

Agenda, Bay Village City Council
Regular Meeting, Council Chambers

November 16, 2015
8:00 p.m.
Caucus 7:30 p.m. Conference Room
(Public Welcome)

Paul Koomar, President of Council, Presiding
Pledge of Allegiance/Steve Lee, Councilman-at-large
Roll Call
Reading of Minutes – Special Meeting of Council held November 9, 2015

ANNOUNCEMENTS

REPORTS

Mayor Sutherland	Director of Community Services Selig
Director of Law Ebert	Police Chief Spaetzel
Director of Finance Mahoney	Fire Chief Lyons
Director of Recreation Enovitch	
Director of Public Service/Safety Thomas	

COMMUNICATIONS

AUDIENCE

COMMITTEE OF THE WHOLE

Ordinance 15-77 amending Codified Ordinance Chapter 148 regarding Records Commission, and declaring an emergency. (**Second Reading**) (First Reading 11-2-15)

Motion to remove “Animal Kennel (11-5-12)” from the Matters Pending before Council Committee list.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Lee

Ordinance 15-76 amending the Traffic Control Map and File of the City by enacting new No Turn on Red Regulations, and declaring an emergency. (**Third Reading and Adoption**) (First Reading 10-19-15) (Second Reading 11-2-15)

FINANCE AND CLAIMS- Mr. Clark

Ordinance establishing the effective date for the Refuse Collection Fee, and declaring an emergency. (**First Reading**)

Agenda
Regular Meeting of Council
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PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske

Ordinance amending Chapter 1158, Attached Residence District in the City of Bay Village.
(First Reading)

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Tadych

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Henderson

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Vincent

Ordinance authorizing the Mayor to enter into an agreement with Browning-Ferris Industries of Ohio, Incorporated, for solid waste collection and disposal, yard waste, and recycling materials collection and processing, and declaring an emergency.**(First Reading)**

MISCELLANEOUS

Motion to convene to Executive Session regarding Contracts: Personnel: Labor Contracts for all Bargaining Units.

CAHOON MEMORIAL PARK TRUSTEES

Agenda
Regular Meeting of Council
November 16, 2015

Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency.

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.

City of Bay Village

Council Minutes, Special Meeting
Council Chambers 8:25 p.m.

November 9, 2015

Paul Koomar, President of Council, Presiding

Present: Clark, Henderson, Koomar, Lieske, Tadych, Vincent, Mayor Sutherland

Excused: Mr. Lee

Also Present: Law Director Ebert, Councilman-elect Marty Mace, Director of Public Safety/Service Thomas, Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons, Director of Operations Landers

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Jeff Gallatin, Thomas Kramer, Chanda Neeley, Lydia DeGeorge, Pam Cottam, Richard Fink.

President of Council Koomar called the meeting to order at 8:25 p.m. with a roll call and Pledge of Allegiance led by Mr. Koomar,

Motion by **Clark** to approve the minutes of the Regular Meeting if City Council held November 2, 2015 as prepared and distributed. **Motion carried 6-0.**

Motion by **Clark** to approve the minutes of the meeting of the Cahoon Memorial Park Trustees held November 2, 2015 as prepared and distributed. **Motion carried 7-0.**

In compliance with Section 121.22 of the Ohio Revised Code, **Mr. Clark** moved to convene to Executive Session regarding Litigation and Personnel, Labor Contracts for all bargaining units.

Roll Call Vote: Yeas- Clark, Henderson, Koomar, Lieske, Tadych, Vincent. Nays – None. Motion passed 6-0.

Also present in Executive Session were Mayor Sutherland, Councilman-elect Marty Mace, Law Director Ebert, Finance Director Mahoney, Director of Public Service/Safety Scott Thomas.

Council reconvened in an open meeting at 9:20 p.m. Present were: Clark, Henderson, Koomar, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 9:21 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

City of Bay Village

Council Minutes, Committee Session
Conference Room
Paul Koomar, President of Council, Presiding

November 9, 2015
7:37 p.m.

Present: Clark, Henderson, Koomar, Lieske, Tadych, Vincent, Mayor Sutherland

Excused: Mr. Lee

Also Present: Law Director Ebert, Councilman-elect Marty Mace, Director of Public Safety/Service Thomas, Finance Director Mahoney, Police Chief Spaetzle, Fire Chief Lyons, Director of Operations Landers

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Jeff Gallatin, Thomas Kramer, Chanda Neeley, Lydia DeGeorge, Pam Cottam, Richard Fink.

President of Council Koomar called the meeting to order at 7:39 p.m.

