1158.15 SOLID WASTE DISPOSAL.

Arrangements for the performance of rubbish and garbage collection and removal shall be set forth in writing and subject to City approval. Any subsequent modification of said arrangements shall be presented to the City for review.
(Ord. 74-51. Passed 7-1-74.)

1158.16 COMPLIANCE WITH CODE.

(A) All rules and regulations contained in the Codified Ordinances of the City of Bay Village shall be applicable except those which are specifically excepted by C.O. 1158.01 through 1158.16.

(B) Noncompliance with the provisions of this Chapter shall be subject to penalty as set forth in C.O. 1123.99.
(Ord. 74-51. Passed 7-1-74.)

be and the same is amended to read:

**CHAPTER 1158
Townhouse**

<p>1158.01 Intent. 1158.02 Development plans. 1158.03 Building and occupancy permits. 1158.04 Permitted buildings, structures and uses. 1158.05 Accessory buildings, structures and uses. 1158.06 Definitions. 1158.07 Design Regulations.</p>	<p>1158.08 Architectural Features. 1158.09 Parking requirements. 1158.10 Street and access requirements.. 1158.11 Landscape planting and design. 1158.12 Other site improvements. 1158.13 Maintenance and use of public and common areas. 1158.14 Solid waste disposal. 1158.15 Compliance with code.</p>
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1158.01 INTENT.

An Attached Residence District and its regulations are established in order to achieve, among others, the following purposes:

(A) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and

(B) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services; and

(C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability; and

(D) To promote the most desirable and beneficial use of the land based on the Master Plan and directed to bring about the eventual conformity with said Master Plan as it may be amended. (Ord. 74-51. Passed 7-1-74.)

1158.02 DEVELOPMENT PLANS

Preliminary and final development plans shall be required for all proposed development in an Attached Residence District.

(A) Preliminary Plans:

(1) Plan Requirements:

- (a) Survey. A survey of the property and topography, showing the land owned and proposed for development.
- (b) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color.
- (c) Streets. The proposed pattern of vehicular circulation, including estimated traffic volumes, service access and relationship to existing streets.
- (d) Utilities. Evidence of adequacy of all required utilities and services.
- (e) Parking. General layout and estimate of spaces provided, both open and enclosed.
- (f) Miscellaneous. Other site improvement, including general drainage pattern.

(2) Submittal of Plans:

- (a) Presentation of preliminary plans shall be made concurrently with the Building Department (to file an application for construction) and to the Planning Commission.
- (b) A nonreturnable application fee in the amount of \$10 per dwelling unit shall accompany application in the Building Department.
- (c) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e. Fire, Police and Service.

(3) Approval of Plans:

- (a) If preliminary plans are not acceptable to the Planning Commission, based on the requirements and intent of this chapter, a revised preliminary may be submitted.
- (b) If preliminary or revised preliminary plans are acceptable to the Planning Commission with slight modification, final plans, including such modifications, may be submitted.

(B) Final Development Plans:

(1) Plan Requirements:

- (a) Site Plan. All items submitted for preliminary approval, with modifications as requested.
- (b) Utilities Plan. Detailed drawings of all required utilities, including water, sewers and underground electric and telephone systems.
- (c) Fire Protection Plan. Water mains, hydrants and other appurtenances.
- (d) Landscape Plan. Landscaping, buffers, drainage and grading.

- (e) Miscellaneous. Construction schedule and disposition program and any other information specifically required by the Planning Commission.
- (2) Submittal of Plans:
 - (a) Presentation of final plans shall be made to the Planning Commission.
 - (b) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e., Fire, Police, Service, and Building
 - (c) When development given preliminary approval is to be constructed in two or more phases, final plans shall be submitted separately for each phase, prior to scheduled construction.
- (3) Approval of Plans:
 - (a) If final plans are not acceptable to the Planning Commission, based upon the requirements and intent of this chapter, revised final plans may be submitted.
 - (b) Only when final or revised final plans are acceptable to the Planning Commission without modification, shall final approval be given.
(Ord. 74-51. Passed 7-1-74.)

