

## **AGENDA**

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

January 26, 2015  
7:30 p.m.

### **ANNOUNCEMENTS**

### **COMMITTEE OF THE WHOLE**

**ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee**

**PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych**

Codified Ordinance Chapter 916 – Foundation Drain Disconnection

**FINANCE & CLAIMS COMMITTEE – Clark**

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske**

Bradley Center Limited plans for Crestwood Drive Subdivision – Referred to City Council in accordance with City of Bay Village Codified Ordinance 1109.03

Moratorium on development under Chapter 1158, Attached Residences in the City of Bay Village, will expire on February 28, 2015.

**RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson**

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent**

### **MISCELLANEOUS**

**CAHOON MEMORIAL PARK TRUSTEES**

**AUDIENCE**

**CHAPTER 916**  
**Foundation Drain Disconnection**

- 916.01 Districts.**
- 916.02 Disconnection of foundation drain connections required.**
- 916.03 Approved disconnection procedure.**
- 916.04 Non-compliance fee for foundation drain connection.**
- 916.05 Definitions.**
- 916.06 Scope of Program.**
- 916.07 Eligible participants.**
- 916.08 Designee.**
- 916.09 Voluntary participation.**
- 916.10 Scope of work.**
- 916.11 Approved contractors.**
- 916.12 Contractor selection.**
- 916.13 Release.**
- 916.14 Payment.**
- 916.15 Maintenance.**
- 916.16 Director of Public Service and Properties.**

**CROSS REFERENCE**

**916.01 DISTRICTS.**

The foundation drain disconnection districts established under this article include the following areas, each to have the effective date stated for each such district, and if no date is specified, then effective upon publication of the ordinance adopting this article. Additional districts will be created from time to time by amendment hereto.

- A. Foundation Drain Disconnection District 11 shall consist of the areas identified as the Bruce, Russell, Douglas, Lake Road areas. A map of this area can be found at the Bay Village Service Garage. (SSES Map)

**916.02 DISCONNECTION OF FOUNDATION DRAIN CONNECTIONS  
REQUIRED.**

All direct or indirect connections of a foundation drain within the established district shall be disconnected from the sanitary sewer system within one year after the effective date of establishment of the district in which said connection is located. Disconnection shall mean termination of any direct or indirect connection to the sanitary sewer system, including direct connections to the sanitary sewer service, connections to a sanitary sewer floor drain, or any similar plumbing fixture that would allow foundation drain flow or surface water flow to enter the sanitary sewer system. All connections of any such foundation drain systems or devices shall conform to current standards as adopted as administrative policy under City Building codes.

### **916.03 APPROVED DISCONNECTION PROCEDURE.**

The approved disconnection procedure to a direct or indirect foundation connection to the sanitary sewer system must fully comply with the following and must conform to current standards adopted as administrative policy under City Building codes.

1. **Approved System.** An approved system for the termination of foundation drains must be used. If the system does not allow for gravity drain into the Storm Sewer, the approved system shall consist of a sump pump and sump pit with a discharge to an approved yard location or to an available storm sewer.
2. **Licensed Contractor.** All work for an approved disconnection procedure shall be performed by a master plumber or a residential building contractor duly licensed by the City. Work done by a residential building contractor under this article must remain within the scope of authorized work as defined by current standards adopted as administrative policy under City Building codes.
3. **Plugging of existing connections.** Any direct or indirect connection between the foundation drain and the sanitary sewer system serving the building shall be permanently plugged.
4. **Floor drain connection prohibited.** The new system shall be installed in such a manner that direct or indirect flow from the foundation drain to a floor drain shall not be possible.
5. **Post-construction inspection.** The installation of a sump pump and associated facilities work shall be inspected by the City. The sanitary sewer customer, or the approved contractor, shall be responsible to schedule the post-construction inspection.

### **916.04 NON-COMPLIANCE FEE FOR FOUNDATION DRAIN CONNECTION.**

Any sanitary sewer customer within an established district with a direct or indirect foundation drain connection to the sanitary sewer system remaining in place one year after the effective date for the establishment of the district shall be subject to a monthly fee of \$50.00 for the extraneous flow, or the potential extraneous flow, contributed to the sanitary sewer system. The payment will be in addition to all other sanitary sewer user charges and shall continue to accrue from month to month until such time as the City determines through inspection either that the direct or indirect foundation drain connection no longer exists or that there was no direct or indirect foundation drain connection as of the date of the established district. Extraneous flow fees remaining unpaid may be assessed against the property for collection in the same manner as a property tax, as provided by law.

### **916.05 DEFINITIONS.**

The following definitions shall apply to all sections of this chapter:

- a) "Foundation drain" means any subsurface pipe or conduit located on or around the exterior of the structure or located within a structure for the purpose of conveying ground water, subsurface water, and foundation wall seepage water. Foundation drains may be also commonly referred to drain tiles, footer drains, French drains, curtain drains or subsurface drains.
- b) "Disconnection" means moving foundation drain discharges from the sanitary sewer and redirecting the discharge to a legal clean water conveyance or dispersion system.