ANNOUNCEMENT

COMMITTEE OF THE WHOLE

Deer Culling in Walker Road Park Update

Mr. Koomar stated that Council is not quite ready for this discussion. Mr. Henderson has expressed an interest in having a Walker Road Park Ad Hoc Committee meeting. Mayor Sutherland has spoken to Mayor Zilka of Avon Lake, and the police chiefs of Avon Lake and Bay Village have discussed the proposed culling. A committee meeting is being held in Avon Lake on this issue on Wednesday, November 11, 2015 at 6 p.m. at the Avon Lake City Hall. Mayor Zilka has indicated that the deer culling could begin next month. Goeff Westerfield from the Ohio Department of Natural Resources has met with the police chief in Avon Lake. Mr. Koomar stated that once that meeting on Wednesday, November 11 is held, we should have a better sense of how they will communicate with the residents. Mr. Koomar will reach out to the President of Council of Avon Lake to make preparations for a Walker Road Park Ad Hoc Committee meeting.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Chapter 1158, Attached Residence District

Mr. Koomar stated that since last week's discussion there have been a couple of minor tweaks in the ordinance. Mr. Henderson has pointed out his preference of a maximum of ten units per acre, making clear that ten is not a requirement and the wording should be "up to a maximum of ten units

per acre.” Reference to the Master Plan and the Retail Improvement Strategy has also been inserted into the ordinance.

Mr. Henderson stated that he appreciates Mr. Koomar including pages from the 1999 Master Plan and the 2004 Retail Improvement Strategy in the Council packets this past weekend. Mr. Henderson stated that these documents do not help him as to where these residences could go for a vote in the future. He personally does not know how to look at Exhibit 8.18 and know which sections of the map to which the exhibit applies. The wording on the map mentions Commercial, Industrial, Institutional, Multi-Family etc. Those aren’t the words used in the rest of the sentence. How do you link the map to the paragraph?

Mr. Koomar stated that the original thoughts from the administration and Mr. Paul LeBlanc is just referencing the last Master Plan. Mr. Henderson stated that he thought it might make sense to reference specific exhibits and/or page numbers since they are long documents. If someone was looking to read Chapter 1158 and understand where, this very long document would be helpful to that person if they are going to be doing development. For a resident, they would like to know where this development could or could not be considered in the future.

Mr. Ebert stated that any rezoning in the City must go to the vote of the people, in accordance with the City Charter. The Master Plan serves as a guide for proposed development and is not to be taken as the only areas mentioned in the Master Plan areas where that development could happen.

Mrs. Lieske stated that she thinks this is very confusing, not just for Council, but also for the residents. This is why, Mrs. Lieske stated, she had initially suggested proceeding slowly and looking at more of a reference to the central business district. We don’t want residents to be concerned that this is initially going to be city-wide. This is something I have heard from people: they don’t want to be concerned about having it in their backyards. People are initially supportive of this in the business district; we can already do something across there. If something is developed there and people are pleased, then we can always come back and revisit it. But, to have something in here that makes people think it could be anywhere in town, then the reference to the Charter, it is not consistent with what I hear from residents.

Mr. Vincent asked if the development can occur anywhere in town if someone accumulated the required five acres according to the existing ordinance, if rezoning is approved by the people. Mr. Ebert responded affirmatively.

Mr. Tadych stated that Mrs. Lieske is trying to confine development of attached residences to the business district. Mr. Vincent asked if this would mean we would have to change our Charter. Mr. Ebert responded affirmatively.

Mr. Henderson asked the purpose of approving the Master Plan until such time as a new Master Plan is created. What is the purpose of doing that as a City Council if this has no governing control?

Mr. Koomar stated that developers are business people. When they come into a City they want to know if there are certain areas that have been identified that may be ripe for development for their

investment dollars. Because those areas have been identified by the City, they probably look upon that as a favorable business relationship and one they can thrive in, not going in and getting petitions and going against the will of the people. Those are likely places developers want to go. You want to have a collaborative environment to attract alternative uses. Updating the Master Plan, or the current Master Plan, or the Retail Improvement Strategy will say here are areas that we have already identified and the developer would know that the City is open to that development. The Charter rules, but we can guide.

Mr. Henderson noted Section 1158.04 (A) Spatial Requirements which indicates that there is no minimum site area of square feet for development. He asked what opportunity that creates for risk. Mayor Sutherland stated that Mr. Henderson would have to ask Paul LeBlanc. Mr. Henderson asked if a townhouse could go next to a regular house if that was the area that was requested for rezoning. Mr. Tadych stated that he believes it says it can. Mrs. Lieske agreed, noting that there is no minimum acreage requirement.

Mr. Koomar stated that the Master Plan indicates to a developer where they should focus their efforts for rezoning, and where there would likely be collaboration, such as the Dover Center Road corridor where there is mixed use. Mrs. Lieske stated that this is what she would like to focus on initially.

Mr. Ebert reiterated that the reference to the Master Plan is useful as a guide if a developer comes in and wants to go to the expense of petitioning rezoning and placing it on the ballot.

