

## **AGENDA**

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

February 9, 2015  
7:30 p.m.

### **ANNOUNCEMENTS**

#### **Mayor Sutherland**

Appointment of Leo Mahoney to the Tree Commission for a term of three years

### **COMMITTEE OF THE WHOLE**

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

Sundance Software System for Police Department

Notice of Liquor Permit Application, C1 and C2- Carry Out Beer and Wine, for Walgreens Drug Store, 27521 Wolf Road.

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

CT Consultants – Engineering Contract for 2015

Appointment of Leo Mahoney to the Tree Commission for a term of three years.

Change Order No. 1F to the contract with Industrial Contracting Company for the Replacement of the Transfer Station Facility – Deduction to Contract.

Chapter 916 – Foundation Drain Disconnection – Referral to Public Improvements, Streets, Sewers and Drainage Committee

#### **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

Bicycle Parking Ordinances

Amendment to Codified Ordinance 1305.02 – Fees for Building Permits

Amendment to Codified Ordinance 1305.07 – Fees for Inspection of Plans and Specifications

Moratorium on development under Chapter 1158 expires February 28, 2015

Agenda  
Committee Meeting of Council  
February 9, 2015

**RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson**

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

**MISCELLANEOUS**

**CAHOON MEMORIAL PARK TRUSTEES**

**AUDIENCE**

Leo J. Mahoney  
24715 Wolf Road  
Bay Village, OH 44140

November 07, 2014

Mayor Debbie Sutherland  
350 Dover Center Road  
Bay Village, OH 44140

Dear Mayor Sutherland,

I am writing this concerning the City of Bay Village's Tree Commission. I understand it is a committee that is being resurrected and feel that I could be of value as a member of this committee.

My wife and four young children moved to Bay Village last September and we couldn't be happier with the community thus far. I was working the polls on Election Day campaigning for Cuyahoga Community College's levy when I met my councilmen, Dave Tadych. Through our discussions Dave shared about a possible opening on the Tree Commission. I shared with Dave my background and interest in getting involved in the community and we felt it would be a good fit. Dave suggested I write you to request placement on this committee.

I have been in the landscape and horticulture industry for most of my career. I hold a Bachelor of Science in Horticulture from Michigan State University and was an International Society of Arboriculture Certified Arborist for many years. I have let many of my landscape certifications lapse because of a promotion I received about three years ago. I am the Plant Manager at Cuyahoga Community College's Eastern Campus where I was initially hired as Grounds Supervisor. Prior to Tri-C, I was on the horticulture staff at the Cleveland Metroparks Zoo.

I have attached a copy of my resume and hope that you will find that my education and experience would complement the Tree Task Force.

Thank you for your consideration.

Sincerely,



Leo J. Mahoney

encl: resume

cc: David Tadych, Bay Village City Council Ward 1

## LEO J. MAHONEY

24715 Wolf Road, Bay Village, Ohio 44140  
Cell: (216) 965-8799 | Leo.Mahoney@tri-c.edu

### Work Experience

Cuyahoga Community College, 4250 Richmond Road, Highland Hills, Ohio 44122. June 2012 to Present – Plant Manger

- Advises the Executive Director of Operations and/or Vice President of Facilities, Development and Operations on all critical operating and strategic issues to ensure sustainable campus operations.
- Supervises the work of campus operations staff.
- Develops annual budget for the campus.
- Verifies annual facilities reporting for the Ohio Board of Regents.
- Manages priorities and schedules for successful, timely and cost effective completion of work orders.
- Establishes, monitors and maintains a system of internal controls that safeguards college assets.

Cuyahoga Community College, 4250 Richmond Road, Highland Hills, Ohio 44122. March 2009 to June 2012 – Grounds Supervisor

- Develop and direct the execution of annual work plans that include all facets of grounds management including snow and ice management, turf management, horticulture, arboriculture, and the management of roads, sidewalks and parking lots
- Developed a set of maintenance standards and task outlines for routine responsibilities that have increased efficiencies allowing the department to expand its responsibilities creating a significant annual saving to the College
- Responsible for creating and executing a budget over \$500,000 in the realm of staffing, construction, maintenance and, procurement of equipment and material
- Create schedules and prioritize staffing needs. Train, develop and participate in hiring of staff. Approve payroll and maintain Human Resource records. Evaluate staff utilizing performance based evaluations
- Utilize computerized maintenance management systems to assign work, receive service requests and organize preventive maintenance schedules of department fleet including trucks, tractors and utility vehicles
- Develop and implement wildlife strategies working with multiple agencies
- Work with multiple in-house agencies i.e. public safety, logistics, and capitol and construction to ensure we are providing a safe and aesthetically pleasing environment for the students, staff and public
- On call 24 hours a day to respond to any and all emergencies

Cleveland Metroparks, 4101 Fulton Parkway, Cleveland, Ohio 44144. July 2005 to March 2009 - Horticulturist

- Strong leader advocating for use of sustainable horticulture practices
- Participate in all aspects of horticulture within the Zoo's collection of plants
- Placed in a leadership role for the relocation and renovation of the Hosta Garden and the transplanting of specimen trees impacted by the construction of African Elephant Crossing
- Collaborated with the marketing department in the development of the BooBauyoo, Welcome Plaza Holiday Tree, and Red White and Zoo

Cuyahoga Community College, 4250 Richmond Road, Highland Hills, Ohio 44122. 1998 to Present

- Adjunct faculty in the Plant Science and Landscape Technology Program
- Utilize current technologies to broaden the spectrum of class delivery methods
- Participated in curriculum development

Mahoney's Horticultural Services, 3318 W. 159<sup>th</sup> Street, Cleveland, Ohio 44111. March 1999 to July 2005

- Self employed as a full service landscape construction company
- Responsible for hiring, training and managing a staff of 2 full-time employees and up to 14 seasonal employees
- Responsible for sales, marketing and business administration; as well as designing and overseeing all installations
- Create and manage annual budgets encompassing payroll, cash flow, operating expenses, equipment depreciation schedules and marketing
- Developed and implemented preventative and corrective maintenance strategies for vehicles and equipment
- Developed and maintained a work log procedure ensuring accountability of all billable hours
- Managed the contracts of various subcontractors

Cleveland Metroparks, 4101 Fulton Parkway, Cleveland, Ohio 44144. January 1998 to March 1999

- Full time horticulturist for Golf Administration
- Duties included pruning, planting, designing and installing plant material
- Responsibilities also included managing the occasional seasonal employee

## Education

Texas Tech University, Lubbock, Texas  
Pursuing a Master of Science in Horticulture

Michigan State University, East Lansing, Michigan  
Bachelor of Science in Horticulture, December 1997

St. Ignatius High School, Cleveland, Ohio  
Diploma, 1991

## Awards and Certificates

- Graduate of Cuyahoga Community College's Mandel Leadership Program
- Graduate of the Park and Recreation Maintenance Management School
- Twice awarded the Robert E. Sternloff Scholarship for the high score on the first annual exam at The Park and Recreation Maintenance Management School and achieving the cumulative high score on both annual exams
- Awarded the Cuyahoga Community College Campus Presidents award in 2009 for Campus Beautification and 2010 for Grounds Maintenance and Horticulture Consulting and Input on the design of the LEED Certified (candidate) Health Careers Technology Building
- Outstanding Adjunct Faculty Award 2007 and 2009 from Cuyahoga Community College
- Ohio Commercial Driver's License class B

## Volunteer and Civic Affiliations

- Ohio College Tech Prep, Member of the Governing Board as Industry Representative (Current)
- Cuyahoga Community College - Plant Science and Landscape Technology, Member of the Advisory Committee (Current)
- American Cancer Society's Designer Show House and Garden, Member of the Executive Committee and Landscape Chair (2002)
- Chairmen and Coordinator of Tri-C's Plant Science and Landscape Technology's 2009 Cleveland Home and Garden Show display garden (2009)

#### **146.01 ESTABLISHMENT.**

(a) There is hereby established a Tree Commission which shall consist of seven members, who are either citizens of Bay Village or who may be employed in the City of Bay Village, five appointed by the Mayor with confirmation by a majority of the members of Council provided for in the Charter, a member of Council appointed by Council, and the Director of Public Service and Properties or his designee. The purpose of the Tree Commission is to assist City officials and City Council with the preservation, protection, and enhancement of the urban forest in the City of Bay Village. Two members shall be experienced in landscaping or have extensive knowledge of shade trees. The term of the five appointed members shall be for three (3) years, expiring January 1. Any vacancy shall be filled in the same manner as an original appointment for the unexpired term.

(b) In order to stagger expiration dates, the initial Board members' terms shall terminate as follows:

- (1) One member shall serve for a term of one year, two members shall serve for a term of two years, and two members shall serve for a term of three years, expiring January 1 of each year.
- (2) The Council representative's term shall terminate upon expiration of their term in office.
- (3) The City will appoint a secretary who shall serve at the pleasure of the Commission.

(Ord. 98-103. Passed 11-2-98.)

#### **146.02 POWERS AND DUTIES.**

The Tree Commission shall:

- (a) Meet regularly once monthly, or a meeting may be called or canceled by the Chairperson or two members. A majority of the members shall constitute a quorum for the transaction of business. A majority of a quorum shall decide any matter before the Tree Commission. Prior to January 31 of each year, the Tree Commission shall meet and elect a member to serve as Chairperson.
- (b) Study, investigate, plan, devise and recommend to Council and/or the Director of Public Service and Properties or his designee, any action, program, plan or legislation which the Tree Commission shall determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees or shrubs in public ways, streets, alleys, parks, or other property owned by the City of Bay Village.
- (c) Regulate the planting, maintenance and removal of trees and shrubs on City property and rights-of-way, to ensure safety and promote aesthetics.
- (d) Appoint its own officers and committees, to make its own procedural rules, and to keep an accurate record of its proceedings and to make appropriate recommendations to the Mayor for nominees to the Tree Commission.
- (e) Recommend to City Council the designation of any tree as "Grand and Glorious

Tree”.

- (f) Interpret the language of this chapter and any other related ordinances, and determine its applicability to particular situations.
- (g) Consider, investigate, make findings, and recommend upon any special matter or question coming within the scope of its authority, upon request by the Mayor or Council.
- (h) Act as an advisory or appeal board for the residents of the City who question or disagree with the City in matters pertaining to tree removal, planting and any other tree matters.
- (i) Perform other responsibilities as may be from time to time prescribed by Council action.

(Ord. 98-103. Passed 11-2-98.)

#### **146.03 REPORTS.**

The Tree Commission shall file written recommendations to the Mayor and Council prior to application for available grants for specific City projects setting forth such details as Council and the Mayor may require. The Tree Commission shall file a written annual report with the Mayor and Council no later than January 30 of each year, setting forth such details as Council and the Mayor may require of its activities for the previous year.