#### **916.06 SCOPE OF PROGRAM.**

1. All foundation drain disconnections costs shall be at the owner's expense and in accordance with this funded program, the City will offer zero-interest loans through the completion of the program.
2. The maximum zero-interest loan available under this Program shall be \$2,000 with a term of one year. Should the loan not be paid back within a year, the loan amount may be assessed against the property for collection in the same manner as a property tax, as provided by law.
3. For loans under this section 916.06, payments can be made monthly or paid in one lump sum. Payments are to be made to the City of Bay Village finance Department.

#### **916.07 ELIGIBLE PARTICIPANTS.**

Eligible participants shall be owners of single family homes and duplexes that:

1. Are a violating premise within the City of Bay Village and have an Exterior Plumbing Inspection Certificate identifying foundation drains as the source of the violation.
2. Request participation in the Program and whose participation is approved by the Director of Public Service and Properties.

#### **916.08 DESIGNEE.**

In every instance where the Director of Public Service and Properties is required to act or approve an action, the action or approval may be performed by a person designated, in writing, by the Director of Public Service and Properties as his or her designee.

#### **916.09 VOLUNTARY PARTICIPATION.**

The Director of Public Service and Properties may implement and make available this Assistance Program where a property owner has voluntarily requested participation in the Program.

#### **916.10 SCOPE OF WORK.**

The Director of Public Service and Properties shall determine for each eligible participant property the scope of work which may be paid for with the Program funds, with the goal of achieving the most cost-efficient and timely reductions. If work paid for under this Program does not eliminate foundation drain discharges for the eligible participant property, the Director of Public Service and Properties is not precluded from issuing supplemental orders concerning the participation premises. For each eligible participant property, the maximum cost which may be paid with City funds to an eligible participant or eligible participant selected contractor shall be the funding cap set under 916.06(2). If additional work is required it shall be performed at eligible participant's expense.

#### **916.11 APPROVED CONTRACTORS.**

The Director of Public Service and Properties may establish a list of private contractors or contractor teams (referred to as "contractor(s)" throughout this section) approved for performing work under this Program based on qualifications including experience, quality of

work and insurance. Eligible participants may propose additional contractors for inclusion in the approved list.

#### **916.12 CONTRACTOR SELECTION.**

Eligible participants shall select an approved contractor in accordance with a process established by the Director of Public Service and Properties. Eligible participants may either select a private contractor from the list or agree to have another contractor perform the work.

If the participating eligible participant selects a contractor from the list of approved private contractors to perform the work, after the Director of Public Service and Properties review and approval of the contractor's selection and contract price, the eligible participant shall contract with the selected contractor for performance of the approved scope of work. The City of Bay Village shall not be a party to the contract. The eligible participant's contract shall require the contractor to secure any building permits as may be necessary and shall specify that the eligible participant's final payment to the contractor not be made until (1) the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, whose approval shall not be unreasonably withheld and (2) a release of lien from all contractors or subcontractors performing work on the premises is obtained. I

If the eligible participant selects a contractor not on the approved private contractor list, the same rules shall apply.

#### **916.13 RELEASE.**

As a condition to participation in the program the eligible participant shall release the City of Bay Village, and their officers and employees from all liability relating to the work.

#### **916.14 PAYMENT.**

After the work is inspected and approved by the Director of Public Service and Properties and approved by the eligible participant, the Director of Public Service and Properties shall authorize payment for 100% of the cost of the approved work (subject to the funding cap set under 916.06(2) from funds approved for this purpose.) Partial payments may not be made except that, at the sole discretion of the Director of Public Service and Properties, a final payment may be made, less a reasonable retention for ensuring the completion of punch list items. Payment may be made to the eligible participant, to the contractor, or jointly to the eligible participant and contractor at the sole discretion of the Director of Public Service Properties.

#### **916.15 MAINTENANCE.**

Eligible participants shall be responsible for maintaining any improvements constructed under this Program.

#### **916.16 DIRECTOR OF PUBLIC SERVICE AND PROPERTIES**

Within the limitations set forth by this section 916.05, the Director of Public Service and Properties may establish such further criteria and rules as are required to implement this Program.

**PASSED:**

**PRESIDENT OF COUNCIL**

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**CLERK OF COUNCIL**

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**APPROVED:**

**MAYOR**

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**1-9-15 ll**

**For Council Action:**

**See Highlighted Section on Page 4**

**CHAPTER 1109**  
**Platting Procedure**

- 1109.01**      **Pre-application procedure.**
- 1109.02**      **Preliminary plat.**
- 1109.03**      **Final plat.**

**CROSS REFERENCES**

- Plats and platting - see Ohio R. C. Ch. 711
- Preliminary plats - see P. & Z. Ch. 1115
- Final plats - see P. & Z. Ch. 1117

**1109.01 PRE-APPLICATION PROCEDURE.**

Previous to the filing of an application accompanying the preliminary plat, as required by this Title Three, the subdivider may submit to the Commission a rough general plan of the contemplated subdivision for tentative approval, which rough general plan of the contemplated subdivision shall include, by means of a transparent overlay, or by colored dotted lines on such plan, the location of roads proposed in accordance with the then presently existing recorded Thoroughfare Plan for the area to be subdivided.

(Ord. 64-89. Passed 8-3-64.)