Mr. Koomar asked Council to send them any further thoughts regarding the draft.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Lee

There was no report this evening.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Tadych

Mr. Tadych had no report this evening.

FINANCE & CLAIMS COMMITTEE – Clark

Refuse Fee Renewal Discussion

Mr. Clark stated that each year the trash collection fee for residents ends at the end of December. Council must, by ordinance, vote to eliminate or extend the fee into the next year. The overall discussion of Council has been to extend the fee into 2016. Mr. Vincent's Service, Utilities and Equipment Committee will review the bids for the contract for trash collection, which is due for renewal in March of 2016. Mr. Clark would like to place the ordinance to extend the trash collection fee of \$12.00 per quarter on first reading as soon as possible.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Vincent

Review of Bids and Proposed Contract for Refuse Removal

Mayor Sutherland and Mr. Thomas commented on the bids received for the new trash contract. Mayor Sutherland stated that the bid results have been reviewed by Diane Bickett, an attorney who heads up the Cuyahoga County Solid Waste District. Ms. Bickett stated that the bids are pretty much in line with what is going on on the east side of Cleveland and the only way to get a cheaper price would be to discontinue the yard waste collection. The Mayor stated that none of the administration wants that to happen.

Mr. Thomas distributed the bid results from the September 25, 2015 bid opening. Republic Services, the current contractor, Kimball-Midwest, and Rumpke Waste and Recycling were the three bidders. Four options were requested. Option 1 is the current one day pick up on Tuesdays. Republic Services is the only company that submitted a bid for Option 1. Option 3 is a five-day pick up and was bid by Rumpke Waste and Recycling. An alternate option of five-day pickup and weekly bulk pickup was bid by Kimball-Midwest and Rumpke Waste and Recycling. Mr. Thomas stated that the administration would recommend Option No. 1 as the successful bid.

Mr. Thomas further noted that yard waste will be extended to the first week of December. Republic will extend that service beginning this December 1. There has also been discussion about doing something with the fuel surcharge. The surcharge is based on the price of fuel the week that the bids are opened. An alternate plan for fuel surcharge is being discussed.

Mr. Thomas stated that the administration is also formulating a plan to have a dumpster at the City Service Garage one day a month, in the middle of the month, for residents to drop off extra bulk. Mayor Sutherland will send out information in her email blasts and City newsletter.

Mayor Sutherland noted that the option for the two-day pick up would save the City some money, however the confusion caused is not worth the savings.

An ordinance will be prepared for first reading in order for Council to move forward with acceptance of bids to meet the 60-day deadline.

RECREATION & PARK IMPROVEMENT COMMITTEE-Henderson

Mr. Henderson reported that the fitness equipment has been installed along the Walking Trail in Cahoon Memorial Park. Mr. Henderson stated that the equipment looks very nice and the work of the Service Department in getting that project completed this fall and doing such a good job with installation is appreciated. Mr. Koomar complimented Mr. Thomas on the work the Service Department did on the placement of the equipment and the tucking of it away behind trees. He noted that no views are compromised.

AUDIENCE

There were no comments from the audience this evening.

MISCELLANEOUS

Mr. Koomar stated that November 30, 2015 is the fifth Monday of the month and the scheduling of a Council meeting will depend on whether there is needed work on the budget. The schedule for December thus far is meeting on December 7, December 14, off on December 21, 2015 due to the holidays, and holding a special meeting on Monday, December 28 for end-of-year appropriation amendments if needed.

Mayor Sutherland noted that she will not be in attendance on November 30, 2015.

Mr. Clark gave a shout-out to the Bay Village Boys Soccer Team and the Bay Football Team. They both won their play-offs recently and are in final play. The Boys Football Team game will be held in Lakewood Stadium.

There being no further discussion, the meeting adjourned at 8:25 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council

ORDINANCE NO. 15-77
INTRODUCED BY: Mr. Clark

First Reading 11-2-15
amended by reading

AN ORDINANCE
AMENDING CODIFIED ORDINANCE CHAPTER 148
REGARDING RECORDS COMMISSION,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Codified Ordinance Section 148 which presently reads as follows:

CHAPTER 148
Records Commission

- 148.01 Establishment of Commission.
- 148.02 Functions of Commission.
- 148.03 Disposal of records.
- 148.04 Records and archives defined.

CROSS REFERENCE

Privacy Act Rules - see ADM. 151.12
State law provisions - see Ohio R.C. 149.39 et seq.

148.01 ESTABLISHMENT OF COMMISSION.

There is hereby created and established in the City a Records Commission composed of the Mayor as chairman, and three officers or citizens named by the Mayor. The Commission shall appoint a secretary who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. Commission members shall serve at the pleasure of the Mayor.
(Ord. 77-119. Passed 11-7-77.)