(Ord. 98-103. Passed 11-2-98.)

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## SOFTWARE LICENSE AGREEMENT

**This Agreement**, effective \_\_\_\_\_, 20\_\_\_\_, is made by and between Sundance Systems, Inc., an Ohio Corporation, with its principal offices at 8001 Sweet Valley Dr., Valley View, Ohio, 44125 together with its employees, officers, directors, agents, successors and assigns ("Licensor"), and \_\_\_\_\_, an Ohio Municipal Corporation, with its principal offices at \_\_\_\_\_ together with its elected officials, employees, and agents ("Licensee")

**Whereas**, Licensor is the owner of or has the right to license the Software System (as defined below); and

**Whereas**, Licensee wishes to obtain from Licensor a non-exclusive license to use the Software System as set forth in this agreement;

### WITNESSETH:

The parties hereto agree to the following:

**SECTION 1. SOFTWARE SYSTEM.** As used in this Agreement, "Software System" means the municipal software application(s) described in Exhibit "A" attached hereto, together with any updates and/or enhancements provided in accordance with Section 13 below.

**SECTION 2. SOFTWARE SYSTEM LICENSE.** Subject to the termination provisions set forth below, Licensor hereby grants the Licensee a perpetual, non-exclusive license to use the Software System, subject to the terms and conditions in this agreement.

**SECTION 3. LICENSE FEE.** As consideration for the license granted hereunder, Licensee shall pay the Licensor a License Fee for each application included in the Software System. The License Fee shall be payable at such amounts as set forth in the schedule attached hereto as Exhibit "B".

**SECTION 4. ADDITIONAL SOFTWARE.** As used in this Agreement, "Additional Software" means municipal software application(s) purchased in addition to the Software System. Unless otherwise set forth in this Agreement, the conditions of the Agreement apply solely to the Sundance Software and not to third party Software. The license granted to Licensee hereunder applies solely to the Software System and not to any third party software, unless otherwise specifically agreed by Licensor. As used in this Agreement, "Third Party Software" does not include any updates and/or enhancements provided in accordance with Section 13 below.

**SECTION 5. PROTECTION OF SOFTWARE SYSTEM.** The Software System is solely for the use of Licensee at the Site set forth in the schedule attached hereto as Exhibit "B". Licensee shall restrict the use of the Software System to Licensee. The Software System shall be used only on equipment approved by Licensor. Licensee shall prevent the removal of the Software System from the Equipment. Licensee shall prevent the copying of the Software System. Licensee shall prevent the Software System from

being installed on any other equipment. Notwithstanding the foregoing, Licensee has the right to make copies of the Software System for internal backup and security purposes.

**SECTION 6. DELIVERY/INSTALLATION.** Licensor shall deliver and install the Software System on the Equipment in machine-readable format at the Site at such time as set forth in the schedule attached hereto as Exhibit "B".

**SECTION 7. NEW SITE.** Licensee may, after having obtained the prior written consent of the Licensor, which consent shall not be unreasonably withheld, move the Software System to another Site.

**SECTION 8. LIMITED WARRANTY.** For a period of one year after Licensor's installation of the Software System ("Warranty Period"), Licensor shall use reasonable effort to cause the Software System to function in all material respects in accordance with Sundance Software specifications and shall use reasonable efforts to correct any and all Software System defects necessary to put the Software System in operational order. Licensor, with Licensee approval, will determine the manner in which any warranty service is performed. The manner of performance includes, but is not limited to, telephonic communication via modem, repairing or replacing the disks containing the Software System, or working at the Site. Licensee shall cooperate with Licensor's efforts including causing Licensee's employees to assist in the operation of the Equipment and/or causing the Site to remain open during non-business hours.

In the event that Licensee obtains third party software, Licensor makes no warranties for the third party software unless otherwise set forth in writing by Licensor at the time of installation of third party software.

**SECTION 9. TRAINING AND SUPPORT.** During the Warranty Period, at the request of Licensee, Licensor shall provide training and support for Licensee's personnel on the operation of the Software System. Such training shall be provided by Licensor at such times as shall mutually be agreed to at Licensor's State Term Schedule rates then in effect.

**SECTION 10. ADDITIONAL MAINTENANCE AND SUPPORT.** After the expiration of the Warranty Period, Licensor shall provide software maintenance, support and consultation services to Licensee at such times as requested by Licensee. The cost of such support will be in accordance with Licensor's standard rates then in effect on the current State Term Schedule. In the event that Licensee has entered into a Software Maintenance Plan with Licensor, then the cost of such support shall be in accordance with State Term Schedule.

In the event that Licensee, after the expiration of the Warranty Period, requests (1) training or retraining of Licensee's personnel, and/or (2) consultation not otherwise provided in this Agreement or in the Software Maintenance Plan, if any, Licensor may provide such services which shall be compensated in the amount of the current State Term Schedule rates.

**SECTION 11. UPDATES AND ENHANCEMENTS.** From time to time enhancements and/or updates may be developed for the Software System. Such enhancements and upgrades shall be available to Licensee at Licensor's standard State Term Schedule's rates, or in accordance with the terms and conditions of the Software

Maintenance Plan purchased from Licensor. The cost of such enhancements and upgrades shall be paid by the party requesting such enhancements and upgrades. The updates and/or enhancements shall have such warranty, at the time that such updates and/or enhancements are installed.

**SECTION 12. UNAUTHORIZED MODIFICATIONS.** In the event that Licensee, or anyone other than Licensor, modifies the Software System in any manner, then Licensor need not provide: (a) any warranty required in Section 9 which warranty shall be null and void, (b) maintenance and support, as described herein, or (c) future updates and/or enhancements.

**SECTION 13. OWNERSHIP AND CONFIDENTIALITY.** The Software System, whether the original or any copies thereto, is and will remain the valuable property of the Licensor. Licensee understands and acknowledges that the Software System is the intellectual property of Licensor and that it contains trade secrets developed by Licensor. Licensee will observe complete confidentiality with regard to all aspects of the Software System and will not disclose, nor permit the access to, the Software System except as otherwise permitted herein. The terms of this Section shall survive the termination of this agreement. Licensee acknowledges that Licensor will be entitled to immediate injunctive relief and a temporary order restraining any threatened or future breach if this Section. Nothing in this Section will be deemed to limit Licensor's remedy at law or in equity for any breach by Licensee of any provision of this Section.

**SECTION 14. TERMINATION.** This agreement and the license granted hereunder may be terminated by written notice by either party if either party defaults in the performance of any of its obligations hereunder and such default continues for thirty (30) days after receipt of written notice from either party; provided, however that Licensor shall have the right to an immediate termination of this Agreement and the License granted herein in the event of a breach by Licensee of any provision of Section 15 of this agreement.

**SECTION 15. LICENSOR'S PROPRIETARY NOTICES.** Any copies of the Software System documentation made by Licensee shall bear all copyright, trademarks, and other proprietary notices included thereon by Licensor,

**SECTION 16. ASSIGNMENT.** Neither this Agreement nor the License granted hereunder may be assigned (by operation of law or otherwise), sublicensed or otherwise transferred in any manner by Licensee without the prior written consent of Licensor, which will not be unreasonably withheld. Notwithstanding any language to the contrary, Licensor agrees that it will permit the transfer of fully paid licenses in the event the Licensee merges or consolidates with other municipal law enforcement agencies entities.

**SECTION 17. NOTICE.** Any notice or other communications required hereunder shall be given in writing by certified or registered mail, return receipt requested, by fax, or by personal delivery to the address set forth on the first page of this agreement or to such other addresses as may be provided by the parties in writing.

**SECTION 18. AMENDMENT.** This agreement may not be altered, amended or modified except in writing signed by each of the parties. A waiver of the right to enforce any right or obligation under this agreement will not be constructed as a waiver of any subsequent right to enforce such right or obligation.

**IN WITNESS WHEREOF,** the parties hereto have caused this agreement to be executed by their duly authorized representatives as of the date first above written.

**WITNESSES:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**LICENSOR:**

SUNDANCE SYSTEMS, INC.

By: \_\_\_\_\_

Its Authorized Agent

Date: \_\_\_\_\_

**LICENSEE**

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Date: _____
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**EXHIBIT A**  
**SOFTWARE SYSTEM**

Computer Aided Dispatch (2 Stations)  
Records Management System (up to 15 users)  
LEADS Interface to State  
State 911 Interface  
State Reports Package Module  
Mobile Switch (up to 10 users)  
EStorage – Electronic Storage of Documents  
Rocky River Municipal Court Interface

Other services:

Training/Project Management

Above software includes interfaces to OLLEISN/OIBRS/NIBRS/Cuyahoga County  
Prosecutors Office

**EXHIBIT B**  
**FEE PAYMENT SCHEDULE**

City of Bay Village Police Department  
Payment Plan  
No Interest PayPlan  
Quotation 98-1110

Total Contract	\$	77,300.00
Upon Contract Signing	\$	- 19,000.00
PayPlan Balance	\$	58,300.00
<b>PayPlan 2<sup>nd</sup> Year</b>	<b>\$</b>	<b>14,575.00</b>
<b>PayPlan 3<sup>rd</sup> Year</b>	<b>\$</b>	<b>14,575.00</b>
<b>PayPlan 4<sup>th</sup> Year</b>	<b>\$</b>	<b>14,575.00</b>
<b>PayPlan 5<sup>th</sup> Year</b>	<b>\$</b>	<b>14,575.00</b>

Pay Plan Payments are due upon contract date (Annually)

After year 5, Software Support equal to 20% of total software cost, or \$12,300, due on the contract date, beginning on February \_\_\_\_, 2020 and each year thereafter.

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

935794110035 PERMIT NUMBER		NEW TYPE	WALGREEN CO DBA WALGREENS 10029 27521 WOLF RD BAY VILLAGE OH 44140	
ISSUE DATE				
01 23 2015 FILING DATE				
C1 C2 PERMIT CLASSES				
18 TAX DISTRICT	011	C	A74784 RECEIPT NO.	

FROM 02/04/2015

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED 02/04/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/09/2015

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**C NEW 9357941-10035**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF BY VILLAGE CITY COUNCIL  
350 DOVER CENTER  
BAY VILLAGE OHIO 44140**

## Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	<u>ORC 4303.11</u> Beer only in original sealed container for carry out only.
C2	\$376	<u>ORC 4303.12</u> Wine and mixed beverages in sealed containers for carry out.