**1109.02 PRELIMINARY PLAT.**

(a)      Contents. The preliminary plat shall show, on a map, all the facts needed to enable the Commission to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest, which rough general plan of the contemplated subdivision shall include, by means of a transparent overlay, or by colored dotted lines on such plan, the location of roads proposed in accordance with the then presently existing recorded Thoroughfare Plan for the area to be subdivided.

(Ord. 64-89. Passed 8-3-64.)

(b)      Preparation. The preliminary plat shall be prepared by an engineer who is registered in Ohio.

(Ord. 58-135. Passed 9-2-58.)

(c)      Filing.

- (1)      The subdivider seeking consideration on the preliminary plat shall file an application for preliminary approval with the secretary of the Commission, or with other authorized representatives of the Commission, prior to the tenth (10th) calendar day preceding the next scheduled meeting of the Commission, in which he seeks consideration, together with twelve (12) copies of the preliminary plat, twelve (12) copies of the improvement plans, and a deposit with the City the sum of one thousand dollars (\$1,000)

to cover all costs incurred by the City for the review of improvement plans by the City's Consulting Engineer.

- (2) The subdivider will be required to deposit additional funds if engineering fees exceed the original amount. Upon final acceptance of the improvement plans or withdrawal, all unused monies will be refunded to the subdivider.

(Ord. 03-51. Passed 5-5-03.)

(d) Approval.

- (1) Referral to Engineer. The Commission shall transmit copies of the preliminary plat and improvement plans to the Director of Public Service and Properties for his study and recommendations.
- (2) Time Requirement. The Commission shall act on the preliminary plat and improvement plans within ninety days after filing unless such time is extended by agreement with the subdivider or his agent, during which period it shall receive a written report with his recommendations from the Director of Public Service and Properties. If no action is taken by the Commission within said ninety days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved and it shall be the duty of the Chairman of the Commission to cause compliance with (3-A) below.
- (3) Notice of Action Taken. The Commission shall determine whether the preliminary plat shall be approved; approved with modifications; or disapproved; shall cause a notation of the action taken to be noted on the plat and shall give notice to the subdivider in the following manner.
  - (A) If approved, the Secretary of the Commission shall affix his signature to the plat and improvement plans and attach thereto a notation that it has received preliminary approval and return one copy to the subdivider for compliance with final approval requirements.
  - (B) If approved with modifications or disapproved, a notation of the action taken, and requisite reasons therefor, shall be entered in the records of the Commission and a record thereof transmitted to the subdivider with his Preliminary Plat.
- (4) Effect of Approval. Approval of the preliminary plat by the Commission shall not constitute final acceptance of the subdivision by the Commission.
- (5) Right of Subdivider After Approval. Preliminary approval shall confer upon the subdivider the right for a twelve (12) months period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed by the Commission. This shall in no way be construed to preclude action by Council.
- (6) Abandonment of Plan. If the subdivider does not file the final plat, with

improvement plans, with the Commission within twelve (12) months after the date of approval of the preliminary plat, the preliminary plat shall be deemed abandoned.

(Ord. 58-135. Passed 9-2-58.)

### **1109.03 FINAL PLAT.**

(a) Content. The final plat and improvement plan shall include all plans and details required for the construction of the subdivision and shall conform to the preliminary plat and improvement plan except all required changes or modifications shall be incorporated.

(b) Preparation. The final plat shall be prepared by an engineer registered in Ohio.

(c) Filing.

(1) Required Matter. Within twelve (12) months after the action of the Commission approving the preliminary plat, the subdivider seeking approval of a final plat shall proceed to file with the Commission:

(A) A written application for final approval.

(B) The final plat completely executed and a copy thereof.

(C) Cross sections and profiles of streets, and all other construction drawings related to the improvements to be constructed in the subdivision and related existing facilities.

(D) A statement by the Director of Public Service and Properties certifying that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed.

(d) Approval.

(1) Referral to Director of Public Service and Properties. Such cross- sections, profiles and other construction drawings shall be forwarded by the Commission to the Director of Public Service and Properties and the City Engineer, for his study and recommendations.

(2) Final Tracing. After receiving a written report from the Director of Public Service and Properties, the Commission shall notify the subdivider of any recommended changes or suggestions so that the subdivider may correct the final tracing and submit same for final approval.

(3) Time Requirement. The final plat, in the form of a final tracing, shall then be resubmitted to the Commission within six (6) weeks. The Commission shall act on the final plat within ninety days after filing, unless such time is extended by agreement with the subdivider. If no action is taken by the Commission within said ninety days after filing or such longer period as may have been agreed upon, the final plat shall be deemed approved, and it shall be the duty of the Chairman of the Commission to comply with

(4-A) below.