148.02 FUNCTIONS OF COMMISSION.

The functions of the City Records Commission shall be to review records disposal lists submitted by municipal offices. Disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the City or to its citizens. Such records may be disposed of by the Commission pursuant to Section 148.03.
(Ord. 77-119. Passed 11-7-77.)

148.03 DISPOSAL OF RECORDS.

When municipal records have been approved for disposal, a list or description thereof shall be published in a newspaper of general circulation in Cuyahoga County, Ohio, on the same day of the week for two consecutive weeks, and a copy of such records list shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau

disapproves of the action by the municipal Records Commission, in whole or in part, it shall so inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continuing historical value.

(Ord. 77-119. Passed 11-7-77.)

148.04 RECORDS AND ARCHIVES DEFINED.

Any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the City which serves to document the organization, functions, policies, decisions, procedure, operations or other activities of the office, is a record within the meaning of this chapter.

Any public record which is transferred to an archival institution pursuant to this chapter because of the historical information contained therein shall be deemed to be an archive within the meaning of this chapter.

(Ord. 77-119. Passed 11-7-77.)

be and the same is amended to read:

CHAPTER 148 Records Commission

- 148.01 Establishment of Commission.
- 148.02 Functions of Commission.
- 148.03 Disposal of records.
- 148.04 Records and archives defined.

CROSS REFERENCE

- Privacy Act Rules - see ADM. 151.12
- State law provisions - see Ohio R.C. 149.39 et seq.

148.01 ESTABLISHMENT OF COMMISSION.

There is hereby created and established in the City a Records Commission composed of the Mayor or their designee as chairman, and ~~three officers~~ the Director of Finance, the Director of Law, and a ~~or~~ citizens named by the Mayor. The Commission shall appoint a secretary who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. ~~Commission members shall serve at the pleasure of the Mayor. The Commission shall meet at least once every six months and upon the call of the Chairperson.~~

(Ord. 77-119. Passed 11-7-77.)

148.02 FUNCTIONS OF THE COMMISSION

~~148.02 FUNCTIONS OF COMMISSION.~~

~~_____The functions of the commission shall be to provide rules for retention and disposal of records of the municipal corporation, and to review applications for one-time disposal of obsolete records and to review schedules of records retention and disposition submitted by municipal offices. The commission may dispose of records pursuant to the procedure outlined in section 149.381 of the Revised Code. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section. The functions of the City Records Commission shall be to review records disposal lists submitted by municipal offices. Disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the City or to its citizens. Such records may be disposed of by the Commission pursuant to Section 148.03.~~

~~(Ord. 77-119. Passed 11-7-77.)~~

148.03 DISPOSAL OF RECORDS.

~~Records shall be disposed of per the regulations provided in ORC 149.381. When municipal records have been approved for disposal, a list or description thereof shall be published in a newspaper of general circulation in Cuyahoga County, Ohio, on the same day of the week for two consecutive weeks, and a copy of such records list shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves of the action by the municipal Records Commission, in whole or in part, it shall so inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continuing historical value.~~

~~(Ord. 77-119. Passed 11-7-77.)~~

148.04 RECORDS AND ARCHIVES DEFINED.

Any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the City which serves to document the organization, functions, policies, decisions, procedure, operations or other activities of the office, is a record within the meaning of this chapter.

Any public record which is transferred to an archival institution pursuant to this chapter because of the historical information contained therein shall be deemed to be an archive within the meaning of this chapter.

(Ord. 77-119. Passed 11-7-77.)

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and to ensure that said records retention schedules and disposal of records are handled in accordance

with the procedures of the Ohio Revised Code Section 149.381, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

9/28/15 II

As amended 11-2-15

To add space between "a" and "citizen" in Section 148.01

And "to review" before the word "schedules" in third line of next paragraph in Section 148.01.

MATTERS PENDING BEFORE COUNCIL COMMITTEE
November 3, 2015

Public Improvements, Streets, Sewers & Drainage- Tadych, Henderson, Lee

- Sunset Drive Area Storm Sewer and Road Improvements (5-12-08)

Recreation and Parks Improvement-Henderson, Vincent, Clark

Finance & Claims- Clark, Tadych, Henderson

Services, Utilities & Equipment-Vincent, Lieske, Tadych

Planning, Zoning, Public Grounds & Buildings-Lieske, Lee, Vincent

- Section 1158 of the Codified Ordinances – Attached Residence District (1/29/07)
- Architectural Board of Review Design Guidelines (2/12/07) (4/23/07)
- Community House Restoration & Budget Fact Finding (03/05/12)

Environment, Safety & Community Services-Lee, Clark, Lieske

- Animal Kennel (11-5-12)
- Review of Codified Ordinance Chapter 377, Bicycles (1-13-14)