### **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.)

## Joan Kemper

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**From:** Patrick McGannon <patrick@villagebicycle.org>  
**Sent:** Sunday, January 25, 2015 11:53 AM  
**To:** Steven Lee Gmail  
**Cc:** Joan Kemper; Jennifer Smillie; Lawrence Kuh; Warren Remein  
**Subject:** Re: Building Code Updates  
**Attachments:** 2013\_CRWP\_Parking\_Model\_Ordinance.pdf; Bike Parking Ordinance\_CLE.pdf; BikeParkingOrd\_withoutAnnotions\_20120711.doc

Hi Steve,

Attached are several samples of wording for bike parking ordinances. Included are two model bike parking ordinances and the city of Cleveland bike parking ordinance.

The model ordinance by Chagrin River Watershed Partners, Inc (CRWP) is being adopted by the city of Mentor. In that CRWP document, you can skip ahead to pages 12 and 13. That is where the ordinances are for the bike parking.

The Cleveland ordinance contains language on motor vehicle parking reduction if certain bike parking requirements are met.

Let me know if I can help in any way. If bike parking requirements are included in the code updates, then the cooperative can certainly work with local businesses to help them with questions about how to implement the requirements (preferred bike rack types, placement, etc.)

Best Regards,  
Patrick

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**From:** Steve Lee <leebayvillage@gmail.com>  
**To:** Patrick McGannon <patrick@villagebicycle.org>  
**Cc:** Joan Kemper <jkemper@cityofbayvillage.com>; Jennifer Smillie <jennifer@villagebicycle.org>; Lawrence Kuh <kuhfamil@gmail.com>; Warren Remein <wiremein@yahoo.com>  
**Sent:** Tuesday, January 20, 2015 3:33 PM  
**Subject:** Re: Building Code Updates

Pat,

Thanks for bringing this to my attention. Please forward copies of some of the sample ordinances and I will discuss this subject with the administration and council.

Thanks,  
Steve

On Wed, Jan 14, 2015 at 8:39 PM, Patrick McGannon <[patrick@villagebicycle.org](mailto:patrick@villagebicycle.org)> wrote:

Hi Steve,

In order to further create a bike friendly environment in our city, would we be able to add one, or both, of the following to the commercial building code updates currently being reviewed by council?

1. Bike parking requirements
2. Reduction of motor vehicle parking requirements if bike parking is added

I have multiple sample ordinances gathered from both local municipalities and some other major cities around the county that have already added such requirements to their local codes. These requirements would only be for new construction or major remodels. These will also help with our application for a bike friendly city.

Best Regards,  
Patrick McGannon  
Village Bicycle Cooperative



**ChangeLab Solutions**  
Law & policy innovation for the common good.

nplan

NATIONAL POLICY & LEGAL ANALYSIS NETWORK  
TO PREVENT CHILDHOOD OBESITY

# Model National Bicycle Parking Ordinance

WITHOUT ANNOTATIONS

Developed by the National Policy & Legal Analysis Network  
to Prevent Childhood Obesity (NPLAN), a ChangeLab Solution

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*Support provided by a grant from the Robert Wood Johnson Foundation*

*July 2012*

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**An Ordinance of [Jurisdiction (e.g. *the City of \_\_\_\_\_*)] Providing for Bicycle Parking and Adding to the [Jurisdiction] [Zoning/Planning/Municipal/County] Code.**

The [Adopting Body] does ordain as follows:

**SECTION I. FINDINGS.** The [Adopting Body] hereby finds and declares as follows:

- 1. WHEREAS**, the [Adopting Body] has a goal of improving the health of its residents and the air quality of the community;
- 2. WHEREAS**, both obesity and insufficient physical activity are creating significant health problems for Americans, leading to increased risk of heart disease, diabetes, endometrial, breast, and colon cancers, high blood pressure, high cholesterol, stroke, liver and gallbladder disease, sleep apnea, respiratory problems, and osteoarthritis;<sup>1</sup>
- 3. WHEREAS**, a primary contributor to obesity is lack of sufficient physical activity;<sup>2</sup>
- 4. WHEREAS**, bicycling is a safe, low-impact aerobic activity, enjoyed by millions of Americans, and provides a convenient opportunity to obtain physical exercise while traveling to work, shops, restaurants, and many other common destinations;<sup>3</sup>
- 5. WHEREAS**, bicycling frequently provides a practical alternative to driving, since 28 percent of all car trips are to destinations within 1 mile of home,<sup>4</sup> 40 percent of all trips are

two miles or less from home,<sup>5</sup> and around 30 percent of commuters travel 5 miles or less to work;<sup>6</sup>

**6. WHEREAS**, bicycling can greatly increase access to important services and provide more range of travel for people who do not own or cannot operate a car, including our increasing aging population, children and youth, people who are low-income, and those with disabilities or medical restrictions on driving due to issues like seizure disorders or vision impairments;<sup>7</sup>

**7. WHEREAS**, replacing car trips with bicycle trips improves air quality by reducing the amount of carbon dioxide emissions, in light of the fact that transportation sources account for nearly one third of all such emissions in the United States, an average motor vehicle emits 8.8 kilograms of carbon dioxide per gallon of gasoline that it burns, and biking emits essentially none;<sup>8</sup>

**8. WHEREAS**, asthma rates are at their highest levels ever, with nearly one in 10 children and almost one in 12 Americans of all ages suffering from asthma, and replacing motor vehicle trips with bicycle trips reduces the pollutants that directly contribute to asthma in both children and adults;<sup>9</sup>

**9. WHEREAS**, replacing car trips with bicycle trips reduces congestion and wear and tear on roads, improving quality of life for residents and providing a financial benefit for [Jurisdiction];

**10. WHEREAS**, providing safe, convenient, and adequate bicycle parking is necessary to encourage increased use of bicycles as a form of transportation;<sup>10</sup>

**11. WHEREAS**, cities that have improved bicycle infrastructure, including parking, have seen a measurable increase in bicycle trips;<sup>11</sup>

**12. WHEREAS**, in light of the foregoing, [Adopting Body] desires to add new bicycle parking requirements to increase the availability of safe and convenient bicycle parking; and

**13. WHEREAS**, it is the intent of the [Adopting Body] in enacting this Ordinance to (1) encourage healthy, active living, (2) reduce traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, and (3) improve safety and quality of life for residents of [Jurisdiction] by providing safe and convenient parking for bicycles;

**SECTION II. [ARTICLE/CHAPTER] OF THE [JURISDICTION]  
[ZONING/PLANNING/MUNICIPAL/COUNTY CODE] IS HEREBY ADDED TO  
READ AS FOLLOWS: “BICYCLE PARKING REQUIREMENTS FOR NEW  
DEVELOPMENT AND MAJOR RENOVATIONS.”**

**§ 1. PURPOSE:** The purpose of this section is to provide sufficient safe and convenient bicycle parking in New Developments and Major Renovations to encourage bicycling as a form of transportation, reducing traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

**§ 2. DEFINITIONS:** Unless the context clearly requires otherwise, the following terms shall have the following meanings:

- (A) **“Bicycle Parking Space”:** A physical space that is a minimum of [2.5] feet in width by [6] feet in length with a vertical clearance of at least [7] feet that allows for the parking of one bicycle, and if located outside, is hard surfaced and well drained.
- (B) **“Bike Locker”:** A lockable enclosure consistent with industry standards that (i) can hold one bicycle, (ii) is made of durable material, (iii) is designed to fully protect the bicycle against [insert specific local weather concerns, e.g.: rain, snow, ice, high winds], (iv) provides secure protection from theft, (v) opens sufficiently to allow bicyclists easy access, and (vi) is of a character and color that adds aesthetically to the immediate environment.
- (C) **“Bike Rack”:** A device consistent with industry standards that (i) is capable of supporting a bicycle in a stable position, (ii) is made of durable materials, (iii) is no less than [36] inches tall (from base to top of rack) and no less than [1.5] feet in length, (iv) permits the securing of the bicycle frame and one wheel with a U-shaped lock, and (v) is of a character and color that adds aesthetically to the immediate environment.
- (D) **“In-Street Bicycle Parking”:** A portion of a vehicle parking lane or other area on a roadway that is set aside for the parking of bicycles.
- (E) **“Long-Term Bicycle Parking”:** Bicycle parking that is primarily intended for bicyclists who need bicycle parking for more than 3 hours and is fully protected from the weather.

- (F) **“Long-Term Bicycle Parking Space”**: A Bicycle Parking Space that provides Long-Term Bicycle Parking.
- (G) **“Major Renovation”**: Any physical improvement of an existing building or structure, excluding single-family dwellings and multi-family dwellings with 4 or fewer units, that requires a building permit and has an estimated construction cost equal to or exceeding [\$250,000], excluding cost of (1) compliance with accessibility requirements for individuals with disabilities under governing federal, state, or local law, and (2) seismic or other structural safety retrofit.
- (H) **“New Development”**: Any construction of a new building or facility that requires a building permit, excluding single-family dwellings and multi-family dwellings with 4 or less units.
- (I) **“Short-Term Bicycle Parking”**: Bicycle parking primarily intended for bicyclists who need bicycle parking for 3 hours or less.
- (J) **“Short-Term Bicycle Parking Space”**: A Bicycle Parking Space that provides Short-Term Bicycle Parking.

**§ 3. BICYCLE PARKING SPACES REQUIRED**: Short-Term and Long-Term Bicycle Parking Spaces shall be required for all New Development and Major Renovations.

- (A) **Required Number of Bicycle Parking Spaces**: All New Development and Major Renovations shall provide at least the number of Short-Term and Long-Term Bicycle Parking Spaces identified in the table in this subsection [Section II, § 3(A)]; however, the number shall not fall below a minimum of [2] Short-Term and [2] Long-Term Bicycle Parking Spaces, regardless of other provisions herein, except that multi-family dwellings that have private garages (or equivalent separate storage space for each unit) are not required to provide any Long-Term Bicycle Parking Spaces. Where the calculation of total required spaces results in a fractional number, the next highest whole number shall be used. Up to half of the required Short-Term Bicycle Parking Spaces may be replaced with Long-Term Bicycle Parking Spaces.