- (4) Notice of Action Taken. The Commission shall determine whether the final plat shall be approved or disapproved and shall give notice to the subdivider in the following manner.
- (A) If approved, the Secretary of the Commission shall affix his signature to the plat and attach thereto a notation that it has received final approval, and similar notification shall be given the Clerk of Council.
  - (B) If disapproved, the Secretary of the Commission shall attach to the plat a statement of the reasons for such action and return it to the subdivider. In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of the Commission.
- (5) Action by Council. Any proposed subdivision approved by the Planning Commission shall be referred to the Planning and Zoning Committee of Council for study and recommendation of approval, disapproval, or approval with modification. Action by Council of approval or disapproval shall be by resolution or ordinance. A request for modification by the subdivider may be by motion. Council shall approve the proposed subdivision on determination by it that:
- (A) The proposed streets are in accordance with the thoroughfare plan and if not, a determination that the proposed streets are so located as to properly serve the subdivision on other areas that connect with or will connect with the subdivision streets;
  - (B) That all proposed improvements meet the standards for construction set by the City;
  - (C) That the streets, rights-of-way, easements, and other sites designated for public use are properly offered for dedication as shall be evidenced by a title guarantee in form and to a date as determined by the Director of Law, which title guarantee shall be furnished the City by the subdivider;
  - (D) Either (1) All improvements for the subdivision have been installed in accordance with the requirements of applicable ordinances, the action of the Planning Commission, and the Director of Public Service and Properties, or (2) Bond or certified check has been posted, which is available to the City and is in a sufficient amount to assure the completion of all required improvements;
  - (E) That any deed restrictions placed on the property are in recordable form, name the City as a party which may enforce the restrictions, and contain no provisions setting any standards lower than the standards set by ordinances of the City for the property;
  - (F) That the approval of such subdivision shall be in the best interest of the City.

- (6) Recording. The City shall record the final plat in the office of the County Recorder of Cuyahoga County, if it is approved by Council, which recording shall not constitute an acceptance of the dedication of streets or any other public lands contained in the subdivision unless the resolution provided in (5) above so provides and an appropriate notation appears on the face of the plat.  
(Ord. 58-135. Passed 9-2-58.)

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**CHAPTER 1111**  
**Subdivision Design Standards**

<b>1111.01</b>	<b>Streets.</b>
<b>1111.02</b>	<b>Alleys</b>
<b>1111.03</b>	<b>Easements.</b>
<b>1111.04</b>	<b>Blocks.</b>
<b>1111.05</b>	<b>Lots.</b>

**CROSS REFERENCE**

Street improvements - see P. & Z. 1113.03

**1111.01 STREETS.**

(a) Conformity. The arrangement, character, extent, width, grade and location of all streets shall conform to the Thorofare Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Thorofare Plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

(b) Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make proper provision for the continuation of the existing streets in adjoining areas.

(c) Projection of Streets. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make proper provision for the projection of streets.

(d) Streets to be Carried to Property Lines. When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

(e) Street Jogs Prohibited. Street jogs with centerline off-sets of less than ten (10) feet shall be avoided.

(f) Dead-End Streets or Cul-de-sac. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than 1500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet, and a street property line diameter of at least 125 feet. The entire area is to be surfaced. If a dead end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.

(g) Marginal Access Streets. Where a subdivision abuts or contains an arterial street the Commission may require marginal access streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(h) Street Widths. Street widths shall not be less than

<u>Street Type</u>	<u>Width</u>
Arterial	86 ft.
Other - not less than	50 ft.

(1) In front of areas zoned for commercial use and areas where commercial use is contemplated by the Commission, the streets shall be of sufficient width to assure the free flow of traffic.

(i) Intersections. The intersection of more than two streets at one point shall be avoided except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles less than eighty (80) degrees shall be approved. Street intersections shall be rounded with a radius acceptable to the Commission.

(j) Street Deflections. When connecting street lines deflect from each other at any one point by more than thirty (30) degrees, they shall be connected by a curb determined by the Commission to be adequate to insure a proper sight distance, but in no event a sight distance of less than 500 feet.

(k) Reverse Curves. A tangent at least 100 feet long shall be introduced between reverse curves.

(l) Subdivision Into Tracts Larger Than Ordinary Building Lots. Where a tract is subdivided into larger parcels than ordinary residential building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision, in accordance with existing Thorofare Plan.

(m) Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Planning Commission.

(n) Street Grades. No street grade shall be less than four-tenths percent (4/10%).

(o) Half-Streets Prohibited. Half-streets shall be prohibited.  
(Ord. 58-135. Passed 9-2-58.)

(p) Street Names and Numbers. Names of new streets shall be determined by the Planning Commission and shall not duplicate existing or platted street names anywhere within Cuyahoga County, unless a new street is a continuation of, or in alignment with, the existing or platted street. House numbers shall be assigned in accordance with the house numbering system in effect in the City.

(Ord. 61-90. Passed 5-15-61.)

(q) Access to Streets Across Ditches. The subdivider shall provide access to all proposed streets, across all ditches, in a method approved by the Director of Public Service and Properties.

(r) Private Streets. Private streets shall not be approved nor shall public improvements be approved for any private street.

(Ord. 58-135. Passed 9-2-58.)

#### **1111.02 ALLEYS.**

(a) Residential Areas. Alleys shall not be permitted in residential areas.

(b) Commercial and Industrial Districts. Alleys shall be provided in Commercial and Industrial Districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

(c) Width. The right of way width of an alley shall be 20 feet.

(d) Dead-End. Dead-end alleys shall not be permitted, except that the Commission may waive this requirement where such dead-end alley is unavoidable and where adequate turn-around facilities have been provided.

(Ord. 58-135. Passed 9-2-58.)