ORDINANCE NO. 15-76
INTRODUCED BY: Mr. Lee

First Reading 10-19-15
Second Reading 11-2-15

AN ORDINANCE
AMENDING THE TRAFFIC CONTROL MAP AND FILE OF THE CITY BY
ENACTING NEW NO TURN ON RED REGULATIONS,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Traffic Map and File of the City of Bay Village is hereby amended by enacting new no turn on red regulations as follows:

No Turn on Red 7-9 a.m. and 2-4 p.m. on school days
Bassett/Wolf
Bradley/Wolf
Douglas/Wolf
Dover/Donald
Dover/W. Oviatt
Bassett/Ashton

And modifying the current signage at these locations to No Turn on Red 7-9 a.m. and 2-4 p.m. on school days:

Dover/Wolf
Cahoon/Wolf
Saddler/Wolf

SECTION 2. That the Traffic Control Map of the City be and the same is hereby amended to designate the traffic control as stated, and the Traffic Control File be and the same is hereby amended to provide for the erection of the appropriate signs at said locations.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to make said changes to provide for the safety of individuals, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

10/15/15 jk

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
ESTABLISHING THE EFFECTIVE DATE FOR THE REFUSE
COLLECTION FEE, AND DECLARING AN EMERGENCY.

WHEREAS, the effective date for the refuse fee was re-established through December 31, 2015 by Ordinance 14-105 passed December 16, 2014; and

WHEREAS, it is the desire of Council and the Administration of the City of Bay Village to continue the refuse collection fee through 2016;

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

SECTION 1. That Section 2 of Ordinance 14-105 passed December 16, 2014 is hereby repealed.

SECTION 2. The fee established in Section 923.01 shall be effective through December 31, 2016.

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

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to make this fee adjustment, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

ORDINANCE NO.
INTRODUCED BY:

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

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

CHAPTER 1158
Attached Residence District

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

1158.01 INTENT.

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

- (A) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and
- (B) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services; and
- (C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability; and
- (D) To promote the most desirable and beneficial use of the land based on the Master Plan and directed to bring about the eventual conformity with said Master Plan as it may be amended.

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

1158.02 DEVELOPMENT PLANS.

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

(A) Preliminary Plans:

(1) Plan Requirements:

(a) Survey. A survey of the property and topography, showing the land owned and proposed for development.

(b) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color.

(c) Streets. The proposed pattern of vehicular circulation, including estimated traffic volumes, service access and relationship to existing streets.

(d) Utilities. Evidence of adequacy of all required utilities and services.

(e) Parking. General layout and estimate of spaces provided, both open and enclosed.

(f) Miscellaneous. Other site improvement, including general drainage pattern.

(2) Submittal of Plans:

(a) Presentation of preliminary plans shall be made concurrently with the Building Department (to file an application for construction) and to the Planning Commission.

(b) A nonreturnable application fee in the amount of \$10 per dwelling unit shall accompany application in the Building Department.

(c) Planning Commission shall submit plans to the appropriate departments within the City for their comments, i. e. Fire, Police and Service.

(3) Approval of Plans:

(a) If preliminary plans are not acceptable to the Planning Commission, based on the requirements and intent of this chapter, a revised preliminary may be submitted.

(b) If preliminary or revised preliminary plans are acceptable to the Planning Commission with slight modification, final plans, including such modifications, may be submitted.

(B) Final Development Plans:

(1) Plan Requirements:

(a) Site Plan. All items submitted for preliminary approval, with modifications as requested.

(b) Utilities Plan. Detailed drawings of all required utilities, including water, sewers and underground electric and telephone systems.

(c) Fire Protection Plan. Water mains, hydrants and other appurtenances.

(d) Landscape Plan. Landscaping, buffers, drainage and grading.

(e) Miscellaneous. Construction schedule and disposition program and any other information specifically required by the Planning Commission.

(2) Submittal of Plans:

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

1158.03 BUILDING AND OCCUPANCY PERMITS.

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

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

(C) Occupancy permits will not be granted until all required improvements, including landscaping, are completed in compliance with this chapter.

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

1158.04 PERMITTED BUILDINGS, STRUCTURES AND USES.

In an Attached Residence District, the following buildings, structures and uses are permitted: Attached Residences including townhouses, four-plexs and other multiple dwellings having separate private entrances.

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

1158.05 ACCESSORY BUILDINGS, STRUCTURES AND USES.

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

- (A) Automobile storage facilities including enclosed garages.
- (B) Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.
- (C) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.

(D) Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment as permitted under this chapter.

(E) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.

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

1158.06 DEFINITIONS.

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

(A) Land Area Per Dwelling Unit. "Land area per dwelling unit," means the minimum area required within a development area for each dwelling unit.

(B) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, excluding the whole area of garages and one-half the area of balconies, porches.

(C) Maximum Height. "Maximum height" refers to the height to which any main building may be constructed above the designed finished grade at center of front elevation.