General Use Category	Specific Use	Number of Short-Term Bicycle Parking Spaces Required	Number of Long-Term Bicycle Parking Spaces Required
<b>Residential</b>	Multi-Family Dwelling with more than 4 units:		
	(a) <i>without</i> private garage or equivalent separate storage space for each unit	[.05] per bedroom <i>or</i> [1] per [20] units	[.5] per bedroom <i>or</i> [1-4] per [4] units
	(b) <i>with</i> private garage or equivalent separate storage space for each unit	[.05] per bedroom <i>or</i> [1] per [20] units	None
<b>Commercial</b>	Office Building	[1] per each [20,000] sq.ft. of floor area	[1-1.5] per [10,000] sq.ft. of floor area
	General Retail	[1] per each [5,000] sq.ft. of floor area	[1] per [10,000-12,000] sq.ft. of floor area
	Grocery	[1] per each [2,000] sq.ft. of floor area	[1] per [10,000-12,000] sq.ft. of floor area
	Restaurant	[1] per each [2,000] sq.ft. of floor area	[1] per [10,000-12,000] sq.ft. of floor area
	Parking Garage	[2] spaces	[1] per [20] motor vehicle spaces
	Outdoor Parking Lot	[1] per [20] motor vehicle spaces	[2] spaces
<b>Civic</b>	Non-assembly cultural (e.g., library, government buildings)	[1] per each [8,000 -10,000] sq. ft. of floor area	[1 -1.5] per each [10-20] employees
	Assembly (e.g., church, theater, stadiums, parks)	Spaces for [2-5] per cent of maximum expected daily attendance	[1- 1.5] per each [20] employees
	Schools (K-12)	[1] per each [20] students of planned capacity	[1] per each [10-20] employees and [1] per each [20] students of planned capacity for grades 6-12
	Colleges and Universities	[1] per each [10] students of planned capacity	[1] per each [10-20] employees and [1] per each [10] students of planned capacity <i>or</i> [1] per each [20,000] sq. feet of floor area, whichever is greater
<b>Industrial</b>	Manufacturing and Production, Agriculture	[2] spaces (Can be increased at discretion of Planning/Zoning Administrator)	[1] per 20 employees

- (B) If the New Development or Major Renovation is for a use not listed in the above table, the number of Bicycle Parking Spaces required shall be calculated on the basis of a similar use, as determined by the [Planning Director/Zoning Administrator].
- (C) If the Major Renovation has an estimated construction cost of between [\$250,000] and [\$1,000,000], excluding the cost of (1) compliance with accessibility requirements for individuals with disabilities under governing federal, state, or local law, and (2) seismic or other structural safety retrofit, the number of Bicycle Parking Spaces required by subsections [Section II, § (3)(A)-(B)], shall be reduced by 50 percent; however, the minimum requirement of [2] short-term and [2] long-term bicycle parking spaces shall still apply.

**§ 4. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:** Prior to issuance of a building permit for New Development or a Major Renovation, the submitted plans must include specific provisions for bicycle parking that are consistent with the requirements of this Ordinance. No certificate of occupancy for said building permit shall issue at the conclusion of the project until [Jurisdiction] finds that the applicable provisions of this Ordinance have been complied with.

**§ 5. EXISTING BICYCLE PARKING AFFECTED BY CONSTRUCTION:** In the event that the [Jurisdiction] has authorized a permit holder to remove existing bicycle parking in the public right-of-way due to construction, the permit holder shall replace such bicycle parking no later than the date of completion of the construction. At least [7] days prior to removal of such bicycle parking, the permit holder shall post, in the immediate vicinity of the bicycle parking area, a weather-proof notice, with a minimum type size of [1] inch, specifying the date of removal. In the event that any bicycles remain parked on the date of the removal, such bicycles shall be stored for a reasonable period, not less than [45] days, and a conspicuous, weather-proof notice shall be placed as close as feasible to the site of the removed bicycle parking containing information as to how to retrieve a removed bicycle.

If bicycle parking is likely to be removed, pursuant to this section, for more than [120] days, it shall, to the extent possible, be temporarily re-sited, in coordination with [*insert appropriate department, such as Department of Public Works*], to a location as close to the original site as feasible, pending completion of the construction. If the temporary site is not clearly visible from the original site, the permit holder shall post a conspicuous, weather-proof notice in the immediate vicinity of the original site informing bicyclists of the location of the temporary site.

**§ 6. BICYCLE PARKING STANDARDS - GENERAL:**

- (A) All Bicycle Parking Spaces shall be:
- (1) well lit if accessible to the public or bicyclists after dark;
  - (2) located to ensure significant visibility by the public and building users, except in the case of Long-Term Bicycle Parking that is located in secured areas;
  - (3) accessible without climbing more than one step or going up or down a slope in excess of [12] percent, and via a route on the property that is designed to minimize conflicts with motor vehicles and pedestrians.
- (B) All In-Street Bicycle Parking and Bicycle Parking Spaces located in a parking facility shall be:
- (1) clearly marked; and
  - (2) separated from motor vehicles by some form of physical barrier (such as bollards, concrete or rubber curbing or pads, reflective wands, a wall, or a combination thereof) designed to adequately protect the safety of bicyclists and bicycles.
- (C) All Bike Racks shall be located at least [36] inches in all directions from any obstruction, including but not limited to other Bike Racks, walls, doors, posts, columns, or exterior or interior landscaping.
- (D) Unless Bicycle Parking Spaces are clearly visible from an entrance, a sign indicating their location shall be prominently displayed outside the main entrance to the building or facility, and additional signs shall be provided as necessary to ensure easy way finding. A “Bicycle Parking” sign shall also be displayed on or adjacent to any indoor room or area designated for bicycle parking. All outdoor signs required by this subsection [Section II, § 6(D)] shall be no smaller than [12] x [18] inches and utilize a type size of at least [2] inches. All indoor signs required by this subsection [Section II, § 6(D)] shall be no smaller than [8] x [10] inches and utilize a type size of at least [5/8] inch.

**§ 7. ADDITIONAL REQUIREMENTS APPLICABLE TO SHORT-TERM BICYCLE PARKING ONLY:** All Short-Term Bicycle Parking Spaces shall contain Bike Racks and shall meet the following requirements, in addition to the requirements in [Section II, § 3] above:

**(A) Location:**

- (1) Short-Term Bicycle Parking must be located either (a) within [50] feet of the main public entrance of the building or facility, or (b) no further than the nearest motor vehicle parking space to the main public entrance (excluding parking for individuals with disabilities), whichever is closer. If the New Development or Major Renovation contains multiple buildings or facilities, the required Short-Term Bicycle Parking shall be distributed to maximize convenience and use.
- (2) Short-Term Bicycle Parking Spaces may be located either (a) on-site or (b) in the public right-of-way (e.g., sidewalk or In-Street Bicycle Parking), provided that an encroachment permit is obtained for the installation and the installation meets all other requirements of [indicate the law governing encroachments on public rights-of-way]. If Bike Racks are located on public sidewalks, they must provide at least [5] feet of pedestrian clearance, and up to [6] feet where available, and be at least [2] feet from the curb.

**(B) Bike Rack Requirements:** Bike Racks used for Short-Term Bicycle Parking must be securely attached to concrete footings, a concrete sidewalk, or another comparably secure concrete surface, and made to withstand severe weather and permanent exposure to the elements.

**§ 8. ADDITIONAL REQUIREMENTS APPLICABLE TO LONG-TERM BICYCLE PARKING ONLY:** Long-Term Bicycle Parking shall be provided in either (1) Bike Lockers or (2) indoor rooms or areas specifically designated for bicycle parking (including designated areas of an indoor parking facility), and shall satisfy the following requirements, in addition to those set forth in [Section II, § 3] above:

**(A) Location:** Long-Term Bicycle Parking may be located either on- or off-site. If located off-site, it shall be no more than [300 feet] from the main public entrance.

**(B) Requirements for Indoor Long-Term Bicycle Parking:** Long-Term Bicycle Parking located in designated indoor rooms or areas shall contain Bike Racks or comparable devices. Such rooms shall be designed to maximize visibility of all portions of the room or designated area from the entrance. Supplemental security

measures (such as limiting access to a designated indoor bike parking room to persons with a key, smart card, or code) are optional.

**§ 9. MOTOR VEHICLE PARKING SPACE CREDITS:**

- (A) For every [6] Bicycle Parking Spaces provided, the number of required off-street motor vehicle parking spaces (excluding parking spaces for individuals with disabilities) on a site shall be reduced by [1] space.
- (B) To encourage the installation of showers at non-residential sites, the number of required off-street motor vehicle parking spaces for such sites shall be reduced as follows: A credit of [1] space shall be provided for the first shower installed, with additional off-street motor vehicle parking credits available at a rate of [1] space for each additional shower provided per [25] required Bicycle Parking Spaces. In order to claim these credits, which shall be in addition to the bicycle parking credits provided for in [Section II, § 9(A)], shower facilities must be readily available for use by all employees of the New Development or Major Renovation.

**§ 10. (optional) MODIFICATION OF REQUIREMENTS:** In the event that satisfying all of the requirements of [Section II] would be (a) infeasible due to the unique nature of the site, or (b) cause an unintended consequence that undermines the purpose of this Ordinance, a property owner (or designee) may submit a written request to the [Planning Director/Zoning Administrator/other Local Administrator or designee] for a modification of the requirements of [Section II]. The request shall state the specific reason(s) for the request, provide supporting documentation, and propose an alternative action that will allow the purposes of this Ordinance to be fulfilled as much as possible.

**SECTION III. [ARTICLE/CHAPTER] OF THE [JURISDICTION]  
[ZONING/PLANNING/MUNICIPAL/COUNTY CODE] IS HEREBY ADDED TO  
READ “BICYCLE PARKING REQUIREMENTS FOR PARKING FACILITIES.”**

**§ 1. PURPOSE:** The purpose of [Section III] is to provide sufficient safe and convenient bicycle parking in parking facilities so as to encourage bicycling as a form of transportation, which in turn reduces traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

**§ 2. DEFINITIONS:** The definitions set forth in [Section II, § 2] shall apply to [Section III], unless the context clearly requires otherwise.

§ 3. **LICENSING CONDITIONS:** As a condition of the issuance or renewal of a license required by the [Jurisdiction] for a parking facility, parking facilities shall provide [1] Bicycle Parking Space per each [20] vehicle parking spaces provided, with a minimum of [6] Bicycle Parking Spaces. Where the calculation of total required spaces results in a fractional number, the next highest whole number shall be used.

§ 4. **LOCATION:** All Bicycle Parking Spaces required by [Section III] shall be located in an area, preferably on the ground floor, that (i) can be conveniently and safely accessed by bicycle and by foot in a way that minimizes conflicts with motor vehicles, (ii) is not isolated, and (iii) maximizes visibility by parking facility patrons and attendants. If the licensed parking facility has multiple entrances, the required Bicycle Parking Spaces may be spread out among the multiple entrances. Bicycle Parking Spaces shall be accessible without climbing more than one step or going up or down a slope in excess of [12] percent.

§ 5. **BIKE RACKS:** All Bicycle Parking Spaces required by [Section III] shall contain Bike Racks and shall be well lit if accessible to the public or bicyclists after dark or if in an interior or darkened location. All Bike Racks shall also provide a clearance of at least [36] inches in all directions from any obstruction (including but not limited to other bike racks, walls, doors, posts, columns or landscaping), and shall be separated from vehicles by some form of physical barrier (such as bollards, concrete or rubber curbing or pads, reflective wands, a wall, or a combination thereof) designed to adequately protect the safety of bicyclists and bicycles. All Bike Racks located outdoors shall also be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.