1158.03 BUILDING AND OCCUPANCY PERMITS.

(A) No building permit for the improvement of a parcel or a portion thereof or for the erection of any building shall be issued for any building or structure in an Attached Residence District unless and until a final development plan has been approved by the Planning Commission in accordance with the provisions of this Chapter. If and when any proposed final development plan has been so approved, the Building Commissioner shall then issue the necessary building and other permits upon payment of the required fees and compliance with applicable codes.

(B) An occupancy permit shall be issued by the Building Commissioner if the use qualifies under the various restrictions of the Planning and Zoning Code and the inspections required by Chapter 1304 of the Codified Ordinances have been made and the work approved.

(C) Occupancy permits will not be granted until all required improvements, including landscaping, are completed in compliance with this chapter.
(Ord. 74-51. Passed 7-1-74.)

1158.04 PERMITTED BUILDINGS, STRUCTURES AND USES.

In an Attached Residence District, the following buildings, structures and uses are permitted: Attached Residences including townhouses, four-plexs and other multiple dwellings having separate private entrances.
(Ord. 74-51. Passed 7-1-74.)

1158.05 ACCESSORY BUILDINGS, STRUCTURES AND USES.

The following accessory buildings, structures and uses are permitted on a lot in the Attached Residence District:

- (A) Automobile storage facilities including enclosed garages.
- (B) Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.
- (C) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
- (D) Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment as permitted under this chapter.
- (E) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.

(Ord. 74-51. Passed 7-1-74.)

1158.06 DEFINITIONS.

The various area and height regulations of the area to be developed are defined in this section and scheduled in the following section.

- (A) Land Area Per Dwelling Unit. "Land area per dwelling unit," means the minimum area required within a development area for each dwelling unit.
- (B) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, excluding the whole area of garages and one-half the area of balconies, porches.
- (C) Maximum Height. "Maximum height" refers to the height to which any main building may be constructed above the designed finished grade at center of front elevation.
- (D) Dwelling Unit. "Dwelling unit," means a space within a dwelling comprising a living room, a dining room, kitchen, and a sleeping room or rooms, storage closets and space and equipment for bathing and toilet facilities, all used by one family.

(Ord. 74-51. Passed 7-1-74.)

1158.07 DESIGN REGULATIONS.

	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.)

Maximum length per structure	160'	160'	160'	160'
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(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.

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.

1158.08 ARCHITECTURAL FEATURES

(1) Types of Projecting Features.

The following definitions shall apply to the terms used in the section:

- a. Architectural Feature. A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.
- b. Entrance Feature. A platform, landing, steps, terrace or other features not extending above the level of the floor of the first floor level of a building.
- c. Shelters, Enclosed. An enclosed entry or porch.
- d. Shelters, Unenclosed. An entrance hood or open but roofed porch.

(2) Projection Limitations. Building features may project into required front and side yards of a dwelling, but shall not project more than set forth in the following schedule:

<u>Projecting Feature</u>	<u>Maximum Projection Into Required Front or Side Yard (Ft.)</u>
Architectural	4
Entrance	5
Shelters, enclosed	None
Shelters, unenclosed	4

1158.09 PARKING REQUIREMENTS.

(A) The parking of automobiles and other motor vehicles on private or public streets within an Attached Residence District is prohibited. All automobile parking lots shall be screened from adjoining streets and properties by the planting of shrubbery or the construction of a decorative fence or wall. Parking areas shall be permitted at convenient locations throughout the development except that:

- (1) No parking areas or access drives shall be constructed within 20 feet of any Attached Residence building.
- (2) No parking area shall be closer than 20 feet from the side or rear property line abutting a street.
- (3) Landscaped islands and planting areas shall be designed so that no more than eight parking spaces shall be contiguous.

(B) Off-street parking shall be provided in an Attached Residence District as follows:

- (1) Resident Parking. Two spaces per unit, at least one of which shall be an immediately attached garage having at least 280 square feet of usable floor space; and
- (2) Guest Parking. One space per unit.

(C) In view of the desire to preserve natural open space within the development, off-street parking shall not exceed minimum requirements pursuant to C.O. 1158.09(B) by more than 20%.

(Ord. 74-51. Passed 7-1-74.)

1158.10 STREET AND ACCESS REQUIREMENTS.

(A) All proposed streets and access within an Attached Residence District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of automobiles and safety and service vehicles.

(B) All vehicular pavement in an Attached Residence District shall be constructed in accordance with the standards established by the City of Bay Village.