(D) Dwelling Unit. "Dwelling unit," means a space within a dwelling comprising a living room, a dining room, kitchen, and a sleeping room or rooms, storage closets and space and equipment for bathing and toilet facilities, all used by one family.

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

1158.07 AREA AND HEIGHT REGULATIONS.

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

(A) Development Area. The minimum development site in an Attached Residence District shall be 5 acres.

(B) Density. The density of development for Attached Residences shall not exceed 6 dwelling units per acre.

(C) Height of Buildings. Attached Residences shall exceed neither two and one-half (2-1/2) stories nor 30 feet in height.

(D) Attached Residences per Building. Eight dwelling units, or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building (but not as a single dwelling unit). All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length.

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

Dwelling Unit Minimum Area (Sq. Ft.)

2 bedroom unit 1,200

3 bedroom unit 1,400

4 bedroom unit 1,600

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

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

1158.08 YARD AND RELATED REQUIREMENTS.

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

(A) Frontage Requirement. Frontage at each entrance to the development shall be at least one hundred feet wide including a minimum buffer of 30 feet on each side of the paved access, except that frontage at pedestrian entrances need not exceed 50 feet in width including minimum buffers of 20 feet on each side of the walk.

(B) Building Line Setbacks. Placement and erection of all buildings shall be 50 feet from the property line adjoining a dedicated street.

(C) Minimum Yards. No building or structure, except as provided in (E) below, may be placed or erected within 40 feet of any site boundary, except that when such boundary is a present or planned dedicated street, the 50 feet setback as set forth in C.O. 1158.08(B) shall apply.

(D) Distances Between Buildings. The minimum distance between any 2 adjacent buildings shall be determined by the relationships between their respective main walls according to the requirements of Schedule 1158.08(D) where:

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

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

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

CROSS REFERENCES

See diagram 1 (insert)

MINIMUM DISTANCES BETWEEN BUILDINGS

Main Walls Do Not Overlap

Within 0° - 180° Main Walls Overlap

Within 0° - 180°

Schedule 1158.08(D) - MINIMUM DISTANCES BETWEEN BUILDINGS

Where MAIN WALLS of Adjacent Buildings: Within Degrees

of Parallel: Minimum

Requirement

Overlap 0° - 30° B + H = L

30° - 60° B + H + ½L

60° - 120° B + H

120° - 150° B + H ½L

150° - 180° B + H + L
 DO NOT Overlap
 0° - 30° ½ (B + H)
 30° - 60° ¾ (B + H)
 60° - 120° B + H
 120° - 150° ¾ (B + H)
 150° - 180° ½ (B + H)

(E) Distances from Accessory Uses to Main Buildings or Boundaries. The minimum distances from any Attached Residence to parking areas, driveways, walks and recreation areas and to the development area boundaries, as set forth below, are intended as desirable criteria and are to be applied in the site planning insofar as possible:

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

* or attached to building

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

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

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

(G) Projections of Building Features:

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

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

- a. Architectural Feature. A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.
 - b. Entrance Feature. A platform, landing, steps, terrace or other features not extending above the level of the floor of the first floor level of a building.
 - c. Shelters, Enclosed. An enclosed entry or porch.
 - d. Shelters, Unenclosed. An entrance hood or open but roofed porch.
- (3) Projection Limitations. Building features may project into required front and side yards of a dwelling, but shall not project more than set forth in the following schedule:

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

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

1158.09 PARKING REQUIREMENTS.

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

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

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

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

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

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

1158.10 STREET AND ACCESS REQUIREMENTS.

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

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

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

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

(2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to no more than 30 units.

(3) Private Drives. Private drives shall be no more than 600 feet in length and provide direct or indirect access to no more than 30 units.

(4) Private Cul-de-Sacs. Nondedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.

(5) Individual Driveways. No individual driveway shall be more than 50 feet in length nor provide access to more than two units.

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

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

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

1158.11 OPEN SPACE REQUIREMENTS.

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

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

1158.12 LANDSCAPE PLANTING AND DESIGN.

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

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

1158.13 OTHER SITE IMPROVEMENTS.

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

(A) Water Supply. An adequate source of potable water shall be brought to the Attached Residence District from the City of Cleveland Water System and must be approved by the City of Bay Village, the City of Cleveland and the State of Ohio.

(B) Sewer System. The Landowner shall at its sole expense construct a sanitary sewage system meeting all requirements of the City of Bay Village, title of which is recognized by Council by the acceptance of dedication of the street. Plans and specifications must be approved by the City of Bay Village Sanitary Engineering Department and the State Department of Water and Health.

(C) Electric and Telephone Systems. Plans and specifications must be approved by the appropriate utilities serving this area.

(D) Fire Protection. Plans and specifications must be approved by the Fire Prevention Bureau. (Ord. 74-51. Passed 7-1-74.)