§ 6. **SIGNAGE:** Parking facilities shall also install prominent signs, no smaller than [12] x [18] inches and utilizing a type size of at least [2] inches, in or near each entrance that advertise the availability of bicycle parking, and the location, if it is not visible from the entrance.

§ 7. **CONTRACTUAL LIMITS ON LIABILITY:** [Section III] shall not interfere with the rights of a parking facility owner (or designee) to enter into agreements with facility users or take other lawful measures to limit the parking facility's liability to users, including bicycle users, with respect to parking in the parking facility, provided that such agreements or measures are otherwise in accordance with the requirements of [this Ordinance] and the law.

**SECTION IV. [ARTICLE/CHAPTER] OF THE [JURISDICTION]  
[ZONING/PLANNING/MUNICIPAL/COUNTY CODE] IS HEREBY ADDED TO  
READ “BICYCLE PARKING REQUIREMENTS FOR SPECIAL EVENTS  
INVOLVING STREET CLOSURES.”**

**§ 1. PURPOSE:** The purpose of [Section IV] is to provide sufficient safe and convenient bicycle parking at special events involving street closures to encourage bicycling as a form of transportation, which in turn reduces traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

**§ 2. CONDITIONS ON STREET CLOSURE PERMITS:** As a condition of a permit for the closure of a street for a special event in which the daily number of participants is projected to be [1,000] or more, monitored bicycle parking shall be provided by the event sponsor (or a designee) for at least [1] % of expected daily participants beginning [½ hour] before and ending [½ hour] after the time of the event each day of the event.

**§ 3. REQUIREMENTS FOR MONITORED PARKING:** Monitored bicycle parking shall include the presence, at all times, of one attendant, or more as needed, to receive bicycles, dispense claim checks, return bicycles, and provide security for all bicycles.

**§ 4. LOCATION:** All monitored bicycle parking shall be located within [500] feet of at least one regular entrance or access point to the event.

**§ 5. PUBLICITY AND SIGNAGE:** All publicity, including signs, for the event shall state the availability of monitored bicycle parking, its location, and cost, if any. All event maps shall include the location of monitored bicycle parking. If monitored bicycle parking is not within eyeshot of each entrance, signs shall be provided to ensure easy way finding.

**§ 6. INSURANCE COVERAGE AND FEES:** The event sponsor or designee must provide insurance coverage for the monitored bicycle parking in case of damaged or stolen bicycles, and may charge users a fee to cover the cost of providing the monitored parking.

**SECTION V. [ARTICLE/CHAPTER] OF THE  
[ZONING/PLANNING/MUNICIPAL/COUNTY CODE] IS HEREBY ADDED TO  
READ “REMOVAL OF ABANDONED BICYCLES.”**

**§ 1. PURPOSE:** The purpose of [Section V] is to ensure the reasonably prompt removal of bicycles abandoned in Bicycle Parking Spaces so as to encourage bicycling as a form of transportation, which in turn reduces traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

**§ 2. DEFINITIONS:** The definitions set forth in [Section II, § 2] of this Ordinance shall apply to [Section V], unless the context clearly requires otherwise.

**§ 3. REMOVAL REQUIREMENTS:** On [a quarterly basis], owners of property (or a designee) subject to [Sections II or III of this Ordinance] shall remove, from all Bicycle Parking Spaces associated with their property, including those located on the public right-of-way, bicycles that have been abandoned. A bicycle shall be deemed to be abandoned if it has not been removed after having been tagged with a notice of removal for [2] weeks for Short-Term Bicycle Parking Spaces or [4] weeks for Long-Term Bicycle Parking Spaces. However, a bicycle shall not be deemed to be abandoned if the bicyclist and property owner (or designee) have a written agreement regarding provision of long term storage covering the time period in question. Abandoned bicycles may be donated to non-profits that reuse bicycles or may be disposed of in any lawful manner.

**SECTION VI. [ARTICLE/CHAPTER] OF THE [JURISDICTION]  
[ZONING/PLANNING/MUNICIPAL/COUNTY CODE] IS HEREBY ADDED TO  
READ “IMPLEMENTATION OF ORDINANCE.”**

**§ 1. REGULATIONS AND PROCEDURES:** The [Planning Director/Zoning Administrator and/or other relevant local administrator(s)] [is/are] authorized to promulgate new and amend existing rules, regulations, procedures or forms as necessary or appropriate to implement the provisions of [this Ordinance].

**§ 2. TRAINING:** [Jurisdiction] shall periodically make trainings or training materials available to planners and other employees involved in the implementation and enforcement of [this Ordinance].

**§ 3. REPORTING:** The [Planning Director/Zoning Administrator] shall provide an annual report to the [Adopting Body] regarding the implementation of this Ordinance that shall, at a minimum, include the following information relevant to the preceding year: (1) the number of Short and Long-Term Bicycle Parking Spaces created pursuant to [Sections II and III], and the number of events for which special event bicycle parking was provided under [Section IV] ; (2) *(if applicable)* a brief summary of each request for modification received and action taken in response thereto; and (3) any other information learned that would improve future implementation of [this Ordinance] and its goals.

**SECTION VII. STATUTORY CONSTRUCTION:**

- (A) All ordinances or parts thereof that conflict or are inconsistent with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.
- (B) If any section or portion of this Ordinance is judicially invalidated for any reason, that portion shall be deemed a separate and independent provision, and such ruling shall not affect the validity of the remaining portions of this Ordinance.

**SECTION VIII. EFFECTIVE DATE:** This Ordinance shall be effective [upon passage (*insert other date if desired*)] (“Effective Date”), except that:

- (A) [Section II, § 3] (“Bicycle Parking Spaces Required”), and [Section II, § 4] (“Building Permits and Certificates of Occupancy”) shall only apply to New Development and Major Renovations for which a building permit is issued on or after [120] days from the Effective Date.
- (B) [Section III] (“Bicycle Parking Requirements for Parking Facilities”) shall apply to Parking Facilities that were licensed prior to the Effective Date, and have less than [180] days remaining on their license, as follows: [1/2] of the required number of Bicycle Parking Spaces shall be provided no later than [120] days from the expiration of the parking facility’s license, with full implementation required no later than [180] days from the expiration of the parking facility’s license.
- (C) [Section IV] (“Bicycle Parking Requirements for Special Events Involving Street Closures”) shall not apply to events for which the temporary street closure was authorized pursuant to an application submitted prior to the Effective Date.

- <sup>1</sup> Centers for Disease Control and Prevention. *Overweight and Obesity: Health Consequences*. Atlanta: CDC, 2012. Available at: [www.cdc.gov/obesity/causes/health.html](http://www.cdc.gov/obesity/causes/health.html).
- <sup>2</sup> Centers for Disease Control and Prevention. *Overweight and Obesity: Causes and Consequences*. Atlanta: CDC, 2012. Available at: [www.cdc.gov/obesity/causes/index.html](http://www.cdc.gov/obesity/causes/index.html).
- <sup>3</sup> See Active Living Research. *Active Transportation: Making the Link from Transportation to Physical Activity and Obesity, Research Brief*. 2009. Available at: [www.activelivingresearch.org/files/ALR\\_Brief\\_ActiveTransportation.pdf](http://www.activelivingresearch.org/files/ALR_Brief_ActiveTransportation.pdf).
- <sup>4</sup> See America Bikes, League of American Bicyclists. *Factsheet: National Household Travel Survey*. Available at: [www.bikeleague.org/resources/reports/pdfs/nhts09.pdf](http://www.bikeleague.org/resources/reports/pdfs/nhts09.pdf); see also T. Litman. "Short and Sweet Analysis of Shorter Trips Using National Personal Travel Survey Data." Victoria Transport Policy Institute (February 22, 2012) at 3. (41% of all trips are 3 miles or less (and 67% of those are by car), and 19% of all trips are 1 mile or less (and 42% of those are by car)). Available at: [www.vtpi.org/short\\_sweet.pdf](http://www.vtpi.org/short_sweet.pdf).
- <sup>5</sup> See America Bikes, League of American Bicyclists. *Factsheet: National Household Travel Survey*. Available at: [www.bikeleague.org/resources/reports/pdfs/nhts09.pdf](http://www.bikeleague.org/resources/reports/pdfs/nhts09.pdf); see also Rails-to-Trails Conservancy. *Turning Potential into Practice: Walking and Biking as Mainstream Transportation Choices*. 2007. Available at: [www.railstotrails.org/resources/documents/whatwedo/TrailLink%2007%20Program\\_Mobility.pdf](http://www.railstotrails.org/resources/documents/whatwedo/TrailLink%2007%20Program_Mobility.pdf) (citing FHWA 2006).
- <sup>6</sup> Research and Innovative Technology Administration, Bureau of Transportation Statistics. "Figure 2 On a typical day, how many miles one-way do you travel from home to work?" *Omnistats*, 3(4): 2003. Available at: [www.bts.gov/publications/omnistats/volume\\_03\\_issue\\_04/html/figure\\_02.html](http://www.bts.gov/publications/omnistats/volume_03_issue_04/html/figure_02.html).
- <sup>7</sup> US Department of Transportation, Federal Highway Administration. *Federal Highway Administration University Course on Bicycle and Pedestrian Transportation, Lesson 8: Pedestrian Characteristics*. July 2006, p. 1-10. Available at: [www.fhwa.dot.gov/publications/research/safety/pedbike/05085/pdf/lesson8lo.pdf](http://www.fhwa.dot.gov/publications/research/safety/pedbike/05085/pdf/lesson8lo.pdf); Office of the Prime Minister, Social Exclusion Unit. *Making the Connections: Final Report on Transport and Social Exclusion*. Feb. 2003, p. 1-7. Available at: [http://webarchive.nationalarchives.gov.uk/+/http://www.cabinetoffice.gov.uk/media/cabinetoffice/social\\_exclusion\\_task\\_force/assets/publications\\_1997\\_to\\_2006/making\\_transport\\_2003.pdf](http://webarchive.nationalarchives.gov.uk/+/http://www.cabinetoffice.gov.uk/media/cabinetoffice/social_exclusion_task_force/assets/publications_1997_to_2006/making_transport_2003.pdf).
- <sup>8</sup> U.S. Department of Transportation, Federal Highway Administration. *The 'Carbon Footprint' of Daily Travel: NHTS Brief*. 2009. Available at: <http://nhts.ornl.gov/briefs/Carbon%20Footprint%20of%20Travel.pdf>.
- <sup>9</sup> See, e.g., C. Paige. "Pediatric Asthma Linked to Car Emissions." *Boston Globe*, March 2, 2008. Available at: [www.boston.com/news/local/articles/2008/03/02/pediatric\\_asthma\\_linked\\_to\\_car\\_emissions/](http://www.boston.com/news/local/articles/2008/03/02/pediatric_asthma_linked_to_car_emissions/); Environmental Working Group's Auto Asthma Index (and sources cited therein). Available at: [www.ewg.org/sites/asthmaindex/about/](http://www.ewg.org/sites/asthmaindex/about/); R. Rabin. "Asthma Rate Rises Sharply in U.S., Government Says." *New York Times*, May 3, 2011. Available at: [www.nytimes.com/2011/05/04/health/research/04asthma.html?\\_r=1](http://www.nytimes.com/2011/05/04/health/research/04asthma.html?_r=1)
- <sup>10</sup> See, e.g., Vanderbilt T. "What Would Get Americans Biking to Work? Decent Parking." *Slate*, Aug. 17, 2009. Available at: [www.slate.com/id/2225511/](http://www.slate.com/id/2225511/); see also, e.g., City of New York Department of City Planning, Transportation Division. *The New York City Bicycle Survey: A Report Based on the Online Public Opinion Questionnaire Conducted for Bike Month 2006*. 2007. Available at: [www.nyc.gov/html/dcp/pdf/transportation/bike\\_survey.pdf](http://www.nyc.gov/html/dcp/pdf/transportation/bike_survey.pdf) at p.15 (NYC commuters report a lack of safe storage for bicycles as a leading reason for not commuting by bike).
- <sup>11</sup> See, e.g., Marin County Bicycle Coalition. *Economic Benefits of Bicycling in Urban Environments*. Available at: [www.marinbike.org/Resources/EconomicBenefitsOfBicycling.pdf](http://www.marinbike.org/Resources/EconomicBenefitsOfBicycling.pdf) (citing a 118%-125% increase in bicycle use in Marin County over the last ten years due to improvements in infrastructure, including pathways, shared use lanes, intersection improvements and bicycle parking; and pointing to increased revenue due to retail purchases by bicyclists with adequate access to infrastructure and parking; see also J. Dill and T. Carr. "If You Build Them, Commuters Will Use Them - Another Look." Transportation Research Board 2003 Annual Meeting (cities with higher levels of bicycle infrastructure (bike lanes and paths) witnessed higher levels of bicycle commuting). Available at: [www.palgrave-journals.com/jphp/journal/v30/nS1/full/jphp200856a.html](http://www.palgrave-journals.com/jphp/journal/v30/nS1/full/jphp200856a.html).