(C) Circulation and access shall be designed according to the following criteria:

- (1) Dedicated Streets. No dedicated street shall extend more than 1,200 feet without juncture with another dedicated street.
- (2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to no more than 30 units.
- (3) Private Drives. Private drives shall be no more than 600 feet in length and provide direct or indirect access to no more than 30 units.
- (4) Private Cul-de-Sacs. Nondedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.
- (5) Individual Driveways. No individual driveway shall be more than 50 feet in length nor provide access to more than two units.

(D) Services to the building shall be separate from pedestrian and vehicular circulation routes.

(E) A comprehensive walkway system adequately separated from vehicular circulation shall be provided.

(Ord. 74-51. Passed 7-1-74.)

1158.11 LANDSCAPE PLANTING AND DESIGN.

All development within an Attached Residence District shall be landscaped according to a landscape plan accepted as part of the Final Development Plan. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances. Natural wooded areas shall be preserved whenever possible.

(Ord. 74-51. Passed 7-1-74.)

1158.12 OTHER SITE IMPROVEMENTS.

In an Attached Residence District the following other site improvements shall be required:

- (A) Water Supply. An adequate source of potable water shall be brought to the Attached Residence District from the City of Cleveland Water System and must be approved by the City of Bay Village, the City of Cleveland and the State of Ohio.
- (B) Sewer System. The Landowner shall at its sole expense construct a sanitary sewage system meeting all requirements of the City of Bay Village, title of which is recognized by Council by the acceptance of dedication of the street. Plans and specifications must be approved by the City of Bay Village Sanitary Engineering Department and the State Department of Water and Health.
- (C) Electric and Telephone Systems. Plans and specifications must be approved by the appropriate utilities serving this area.
- (D) Fire Protection. Plans and specifications must be approved by the Fire Prevention Bureau. (Ord. 74-51. Passed 7-1-74.)

1158.13 MAINTENANCE AND USE OF PUBLIC AND COMMON AREAS.

(A) As a condition to approval of a proposed development under provisions of this Chapter, plans for the care, maintenance, use and disposition of all public and common area, if any, shall be approved by the City Planning Commission providing for:

- (1) The public dedication and acceptance for maintenance by the City of property found by the Council to be of benefit to the general public, or
- (2) The retention of property in common ownership of the individual owners through appropriate legal means with appropriate legal provisions to insure continuous maintenance and use for the purpose intended.

(B) All areas proposed for dedication to the City must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to the general public. Title of all land dedicated to public use shall be unencumbered at the time of conveyance and all areas shall be fully improved by the applicant, as required by the City Planning Commission, including all utilities, public walkways and streets through or abutting the property.

(C) For all areas proposed for common ownership by the residents, all rights of development other than for the use specified in the approved Final Development Plan shall be subject to approval of the City. However, each proposal for such use, including parking areas, private access ways, private parks and recreational facilities, and common service facilities shall be accompanied by appropriate legal documents which provide for the management and maintenance of common facilities. Legal instruments providing for dedications, covenants, home associations and subdivision controls shall:

- (1) Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home association, cooperative, etc.
- (2) Appropriately limit the use of common property.
- (3) Place responsibility for management and maintenance of common property. Council, at its discretion may require the applicant to obtain City

services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.

- (4) Place responsibility for enforcement of covenants.
- (5) Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.

(D) All common property shall be fully improved by the applicant, as required by the Council, including all utilities, public walkways and streets through or abutting the property.

(E) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.
(Ord. 74-51. Passed 7-1-74.)

1158.14 SOLID WASTE DISPOSAL.

Arrangements for the performance of rubbish and garbage collection and removal shall be set forth in writing and subject to City approval. Any subsequent modification of said arrangements shall be presented to the City for review.
(Ord. 74-51. Passed 7-1-74.)

1158.15 COMPLIANCE WITH CODE.

(A) All rules and regulations contained in the Codified Ordinances of the City of Bay Village shall be applicable except those which are specifically excepted by C.O. 1158.01 through 1158.16.

(B) Noncompliance with the provisions of this Chapter shall be subject to penalty as set forth in C.O. 1123.99.
(Ord. 74-51. Passed 7-1-74.)

and present 1158 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 committees, 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 reason that it is immediately necessary to update the Codified Ordinances, 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

5/27/14 II