1158.14 MAINTENANCE AND USE OF PUBLIC AND COMMON AREAS.

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

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

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

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

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

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

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

1158.15 SOLID WASTE DISPOSAL.

Arrangements for the performance of rubbish and garbage collection and removal shall be set forth in writing and subject to City approval. Any subsequent modification of said arrangements shall be presented to the City for review.

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

1158.16 COMPLIANCE WITH CODE.

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

(B) Noncompliance with the provisions of this Chapter shall be subject to penalty as set forth in C.O. 1123.99.

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

be and the same is amended to read:

CHAPTER 1158

R-4, Attached Residential District

- 1158.01 Intent.**
- 1158.02 Applicability.**
- 1158.03 Permitted Buildings and Structures.**
- 1158.04 Development Requirements.**
- 1158.05 Review and approval.**
- 1158.06 Reserved.**

1158.01 INTENT.

The R-4, Attached Residential District and its regulations are established to achieve the following purposes:

- (A) To provide alternative housing choices to accommodate current residents as they enter new life phases;
- (B) To support the goals and recommendations of the City's Master Plan and the Retail Improvement Strategy relative to housing options, redevelopment and infill;
- (C) To protect the desirable characteristics of both existing and planned residential development, to maintain stability;
- (D) To provide an appropriate transitional use between single family residential and non-residential uses;

- (E) To enhance the vibrancy of the City’s central core business district; and
- (F) To offer a viable redevelopment option to ensure the City’s continued sustainability.

1158.02 APPLICABILITY.

Consistent with the intent, this district may be established in locations specifically identified in the Bay Village 1999 Master Plan and the 2004 Retail Improvement Strategy as development, redevelopment or infill sites for townhouse, condominium or multiple family residential. In addition, other sites may be appropriate to provide a suitable buffer or transition between disparate uses. Properties located along arterial or collector streets in close proximity to retail and service uses may also lend themselves to the uses permitted in this district.

1158.03 PERMITTED BUILDINGS AND STRUCTURES.

(A) Principal Uses: The principal uses in this district shall be limited to townhouses, as defined in Section 1121.47A and two-family dwellings, as defined in Section 1121.48.

(B) Accessory Uses: Accessory buildings, structures and uses including, but not limited to, the following are permitted on any lot in the R-4, Attached Residential District:

- (1) Recreation facilities, such as swimming pools (See Section 1349.01), clubhouses, sauna baths and tennis courts, for the exclusive use of residents and their guests.
- (2) Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
- (3) Detached garages.

1158.04 DEVELOPMENT REQUIREMENTS.

The requirements of this section shall be the minimum standards for development within the R-4 District. If any requirement of this section conflicts with other provisions of the City of Bay Village Zoning Code, the provisions of this section shall apply.

(A) Spatial Requirements: The following requirements, specified in Table 1158-4, shall apply to any development within the R-4 District:

TABLE 1158-4 Spatial Requirements				
		Townhouse	Two-family	
Minimum site area (sq. ft.)		0 ¹	11,000	
Minimum site width (feet)		100	80	
Density (units per gross acre)		Maximum of 10		
Minimum yard setback (feet)	Front yard ³	10 ²	25 ²	
	Rear yard ³	25	35	
	Side	Interior	20	10
		Street	30	25
	Min. separation between ends of buildings	25	N/A	
Maximum building height	Feet	35		
	Stories	2 ½		

(feet)			
Maximum lot coverage (percent)	Buildings	45	40
	Pavement and buildings	50	45
Maximum units per building		6	2
Minimum finished livable floor area (square feet)	1 bedroom	900	
	2 bedroom	1,200	
	3 bedroom	1,400	
	Additional bedrooms	150/added bedroom	

¹ There is no required minimum area for a townhouse development; provided, the gross density shall not exceed the equivalent of 10 units per gross acre. A minimum lot size of 5,500 square feet per dwelling unit shall be required for two-family dwellings.

² If at least 50 percent of the lots on the same side of the street and within the same block as the subject property contain a principal building, the minimum front yard setback, measured from the front lot line, shall be the average of the setbacks established by those principal buildings within 200 feet on either side of the subject property (not including corner lots where the front setback is on the intersecting street).

³ Front and rear yard setback requirements shall be met for each two-family or townhouse unit.

(B) Architectural Features: A projection is that part or feature of a building which extends outside of the enclosing walls and makes the enclosed space more usable. It is intended that certain features may project into required yards, but shall be regulated as provided in Table 1158-4a so they will not substantially interfere with the reception of sun, light and air on adjacent lots or impede emergency access.