**City of Cleveland**  
**Zoning Code Update**

Effective Date: June 16, 2008

**Section 457.10 Bicycle Parking**

**Section 457.10     Bicycle Parking**

As a condition of the issuance or renewal of an annual license, all parking lots and garages subject to the provisions of this Chapter shall provide spaces for bicycle parking in accordance with the following regulations.

(a) *Purpose.* The requirements for bicycle parking are established for the purpose of ensuring adequate and safe facilities to accommodate bicycle parking and to encourage use of bicycles for travel as an alternative to use of motorized vehicles.

(b) *Time of Compliance.* For applicable parking lots and garages that were licensed prior to the initial effective date of this Section, required bicycle parking spaces shall be provided no later than two (2) years after the initial effective date [June 16, 2008] of this Section. For other applicable parking lots and garages, required bicycle parking spaces shall be provide prior to the issuance of a license.

(c) *Number of Bicycle Parking Spaces.* Bicycle parking spaces shall be provided at a rate of one (1) bicycle parking space for each twenty (20) automobile spaces provided. However, no automobile parking lot or garage shall be required to provide more than twenty-four (24) bicycle parking spaces.

(d) *Substitution for Automobile Spaces.* The total number of automobile off-street parking spaces required under the Zoning Code shall be reduced at the ratio of one (1) automobile off-street parking space for each six (6) bicycle spaces provided. The total number of required automobile off-street parking spaces, however, shall not be reduced by more than five (5) percent for any parking lot or garage.

(e) *Bicycle Parking Space Size.* Required bicycle parking spaces for nonresidential uses must have minimum dimensions of two (2) feet in width by six (6) feet in length

(f) *Bicycle Parking Space Location.* Required bicycle parking spaces shall be located at least as close to the entrance of the building as the nearest non-handicapped automobile parking space. Where automobile parking is provided in an enclosed area, bicycle parking shall be provided within the enclosure or in such a way as to provide comparable protection from the elements.

(g) *Bicycle Racks and Lockers.* Each required bicycle parking space shall be equipped with a bicycle rack or "bicycle locker," as defined in this Section.

(1) *Design.* Bicycle racks and lockers must be securely anchored to the ground or a building. Bicycle racks must provide a stable frame to which the bicycle may be conveniently secured, such as the inverted-U, post and loop, or another type of rack that meets these standards. Bicycle racks that support the wheel but not the frame of the bike may not be used to fulfill a bicycle parking requirement. In parking lots and parking garages, physical barriers, such as posts or bollards, shall be provided so as to prevent a motor vehicle from striking a parked bicycle.

(2) *Residential Uses.* Neither bicycle racks nor bicycle lockers are required for bicycle parking associated with residential uses. Required bicycle parking for residential uses may be provided in garages, storage rooms, or any other resident-accessible, secure areas.

(h) *Bike Locker.* As used in this section, "bike locker" means a locker or storage space large enough to house a single bicycle and which may be secured and accessed by a single user.



**MODEL ORDINANCE FOR OFF STREET PARKING**

**PLEASE NOTE**

- The following model parking ordinance is recommended as part of a community’s regulations to minimize impervious cover and improve stormwater management.
- This model may need to be modified to fit the needs of each community. This includes integration with current local parking requirements and comprehensive stormwater management regulations. Please contact CRWP for assistance in tailoring this model to your community’s needs, development patterns, and current requirements.

Throughout this model duties are assigned to the “*Community*.” These should be assigned to specific staff and departments. Areas in *bold/italics* need to be adjusted for your community.

**WHEREAS**, the construction of parking areas in the *[watersheds to which community belongs]* watershed/s] increases impervious cover, alters the hydrologic response in *these/this* watershed/s], and increases in the rate and volume of stormwater run off; and,

**WHEREAS**, flooding is a significant threat to property and public health and safety, and pervious surfaces lessen the damage from flooding by slowing water velocity, enabling water to soak into the ground, and by providing temporary storage of runoff; and,

**WHEREAS**, streambank erosion is a significant threat to property and public health and safety, and limitations on impervious cover, including in parking areas, slow runoff and reduce its erosive force; and,

**WHEREAS**, sedimentation of eroded soil adversely affects aquatic communities and incurs removal costs to downstream communities; and,

**WHEREAS**, there are watershed-wide efforts to minimize flooding and streambank erosion in the *[watersheds to which community belongs]* watershed/s] and to protect and enhance the water resources of the *[major watercourses to which community drains]* and its tributaries and *[Community]* recognizes its obligation as a part of *these/this* watersheds to minimize flooding and streambank erosion by controlling runoff within its borders; and,

**WHEREAS**, the *[river, if State Scenic]*, including that portion which flows through the *[Community]*, has been designated as an “Ohio Scenic River” in recognition of the fact that its watershed harbors an extraordinary array of wildlife, including fish, freshwater mussels, birds, mammals, reptiles, and amphibians; and,

**WHEREAS**, the *[Community]* finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders; and,

**WHEREAS**, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the *[Community]* to develop a Stormwater Management Program that, among other components, requires the *[Community]* to implement standards,



principles, and procedures to regulate the quality of stormwater runoff during and after soil disturbing activities, including the construction of parking areas; and,

**WHEREAS**, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

**SECTION 1:** Codified Ordinance *Chapter XXXX Off Street Parking Regulations* is hereby adopted to read in total as follows:

**CHAPTER XXXX  
OFF STREET PARKING REGULATIONS**

**XXXX.01 PURPOSE AND SCOPE**

- A. The purpose of this regulation is to establish technically feasible and economically reasonable parking standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the *[Community]*.
- B. This regulation requires owners who develop or re-develop their property within the *[Community]* to control the volume, rate, and quality of stormwater originating from their parking areas so that surface water and ground water are protected and flooding and erosion are not increased. Specifically, applicants must:
  - 1. Minimize the creation of excess impervious cover:
  - 2. Preserve infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.
  - 3. Incorporate stormwater quality and quantity controls into parking area design at the earliest possible stage in the development or redevelopment process.
- C. The *[Community]* established this regulation to:
  - 1. Reduce minimum parking requirements and set minimum and maximum parking ranges.
  - 2. Encourage stormwater management practices in parking areas including pervious pavements, bioretention, and other practices that integrate stormwater management into parking and landscaping areas.
  - 3. Reduce the pollutant load and temperature of stormwater runoff from parking areas.
  - 4. Promote the general convenience, welfare, and prosperity of residential, industrial, commercial, and institutional uses that depend on off-street parking.
  - 5. Promote shading and cooling of parking areas.
  - 6. Promote multiple modes of transportation, including bicycling.
- D. This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or redevelopment projects involving parking areas on industrial, commercial, institutional, or residential projects.

**XXXX.02 DEFINITIONS**

For the purpose of this regulation, the following terms shall have the meaning herein indicated:



- A. **ALLEY:** A dedicated public way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.
- B. **COMMERCIAL VEHICLE:** Any vehicle serving purposes other than the transportation of persons or registered for a gross vehicle weight of more than 9,000 pounds. This definition includes, but is not limited to buses, semi-trailers, tractors, skid loaders, flatbeds, dump trucks, hearses, farm equipment, trailers, and trucks that are designed for use in construction, snow removal, or tree trimming.
- C. **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.
- D. **IN-LIEU PARKING FEES:** Provides the developer with an option to build the required number of parking spaces or contribute fees to a fund at the direction of the *[Community]*. These fees may be used at a future date for off-street parking facilities. Fees may also be used to fund programs that promote alternative modes of transportation. In-lieu fees provide opportunities to cluster parking, to build parking more efficiently, and to facilitate development in locations with difficult parcel configurations. Fees can be calculated on a case-by-case or on a fee per space basis.
- E. **LOADING SPACE:** An off-street space, on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- F. **LOADING DOCK:** A large building door primarily used for loading/unloading items from trucks. The floor of a loading door dock is raised above the truck ramp's surface. This excludes bay doors that are large building doors through which vehicles can drive.
- G. **LAND BANKING:** An adjustment to parking requirements that is a specific agreement between a property owner and the *[Community]* that the number of spaces actually needed for a building or land use is, or will likely be, less than otherwise required due to the site-specific circumstances such as provision for shared parking or alternative transportation reduction actions. The petitioner for an adjustment must agree to provide an area of land or the right to the use of land set aside for possible future development of a surface lot or parking structure so that if circumstances prove that more parking is required, it can be added. This set aside area is called a Land Bank.
- H. **PARKING:** The placement of automobiles, trucks, trailers, semi-trailers, inter-modal cargo containers, or other vehicles for 5 or fewer days.
- I. **PARKING AREA:** All areas, spaces, and structures designed, used, required, or intended to be used for the parking of more than 3 motor vehicles. This definition is intended to include adequate driveways, access ways, parking bays, garages, or a combination thereof, but does not include public roads, streets, highways, and alleys.
- J. **PARKING SPACE:** An area of definite length and width designed for parking of motor vehicles; said area shall be exclusive of drives, aisles, or entrances giving access thereto.
- K. **SHARED PARKING:** Parking areas that serve 2 or more land uses, either on the same site or



nearby sites.