#### **1111.03 EASEMENTS.**

(a) Provision for Utilities. Easements with a right of way width of 10 feet shall be provided along all rear lot lines and along certain side lot lines where necessary for utilities.

(b) Provision for Drainage. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose.

(Ord. 58-135. Passed 9-2-58.)

#### **1111.04 BLOCKS**

(a) Factors Governing Dimensions. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Code and to provide for convenient access, circulation control and safety of street traffic.

(b) Arrangement. A block shall be so designed as to provide two tiers of lots wherever feasible.

(c) Crosswalks. In blocks over 1000 feet long, pedestrian crosswalks may be required by the Commission in locations deemed necessary to public health, convenience and necessity. Such crosswalks shall be 10 feet wide, five feet of which is to be hard-surfaced, and be straight from street to street.  
(Ord. 58-135. Passed 9-2-58.)

## **CHAPTER 1113 Required Improvements**

- 1113.01 Required improvements.**
- 1113.02 Monuments.**
- 1113.03 Streets.**
- 1113.04 Water supply.**
- 1113.041 Sewer standards.**
- 1113.05 Sanitary sewer system.**
- 1113.06 Storm sewers.**
- 1113.07 Photographic inspection of storm and sanitary sewers.**

### **CROSS REFERENCE**

Design of streets - see P. & Z. 1111.01

#### **1113.01 REQUIRED IMPROVEMENTS.**

Prior to the granting of final approval, the subdivider shall have installed, and shall have furnished adequate bond for the ultimate installation of, or otherwise complied with C.O. 1109.03(d)(5)(D).

(Ord. 58-135. Passed 9-2-58.)

#### **1113.02 MONUMENTS.**

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Director of Public Service and Properties. The monuments shall be of such material, size and length as may be approved by the Director of Public Service and Properties.

(Ord. 58-135. Passed 9-2-58.)

#### **1113.03 STREETS.**

(a) Surfacing. All streets shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection and approval by the Director of Public Service and Properties.

(b) Curbs, Gutters and Drainage. Curbs, gutters, drainage and drainage structures shall be provided in accordance with standard specifications of the City. Such construction shall

be subject to the inspection and approval of the Director of Public Service and Properties.

(c) Sidewalks. Concrete sidewalks shall be constructed along both sides of every street in the subdivision, in accordance with applicable standard specifications of the City.

(d) Name Signs. Street name signs shall be placed at all street intersections within or abutting the subdivision by the subdivider. Such signs shall be of a type approved by the City and shall be placed in accordance with standards of the City.

(Ord. 58-135. Passed 9-2-58.)

#### **1113.04 WATER SUPPLY.**

(a) Water Distribution System. The proposed or existing water distribution system shall be installed in accordance with the requirements of the Division of Water and Heat of the City of Cleveland, whose approval shall be endorsed upon the plans.

(Ord. 58-135. Passed 9-2-58.)

(b) Fire Hydrants. Fire hydrants shall be installed in all subdivisions. Fire hydrant standards shall be subject to the approval of the City Fire Division and the Director of Public Service and Properties. The hydrants shall be six-inch hydrants with two two and one-half inch outlet connections and one four-inch inside diameter outlet connection, which outlet connections shall be threaded with national standard threads. The hydrants shall be painted in colors directed by the Chief of the Fire Division.

(Ord. 65-139. Passed 11-15-65.)

#### **1113.041 SEWER STANDARDS.**

There is adopted for the purpose of establishing design and construction criteria to apply to both storm and sanitary sewer systems in the City the Uniform Rules, Regulations and Standards for the Design and Construction of Sewerage Improvements as formulated by the Committee on Uniform Standards dated May 11, 1978, save and except such portions as may be hereafter modified, added or deleted. (Ord. 78-109. Passed 8-21-78.)

#### **1113.05 SANITARY SEWER SYSTEM.**

A sanitary sewerage system shall be provided so that each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Director of Public Service. The installation of the sewerage system shall be subject to the inspection and approval of the Director of Public Service and Properties. The materials to be used shall be in accordance with the standard specifications of the City. When adjoining areas are not subdivided the sanitary sewer shall be of sufficient size as determined by the Director of Public Service and Properties, to meet the expected requirements of the unsubdivided area when it is subdivided. (Ord. 58-135. Passed 9-2-58.)

#### **1113.06 STORM SEWERS.**

A storm sewerage system shall be provided so that each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Director of Public Service and Properties. Storm sewers shall also adequately drain the streets. The materials to be used shall be in accordance with the standard specifications of the City. When adjoining areas are not subdivided the storm sewer shall be of sufficient size as determined by the Director of Public Service and Properties, to meet the expected requirements of the unsubdivided area when it is subdivided.

(Ord. 58-135. Passed 9-2-58.)

#### **1113.07 PHOTOGRAPHIC INSPECTION OF STORM AND SANITARY SEWERS.**

The Director of Public Service and Properties may, prior to the final approval of any newly installed sewer system, either storm or sanitary, require that photographs of the entire sewer system be taken; if the City has available means for taking such photographs, the City shall undertake such work at the developer's cost and the developer shall deposit with the City the estimated cost thereof. If the City does not have available means to take such photographs, such work shall be contracted by the City on behalf of the developer, who shall pay the contract price.

Such photographs, whether taken by the City or a contractor, shall be the property of the City. If, in the discretion of the Director of Public Service and Properties, the sewers are large enough to permit visual inspection in lieu of photographs, such visual inspection shall be made by the City at the developer's cost and the report of such inspection shall be the property of the City.

(Ord. 64-45. Passed 5-4-64.)

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ORDINANCE NO: 14-92  
INTRODUCED BY: Mrs. Lieske

Amended by reading to note that  
the moratorium will expire 2/28/15

**AN ORDINANCE**  
**EXTENDING THE MORATORIUM ON THE DEVELOPMENT UNDER CHAPTER**  
**1158 ATTACHED RESIDENCES IN THE CITY OF BAY VILLAGE,**  
**AND DECLARING AN EMERGENCY.**

**WHEREAS**, it has been determined that there is a need to request further time to study the impact of Chapter 1158 on Attached Residences in the City of Bay Village;

**WHEREAS**, this moratorium shall have no effect on the development in the Retail Business District under C.O. 1173; and

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

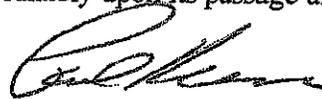
**SECTION 1.** That Council hereby enacts an additional one hundred twenty (120) day moratorium on development under Chapter 1158 by City Council, Planning Commission, Board of Zoning Appeals, and any committee appointed by Council.

**SECTION 2.** That the Clerk of Council is hereby directed to forward a copy of this legislation to the Building Director, the Planning Commission, Board of Zoning Appeals, and any committee appointed by City Council for review of this legislation.

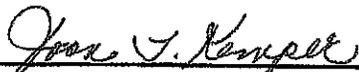
**SECTION 3.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 4.** 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 that it is immediately necessary to protect the planning process, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

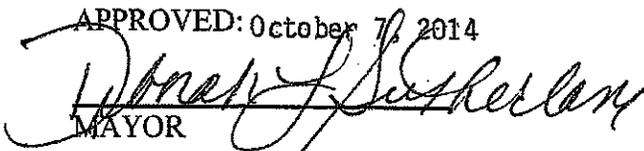
PASSED: October 6, 2014



PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

APPROVED: October 7, 2014

  
MAYOR



**LSL Planning**

A SAFEbuilt Company

November 17, 2014

Mayor Deborah Sutherland  
City of Bay Village  
350 Dover Center Road  
Bay Village, OH 44140

Dear Mayor Sutherland:

Thank you for allowing us the opportunity to review the draft of Chapter 1158 of your zoning code. In addition to reviewing the draft of that chapter, we also looked at the City's Master Plan and the overall zoning code. While the review of those documents was not exhaustive, it was helpful in understanding the framework for the proposed chapter and the contextual relationship to the master plan.

Before getting into Chapter 1158 specifically, I will tell you that the overall zoning code is in desperate need of revision (which I believe you already know). The organization and formatting of the code make it very difficult to maneuver through. It is riddled with redundant provisions that should be consolidated. Definitions are found throughout the document, often for the same terms and sometimes inconsistent with one another. In addition, many of the terms used are archaic which may give the reader a false impression about how progressive the community is. In any case, such deficiencies make it necessary to repeat some of the same mistakes with a new chapter in order to avoid, or at least minimize, the need to make extensive changes to other parts of the code.

Therefore, I offer the following comments for your consideration:

#### **General**

1. The structure of the chapter is overly complicated. It appears that the format mimics other districts in the code but several sections could be reduced to a simple reference to another section of the code or be deleted altogether.
2. A number of provisions seem too restrictive in relation to other districts of a similar or more intensive character.
3. The decision-making criteria are very vague and subjective, inviting arbitrary and inconsistent decisions which would be difficult to defend if challenged.

#### **Specifics**

**Section 1158.01, Intent:** The four purposes listed are the same as those for each of the other zoning districts. The intent (or purpose) statement should be specific to each district to distinguish it from others and establish a framework for the district and rationale for its existence. As an example, there are several recommendations in the Master Plan that relate directly to the need for alternative housing and a desire to retain current residents in the community. Therefore, one of the statements in this section could be something like: "To provide greater choice in housing options within Bay Village consistent with the Master Plan recommendations." While subsection (D) relates generically to the Master Plan, more specific references are better.

**Section 1158.02, Development Plans:** This is a good example of making a simple reference to another provision in the code rather than repeating everything. However, Chapter 1129 is a great example of many things that should be fixed in this code. The development plan review process is unnecessarily complicated, costly and time consuming for the city and the applicant. The multiple reviews should be streamlined. The organization of the chapter is unwieldy and difficult to follow. While transparency is something communities should strive for, a required public hearing for development plan review should be avoided. The purpose of the plan review is to determine if the project meets code requirements and is compatible with its surroundings. If it achieves these things, it must be approved. By holding a public hearing, the city potentially raises false hopes that the neighbors can block a project even though it may meet all requirements. One final, but extremely important, point is that the chapter does not contain standards or criteria to guide decisions. Zoning decisions must be based on standards. "We'll know it when we see it" is not an acceptable or defensible approach.