**XXXX.03 APPLICABILITY**

All off-street parking for new or redevelopment projects in industrial, commercial, institutional, or residential areas shall meet the requirements of this regulation.

**XXXX.04 GENERAL REQUIREMENTS.**

- A. Required off-street parking shall not occupy livable space or loading facilities.
- B. Required off-street parking shall not be used for the storage, sale, dismantling, or servicing of vehicles, equipment, materials, or supplies.
- C. Required off-street parking shall be located on the lot containing the use for which the required parking is being provided, unless a shared parking agreement has been accepted by the [Community] per *Section XXXX.07* of this regulation.
- D. The capacity of an off-street parking area shall be the number of parking spaces, having required dimensions.
- E. The construction and surfacing of required off-street parking shall be completed prior to the initiation of the use, unless an extension is granted by the [Community].
- F. The final design of all off street parking shall be approved by the [Community] engineer.

**XXXX.05 DESIGN STANDARDS FOR OFF-STREET PARKING**

The following standards shall apply:

- A. All required off-street parking spaces shall have a vertical clearance of at least six (6) feet and six (6) inches.
- B. Handicapped off-street parking spaces shall be provided in size and number as specified in the Ohio Basic Building Code.
- C. Required off-street parking spaces shall have a maximum square foot area of no more than 165 square feet or 8.5 feet wide and 19 feet in length exclusive of access drives and aisles.

**XXXX.06 STANDARD SPECIFIC DESIGN REQUIREMENTS FOR REDUCING IMPERVIOUS COVER ON PARKING AREAS**

- A. Compact car parking spaces and minimizing stall dimensions:
  - 1. Parking areas designed to hold 100 parking spaces or more shall dedicate at least 25% of the spaces to compact cars.
  - 2. The maximum layout dimensions for compact car parking spaces shall be 130 square feet. See Table 1 in *Section XXXX.06.C.5* for recommended dimensions.
  - 3. The owner of the parking area shall designate compact car spaces by signs approved



by the [Community] with a minimum of 1 sign per every 4 compact car spaces.

4. Compact car parking spaces shall be grouped to promote better use.

*Note: Please review the above requirements regarding the percentage of off street parking dedicated to compact cars to ensure it is acceptable to your community.*

B. Parking lot access drives and aisle ways:

1. Access drives: Drive apron access widths and geometries shall conform to the *ODOT Location and Design Manual*.

- a. Two-way access drives shall not be wider than 28 feet not including the apron.
- b. One-way access drives shall not be wider than 20 feet not including the apron.
- c. Joint use driveways: A system of joint use driveways and cross access easements shall be established and used to the maximum extent practicable as determined by the [community]. The system of joint use driveways shall incorporate the following:
  - i. A design speed of 10 miles per hour (mph) and a maximum width of 28 feet to accommodate two-way travel aisles designated for automobiles, service vehicles, and loading vehicles.
  - ii. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
  - iii. A unified access and circulation plan for coordinated or shared parking areas.
  - iv. An easement with the deed recorded by all participating property owners allowing cross access to and from other properties served by the joint use driveways.

2. Parking lot aisle widths:

- a. Two-way parking aisle widths shall not exceed 22 feet.
- b. One-way parking aisle widths shall have the following maximum widths based on the configuration of the adjacent parking spaces:
  - i. Perpendicular 22 feet
  - ii. 60° 20 feet
  - iii. 45 -30° 18 feet

C. The maximum lengths and widths for parking spaces shall be as prescribed in the following



table. If a column or other obstruction is adjacent to a parking space and would interfere with car door openings, then the maximum stall width of that space shall be increased by 1 foot. The inner face of the column or other obstruction shall form the actual boundary of the space when measuring the width or length of the spaces.

Table 1

Parking Angle	Standard Parking Space (maximum 165 sq. ft.)		Compact Car Parking Space (maximum 130 sq. ft.)	
	Width (ft.)	Length (ft.)	Width (ft.)	Length (ft.)
0 (parallel)	7	22	7	18
45 to 59	8.5	19	8	16
60 to 75	8.5	19	8	16
90 (perpendicular)	8.5	19	8	16

D. Incorporation of stormwater control measures.

The following stormwater control measures shall be incorporated into the Comprehensive Stormwater Management Plan for the proposed development or redevelopment project involving the construction of off street parking. Review and approval by the [Community] engineer shall be as detailed in Chapter XXXX Comprehensive Stormwater Management as well as the required inspection and maintenance agreements and easements.

1. Permeable pavement: Permeable pavements shall be allowed upon review and approval by the [Community] engineer.
2. Interior landscaping: In addition to parking lot perimeter landscaping and screening requirements, surface parking lots shall include landscaping to cover not less than 10% of the parking and maneuvering area. This landscaping requirement shall include bioretention cells and sand filter strips for stormwater management where suitable and appropriate. The layout of the interior landscaped areas shall meet the following requirements:
  - a. Bioretention for stormwater management shall be allowed upon review and approval by the [Community] engineer.
  - b. Bioretention cells shall be arranged between rows of parking stalls to provide the maximum stormwater management benefit. Where parking lot dimensions, slopes, or other constraints make landscape strips between rows of parking unfeasible, interior landscaping shall be arranged in areas at the ends of rows of parking or between spaces within rows.



- c. Curbs separating landscaped areas from parking areas shall allow stormwater runoff to pass through them. Curbs shall be:
  - (A) Perforated with gaps or breaks, and
  - (B) Removed from the perimeter of paved areas, allowing sheet flow from stormwater runoff into the bioretention cells or sand filter strips.
3. Bioretention cells shall be designed and clearly signed so that they are not used for snow piling or any other above ground storage area(s).

**XXXX.07 SHARED PARKING**

The *[Community]* encourages parking lots for different land uses, or for mixed land uses, to be shared in any zoning district. At the applicant's request, shared parking may be provided, subject to the following provisions:

- A. A reciprocal written agreement shall be executed by all the parties concerned that guarantee the perpetual joint use of such common parking, a copy of which has been submitted to and is accepted by the *[Community]*.
- B. The *[Community]* may require the applicant to provide a parking study with information deemed necessary to its review of a shared parking arrangement. This information includes but is not limited to:
  1. The type and hours of operation and parking demand, for each land use.
  2. A site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot.
  3. A description of the character of land use and parking patterns of adjacent land uses.
  4. An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.
- C. Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.
- D. Users sharing a parking facility do not need to be contained on the same lot, but each user shall be a maximum of 500 feet from the closest parking space in the lot providing the shared parking spaces. A waiver of the maximum allowable distance between the user and associated shared parking may be approved by the *[Community]* with written justification and supporting information provided by the applicant.
- E. Users sharing a parking facility shall provide for safe, convenient walking between land uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.
- F. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the



change to the *[Community]* within 60 days of change, providing a remedy satisfactory to the *[Community]* to ensure adequate parking.

- G. Reduction in parking space requirements for shared parking: Where shared parking is provided among mixed land uses, the *[Community]* may allow the following reductions in parking space requirements, at the applicant's request:
1. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other land uses operating during the same time of day and days of the week. The predominant land use is considered to be that which requires the most parking of those sharing the parking facilities.
  2. Up to 75% of the parking spaces required for uses such as theaters, public auditoriums, bowling alleys, nightclubs, movie theaters, and similar predominantly evening uses may be shared with uses such as banks, offices, and similar predominantly daytime uses.
  3. Up to 75% of the parking spaces required for land uses such as churches and other land uses predominantly operating during the weekend may be shared with uses such as medical offices, banks, and other similar uses predominantly operating on weekdays.

#### **XXXX.08 LAND BANKING OF REQUIRED PARKING**

Land banking for parking spaces may be authorized by the *[Community]* in the same manner as any other variance per the following conditions:

- A. Reduction in the number of parking spaces to actually be constructed may be authorized by the *[Community]* when the applicant shows that the required number of parking spaces set forth in the Exhibit A is substantially in excess of the parking needed to reasonably serve the employees, patrons, and other persons frequenting the subject property. The *[Community]* shall determine the number of parking spaces to actually be constructed as may be appropriate, in its opinion, based on the evidence submitted.
- B. Land bank provisions shall provide a site plan showing how the additional number of spaces otherwise required could subsequently be provided on the site. The additional parking area shall maintain all required yards, setbacks, and driveways for subject property and shall meet all requirements of this code. The additional parking areas design may be a surface lot or parking garage, as determined in the site plan.
- C. Sufficient usable space shall be reserved upon the subject property for the future construction of such additional spaces as may be necessary to accommodate any differential between the number of spaces to actually be constructed as part of the proposed project and the number of spaces required by the *[Community]* per Exhibit A. The reservation of said spaces and the purpose therefore, shall be shown upon the approved plan and shall be a component of any future submittal involving the subject property.
- D. The property deed shall be revised and re-recorded to include a deed restriction setting forth the area to be land banked and a statement of the purpose thereof, and binding any future



assigns or heirs to said restrictions and any other conditions as may be required by the [Community], in associated with this variance.

- E. A certified copy of the recorded deed with said restrictions shall be provided to the [Community], within 60 days of the [Community] action to approve this variance.

**XXXX.09 IN-LIEU PARKING**

The [Community] encourages parking lots for different land uses, or for mixed land uses, to have in-lieu parking in any zoning district. At the applicant’s request, in-lieu parking may be provided, subject to the following provisions:

- A. Within designated parking districts established by the [Community], and shown on the map, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the [Community] prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use. The [Community] shall not be obligated to accept a fee for more than the contraction, acquisition and maintenance per space, and then only with the express approval of the [Community].
- B. In establishing parking districts, the [Community] may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

**XXXX.11 PARKING SPACES PER LAND USES**

Exhibit A attached to this regulation and incorporated thereto details the parking requirement per each land use permitted in the [Community]. Parking requirements for any land use may be decreased, increased, and/or land banked by determination of the [Community] based upon evidence provided by the applicant from an acceptable industry publication (for example, the Institute of Transportation Engineers, Urban Land Institute, American Planning Association) or by a parking generation study prepared by a qualified professional that documents the requirements for said land use.