**Section 1158.03 (C), Occupancy Permits:** This subsection requires that all improvements, including landscaping, be completed before a C of O is issued. While this is generally the preferred practice, there can be situations in which this is not practical. For example, if a building is completed in January or February, landscaping cannot be installed. To address such exceptions, we suggest that the Planning Commission be authorized to allow the C of O to be issued; provided a performance guarantee (bond, cash, bank letter of credit, etc.) is posted to ensure that the improvements will be made. I didn't find any such provision in the current code. This should be considered, either adding such a provision under Administration and Enforcement to apply generally in all districts (preferable) or just inserting it into this chapter.

**Section 1158.04, Permitted Buildings, Structures and Uses:** The wording of this section should be revised to be more specific. It is not clear what "multiple dwellings having separate private entrances" are. Any multi-family building has separate entrances into each unit. However, it seems that the intent here may be individual outside entrances not opening onto a central hallway. To avoid confusion and argument, it would be preferable to say "...including townhouses and two-family dwellings." Note, however, that definitions of "duplex" and "double house" should be deleted (Sections 1121.13 and 1121.14) and the definition of "two-family dwelling" (1121.48) should be revised as follows: "A detached building designed for and occupied exclusively by two families living independently of one another. May also be referred to as a duplex."

The definition of "dwellings" (1121.15) should be deleted. This is very confusing and suggests that any dwelling in the city can be occupied by up to two families. A definition of "dwelling unit" should be inserted in its place (see below).

**Section 1158.05 (D), Accessory Buildings, Structures and Uses:** The intent of this subsection is not clear. What is meant by "...a permitted use on special permit."? Since "accessory building" and "accessory use" are defined, it would be sufficient to revise this entire section to say: "Accessory buildings, structures and uses are permitted within the Attached Residential District including, but not limited to, the following: (A) Recreation facilities... (B) Landscape features... (C) Master radio..."

**Section 1158.06, Definitions:** This section illustrates one of the short-comings of the whole code. All definitions should be in one chapter rather than being dispersed throughout the document in individual chapters. Not only is this cumbersome but may (and often does) result in the same or similar term being defined differently in two or more places. For purposes of amending Chapter 1158, it may not be desirable to move these definitions to Chapter 1121 since other definitions will remain in separate chapters. However, the organization of this chapter would be improved by making the definitions Section 1158.02.

**Section 1158.06 (A), Minimum Square Footage, Gross Space:** Why is this term even used? The ordinance already uses and defines "Finished Livable Floor Area". There is no need to introduce another term that is only slightly different from the commonly used term. In addition, allowing "half the area of balconies and porches" to be counted toward the required area seems totally inappropriate. Indoor living space is what should be counted. Under this definition, if a unit has a ground floor patio, would that not count toward the square footage because it's neither a balcony nor a porch? We recommend deleting this definition and using finished livable floor area as the required standard.

**Section 1158.06 (B), Maximum Height:** "Building Height" is already defined (1121.08). There is no need for another definition of the term. In addition, the second sentence is regulatory and should not be in a definition. If retained in the chapter, that sentence should be moved and inserted as a footnote to the design regulations table (1158.07).

**Section 1158.06 (C), Dwelling Unit:** This definition should be revised. The following is suggested: "A permanent building, or part thereof, designed for exclusive use and residential occupancy by one family as a single housekeeping unit for living and sleeping purposes." Because it is a general definition that is applicable throughout the code, it should be placed in 1121.15 in place of "Dwelling".

**Section 1158.06 (D), Districts:** This is not a definition and, if retained, (see comment below), should be moved. This is also confusing since the Attached Residential District is a separate zoning district; but this paragraph specifies in which zoning districts the various "models" are permitted.

**Section 1158.06 (F), Townhouse:** This definition should be revised, as follows: "A dwelling designed for occupancy by one family in a row of at least three attached units in which each unit has its own front and rear access to the outside; no unit is located over another; and each unit is separated from any other unit by one or more vertical, common, fire-resistant walls."

**Section 1158.07, Design Regulations:** The rationale for four separate sets of townhouse regulations is not clear. The differences among the various models are not significant enough to warrant such a complicated approach (distinction without a difference). It's still not clear where the various models would be applied because Attached Residential is a separate zoning district, not an overlay that would be applied to R-1, R-3, etc. We recommend using one set of regulations, rather than four. In any case, the following are specific comments regarding each of the requirements:

- **Minimum development area:** There isn't much difference between a minimum one acre vs. three acres. One or the other would be adequate or split the difference and make it two acres.
- **Maximum density:** Three of these are the same with only a slight difference of two units per acre for the other. Eight units per acre is a reasonable density for townhouses. In fact, the code allows up to 7.5 units per acre for clustered single family homes and 30 units per acre for apartments. One consistent density figure (8/acre) would be appropriate.
- **Minimum open space:** All but one of the models require 30 to 35 percent open space. But one requires 50 percent. Again, the rationale is not apparent. This is a higher open space threshold than for some single family developments or for multi-family (Apartment District).
- **Maximum lot coverage:** There is no need for the wide range of lot coverage figures (25% - 40%). Forty percent is a reasonable figure for a townhouse development of this density. Twenty-five percent is very low considering the need for driveways, parking areas, structures, patios, etc.
- **Maximum height:** The provision in footnote 3 for allowing the Planning Commission to establish height limits based on the existing character of surrounding parcels opens the door for arbitrary decisions and inconsistent treatment. What if the adjacent buildings are all single story non-residential uses (school, office, retail store, etc.)? This would result in a prohibition of townhouses which are two stories. If this is to be the standard, the footnote should be more specific in determining the height limits. For example, it could state that the maximum height shall be the average of all existing single family dwellings on lots abutting the development site. Or it could state