*The following list of parking recommendations has been cross-referenced with the 2002 American Planning Association “Parking Standards” Report*

**Exhibit A**

	Minimum	Maximum
<b>(a) Residential</b>		
Single Family	2 spaces per dwelling	None
Efficiency/Studio	1 spaces per unit	2 per unit
1 Bedroom Unit	1 spaces per unit	2 per unit
2 Bedroom Unit	1.5 spaces per unit	2.5 per unit
3 Bedroom Unit	2.25 spaces per unit	2.5 per unit
4 Bedroom Unit	2.5 space per unit	3 per unit



Extended-Stay Hotel/Rooming/Boarding House	0.5 space guest parking per dwelling unit	1.5 spaces/unit
<b>(b) Commercial Residential</b>		
Hotel	1 space per guest room	1.5 spaces/ guest room
Motel	1 space per guest room	1.5 spaces/ guest room
<b>(c) Institutions</b>		
Welfare or correctional	1 per employee of largest shift	1.5 per each employee of largest shift
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space per 3 beds for patients or residents	1 space per 2.5 beds for patients or residents
Hospital	1.5 spaces per bed	2 spaces per bed
<b>(d) Places of Public Assembly</b>		
Church	1 space per 4 seats or 8 feet of bench length in the main auditorium	1 per 3 seats
Library, reading room, museum, art gallery	1 space per 400 square feet of usable floor area plus 1 space per 2 employees	1 per 250 sq. ft. of gross floor area
Pre-school nursery or kindergarten	2 spaces per teacher	2.5 spaces per teacher
Elementary or Junior High School	1 space per employee or 1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater	1 per 15 classroom seats



High School	1 space per employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater	1 per 8 classroom seats
College or commercial school for adults	.33 space per classroom seat	0.4 space per classroom seat
Other auditorium or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet of usable floor area	.3 space per seat
<b>(e) Commercial Amusements</b>		
Stadium, arena or theater	1 space per 4 seats or 8 feet of bench length	.3 space per seat
Bowling alley	6 spaces per lane plus 1 space per 2 employees	4 spaces per lane
Dance Hall or Skating Rink	1 space per 100 square feet of usable floor area plus 1 space per 2 employees	1 per 80 sq. ft. of usable floor area
Fitness facility or health center	1 space per 300 square feet of gross floor area	1 per 150 sq. ft. of gross floor area
<b>(f) Commercial</b>		
Beauty parlor and Barber shop	2 spaces for each beauty or barber chairs	3 spaces per beauty or barber chair
Retail store except stores selling bulky merchandise	1 space per 300 square feet of usable floor area	1 per 200 sq. ft. of gross floor area



Service or repair shops, retail stores and outlets selling furniture, automobiles, or other bulkymerchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space per 600 square feet of usable floor area	1 per 500 sq. ft. of gross floor area
Bank or office (except medical and dental)	1 space per 300 square feet of usable floor area	1 per 150 sq. ft. of gross floor area
Medical and dental office or clinic	1 space per 150 square feet of usable floor area	4 per examination room
Eating or drinking establishments	1 per 4 seats	1 per 2.5 seats
Mortuaries	1 space per 5 seats or 10 feet of bench length in chapels	1 per 4 seats of maximum capacity
<b>(g) Industrial</b>		
Manufacturing establishment	1 per employee of largest shift	1.25 per employee of largest shift
Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 per employee of largest shift	1.5 per employee of largest shift

\*Usable Floor Area; refers to areas that are NOT storage, shelf space, areas of floor standing equipment and walking areas/aisle.

**XXXX.12 BICYCLE PARKING**

Bicycle parking must be provided for all new non-residential development projects. Required bicycle spaces must meet the following design standards:

- A. Bicycle racks shall be capable of locking the bicycle and of supporting the bicycle in an upright position.
- B. Bicycle racks and lockers shall be securely anchored to the ground or a building. Bicycle racks must provide a stable frame to which the bicycle may be conveniently secured, such as the



inverted-U, post and loop, or another type of rack that meets these standards. Bicycle racks that support the wheel but not the frame of the bicycle may not be used.

- C. Installation of bicycle racks shall conform to the requirements set forth by the bicycle rack manufacturer with a rectangular space no less than 2.5 feet wide by 6 feet long per bicycle, unless a locker or permanent device to stand the bicycle on end is provided.
- D. Bicycle rack shall be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate the locking mechanism.
- E. Pervious pavement in bicycle rack areas shall be encouraged.
- F. Bike racks shall be located such that they are highly visible from the street and/or building entrance from where bicyclists approach. Bicycle parking areas shall be separate from motor vehicle parking areas.

Bicycle parking shall be provided according to the following schedule. Non-residential uses not identified in the table below shall provide bicycle spaces equal to at least 5% of the required automobile parking spaces.

<b>Use</b>	<b># of Bike Spaces</b>
Church	1 per 40 seats
Theater	0.4 space/seat
Office	0.4 space/1,000 sq. ft.
Medical Office	0.4 space/1,000 sq. ft.
Nursing Home	1 per 20 employees
School	8 per classroom
Retail	0.3 per 1,000 sq. ft.
Restaurant	1 per 1,000 sq. ft.

*☞ Upon request, CRWP can provide language for reducing the number of car spaces provided if bicycle parking is offered.*

City of Bay Village  
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE  
January 12, 2015  
City Hall Conference Room 6:15 p.m.

Member Present: Councilwoman Karen Lieske, Chairman  
Councilman Paul Vincent

Others Present: John Cheatham, Chief Building Official SAFEbuilt, Inc.  
Councilman Henderson

Audience: Richard Fink, Warren Remein, Nathaniel Day, Boy Scout Troop 729

Councilwoman Lieske, Chair of the Committee, called the meeting to order at 6:15 p.m. in the Conference Room of Bay Village City Hall, and the meeting was open to the public.

Councilwoman Lieske advised that this meeting was called to continue the review Codified Ordinances 1305.02, 1307.02, and 351.16(A), at the recommendation of Chief Building Official John Cheatham.

**Ordinance 1305.02**

**Fees for Building Permits**

*Engineer and Horticulturist Fees, Residential Projects. A deposit of \$800.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance at \$800.00 when the balance becomes \$250.00 or less. The balance, after deductions, will be refunded following the completion of the project.*

*Rates for such services shall be determined from the fee schedule of the City Engineer and City Horticulturist.*

*The Building Director and/or Service Director shall, at their discretion, require the services of the City Engineer and City Horticulturist.*

Mrs. Lieske advised that Mayor Sutherland has informed her that the City of Bay Village does have a Horticulturist on staff. Mr. Cheatham has advised that the fees for the communities closest to Bay Village: Olmsted Falls and Westlake. Olmsted Falls deposit is \$750.00, and the City of Westlake deposit is \$2,000. Finance Director Mahoney has forwarded a report of the deposit activity in the City of Bay Village. Mrs. Lieske will forward the report to the members

of the Committee to have available for the next Planning, Zoning, Public Buildings and Grounds Committee.

Mrs. Lieske stated that the question is whether the deposit amount for Bay Village should be raised from the existing \$800. Mr. Vincent stated that an increase would improve the chances of not having to collect additional funds when the initial deposit is depleted.

Mr. Cheatham stated that he is going to stop requiring two grade sets which will lower the cost somewhat. The City Engineer is insisting they review the topo. Therefore, the deposit still needs to be raised. Mr. Cheatham noted that it is easier to refund balances of deposits than to try to collect additional deposit amounts.

Mr. Vincent further noted that increasing the deposit by \$200 is going to mean that the fee is either going to be passed back to the new home owner, or the builder. It is not a nominal amount of money, but is not an amount that will turn someone away from building in Bay Village. It will also make the job easier for the Director of Finance, eliminating the need to seek additional deposit funds.

### **Ordinance 1307.02**

**1307.02 Fees for inspection of plans and specifications governed by Residential Code of Ohio.**

**(a) The fees and charges for the inspection of plans and specifications which are governed by the Residential Code of Ohio shall be as follows:**

***New Dwellings***

***Type of Construction Documents***

***Base Fee Plans Examination Fee per 100 sq.ft. or part thereof per Each Floor***

***Level (includes finished basements)***

- (1) Structural \$50.00 \$1.00***
- (2) HVAC and Plumbing \$25.00 \$1.00***
- (3) Electrical \$25.00 \$1.00***
- (4) Fire Suppression \$25.00 \$1.00***

***Additions of 500 sq.ft. or more to existing dwellings***

***Type of Construction Documents***

***Base Fee Plans Examination Fee per 100 sq.ft. or part thereof per Each Floor***

***Level (includes finished basements)***

- (1) *Structural* \$25.00 \$1.00
- (2) *HVAC and Plumbing* \$25.00 \$.75
- (3) *Electrical* \$25.00 \$.75
- (4) *Fire Suppression* \$25.00 \$.75

(b) *Plan review fees are required to be paid prior to the issuance of permits.*  
(Ord. 07-40. Passed 5-7-07.)

Mr. Cheatham advised that there is a printing error in the code. HVAC and Plumbing are put together, and they should be separate. This would be a simple correction by legislation, creating categories 1 through 5, rather than 1 through 4.

**Ordinance 351.16(A)**

**351.16 PROHIBITION OF PARKING OF MOTOR VEHICLES ON LAWNS.**

(a) *Definitions. As used in this section:*

(1) *“Driveway” means an area graded and provided with a hard surface of granulated material, asphalt, cement, brick or decorative stone, used as a means of ingress and egress, providing that such driveway shall not occupy over forty percent (40%) of the total required front yard of the lot.*

Mr. Cheatham explained that Law Director Ebert is working on new language for this code. He is researching language found in other communities to give to the Planning and Zoning Committee for their consideration. “Lawn” and “Driveway” will be defined. The circumstances were complicated by the fact that the code restricting the size of a driveway is only found in the Traffic Code, and should also be included in the Zoning Code, Chapter 11. This will be corrected as well, and property owners will be required to have green area.

Mr. Richard Fink asked if the Cliff Drive situation, where the entire front yard is driveway, is going to go to litigation. Mr. Cheatham stated that Law Director Ebert would be the person that could answer that question, but it is probable that it will go to litigation.

The next meeting of the Planning, Zoning, Public Buildings and Grounds Committee will meet again in the near future. Meeting adjourned at 6:45 p.m.

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Karen Lieske, Chairman

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Joan Kemper, Secretary