a maximum height of 35 feet or the height of the tallest single family home within 300 feet of the development site boundary, whichever is less. Or provide that the maximum height shall be 35 feet; provided, that for each foot of height in excess of 25 feet, the side or rear yard setback, as applicable, from adjacent property lines shall be increased by one foot from the minimum otherwise required.

- **Maximum length:** The paragraph that requires some articulation of the building façade should be moved to 1158.08 (Architectural Features). More specificity regarding the type of desired and acceptable features would be helpful. Phrases such as “present an architecturally and aesthetically pleasing appearance with the general atmosphere” are too vague and subjective.
- **Minimum square footage:** As noted previously, this should be changed to “Finished Livable Floor Area”. Again, the differences between the models are negligible (only for 1 bedroom units) and don’t warrant four separate standards. The requirements for Model B would be appropriate to use as the standard for all townhouses and two-family dwellings.
- **Garages required:** What does this mean? Are garages required? Is this limiting them to one stall? What is the percentage? This should be clarified, simplified or deleted.
- **Maximum residences per structure:** The differences are insignificant. This should be simplified. Six units per building is not excessive and allows for economies of scale.
- **Setbacks and distances between buildings:** The following setbacks are suggested:

Yard	Minimum Required Setback (feet)	
	Building	Parking
Front	10 <sup>1</sup>	Not permitted
Rear	25	10
Side	15	10
Between ends of contiguous buildings	25	20

**Section 1158.08 (1), Intent:** This subsection should be (A) to be consistent with the outline format of the chapter. The first sentence which defines “projection” should be moved to 1158.06, Definitions. Likewise, subparagraph (A), which should be (1) to be consistent with the format, should also be moved to the Definitions section of the chapter.

**Section 1158.08 (2), Projection Limitations:** This should be (B) for consistency. There is no provision for rear yard projections. A statement should be added to specify how projections into a rear yard are regulated. Are they prohibited? Allowed? If allowed, are there any limitations?

**Section 1158.09 (A), Parking Requirements:** The screening requirement (shrubbery or decorative fence) should be more specific. Such a general requirement results in subjective and inconsistent application. Consider, for example, requirements such as: a height of four feet; at least 50 percent opaque; no chain link with vinyl slats, etc. Subparagraphs (1) and (2) could be deleted if the requirements are included in setback table, as shown above.

**Section 1158.09 (B), Required Parking:** The requirement of 3 spaces per unit is excessive. Two spaces per unit is common. The code only requires one space per unit for single and two-family dwellings and one and a half spaces per unit in the Apartment District.

<sup>1</sup> Townhouse or rowhouse units are commonly built up to or very close to the property line rather than set back like a home or apartment building. In a mature, classic community like Bay Village, such a layout would be very appropriate. To go even a step further, the city might consider a “build-to” line rather than a setback line. A build-to line is a required point at which the building must be located rather than a minimum distance. For example, a five foot build-to line would mean that the front of all buildings would have to be located five feet from the front property line.

**Section 1158.10 (C)(5), Individual Driveways:** Some clarification may be needed here. This limits driveways to 50 feet in length and access to two dwellings. However, by definition, a townhouse will contain three or more attached units and this chapter allows up to six units in a building. Will the individual driveway limitation be applicable to townhouse development? If so, an adjustment may be needed, such as limiting an individual driveway to serving not more than one building and either increasing the maximum length of deleting it.

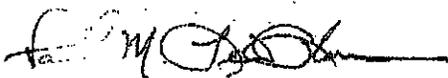
**Section 1158.11, Landscape Planting and Design:** Minimum landscape requirements (front yard, along adjoining property lines, around buildings, etc.) should be specified. Otherwise, there is no basis for determining whether a landscape plan is acceptable or not. The phrase "to optimize privacy and aesthetic quality" is totally subjective and does not provide either the applicant or the reviewing body any guidance. It's another "we'll know it when we see it" requirement that is not appropriate in a zoning code.

**Section 1158.12, Other Site Improvements:** It seems that the requirements of this section would be applicable to all development within the City. Chapter 1129 would be a more appropriate location for these requirements as they relate to the development plan and specifications for the project.

**Section 1158.15, Compliance with Code:** This section could be deleted, since Chapter 1123 covers Administration, Enforcement and Penalties.

Again, I appreciate this opportunity to assist you and hope you find the comments constructive and helpful. It is not my intent to be overly critical about the proposed chapter. It is certainly challenging to construct an amendment like this within the framework of the broader code which is in need of a complete overhaul. After you have reviewed my comments, please feel free to contact me with any questions.

Sincerely,  
LSL PLANNING/A SAFE BUILT COMPANY



Paul M. LeBlanc, AICP  
Manager, Planning Division

Cc: John Cheatham