Table 1158-4a Projections into Required Yard Setbacks

Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Accessory structures, detached	See <i>Section 1149</i>		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a minimum 3-foot side yard setback		
Air conditioning units, generators and other mechanical equipment	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies (uncovered)	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.
Fences and walls	See <i>Section 1163</i>		

Table 1158-4a Projections into Required Yard Setbacks

Architectural Feature	Allowed Projections into a Required Yard		
	Front Yard	Side Yard	Rear Yard
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ¹	4 ft.	None	Up to 15 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed ¹	4 ft.	3 ft.	10 ft.
Stairways (not including steps to main floor entry) and below-grade stairwells	None	3 ft.	10 ft.
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

Footnotes:

¹ Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks for the principal building.

(C) Open Space: For townhouse developments, those areas of the site not covered by buildings, structures or pavement shall remain as open space. At a minimum, at least 40 percent of the total project site for townhouses shall be retained as open space, in accordance with the following:

- (1) Open space shall meet the following standards:
 - a. Provide spaces for the common use of all residents of the townhouse development or sufficient yards adjacent to each unit for the use of the residents of those units;
 - b. Common open space areas shall be centrally located or distributed throughout the development to provide convenient access in close proximity to all residents;
 - c. Preserve significant natural features on the site, including mature trees;
 - d. The Planning Commission may reduce the open space requirement, based on a finding that one or more of the following conditions exists:
 - i. The subject site abuts or is directly across the street from a public park or similar dedicated public open space area;
 - ii. The site is adjacent to a dedicated non-motorized trail or pathway that provides access for pedestrians and cyclists to City parks in relative proximity to the subject site; or
 - iii. The proposed development will provide one or more natural preserves and/or common activity areas for its residents that are of significant size and configuration to fulfill the spirit and intent of the open space requirement.

(D) Common Areas:

- (1) For all areas proposed for common ownership in any residential development within the R-4 District, rights of development other than for the use specified in the approved final development plan shall be subject to approval of the Planning Commission. The use of common areas such as, but not limited to: open space, parking areas, private streets and alleys, recreational facilities, and common service facilities shall be restricted by appropriate legal documents, which provide for the management and maintenance of all common facilities. Legal instruments providing for dedications, covenants, home owners association and subdivision controls shall:
 - a. Place title of common property in a form of common ownership by the owners and/or residents of the area, e. g., a duly constituted and legally responsible home owners association, cooperative or similar legal entity.
 - b. Appropriately limit the use of common property.
 - c. Assign responsibility for management and maintenance of common property. the City, at its discretion may require the applicant to obtain City services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.
 - d. Place responsibility for enforcement of covenants.
 - e. Permit the subjection of each dwelling unit to assessment for its proportionate share of maintenance costs.
- (2) All common property shall be fully improved by the applicant prior to issuance of an occupancy permit, including all utilities, landscaping, lighting, walkways and streets through or abutting the property; provided, the chief building official may issue an occupancy permit prior to completion of landscaping if it is determined that weather conditions prevent timely completion of the landscaping and a financial guarantee is posted to assure that all improvements will be completed within 120 days of receiving the occupancy permit.
- (3) The use, condition and maintenance of all common properties shall comply with City ordinances and existing regulations in all respects.

(E) Streets and Access: All proposed streets and access within the R-4 District shall ensure efficient access and circulation of all vehicles and safe movement of non-motorized conveyances and pedestrians. The design and layout of streets and walkways within the development shall be established by the Planning Commission; provided, at a minimum, the following requirements shall be met:

- (1) Dedicated Streets. Dedicated streets shall not extend more than 1, 200 feet without intersecting another dedicated street.
- (2) Dedicated Cul-de-Sacs. Dedicated cul-de-sacs shall not exceed 600 feet in length nor provide direct or indirect access to more than 30 units.
- (3) Private Streets. Private streets shall not exceed 600 feet in length without intersecting another private or dedicated street, nor provide direct or indirect access to more than 30 units.

- (4) Private Cul-de-Sacs. Non-dedicated cul-de-sacs and court arrangements shall not extend more than 300 feet from a dedicated right-of-way nor provide direct or indirect access to more than 15 units.
- (5) Alleys. Access to units, garages or parking areas may be from alleys; provided, the alley meets City design standards and connects on both ends to a public or private street.
- (6) Access to Perimeter Streets. Townhouse units may front upon any public street abutting the boundaries of the project site; provided, all vehicular access shall be via interior public or private streets and individual driveways shall not be permitted along the perimeter street.
- (7) Walkways. A walkway system shall be provided along perimeter streets abutting the R-4 District and on both sides of interior streets within any development. The walkways shall be ramped at all street intersections to provide handicapped accessibility and shall be separated from the adjacent dedicated or private street by a grass strip at least four feet wide.

(F) Parking: Off-street parking shall be provided in accordance with the following requirements:

- (1) Two spaces shall be provided for each dwelling unit, plus an additional .25 spaces per townhouse unit for visitors;
- (2) At least one of the required parking spaces per unit shall be within a garage attached to the unit which it serves;
- (3) Parking spaces shall be a minimum dimension of 20 feet long by 9 feet wide;
- (4) All parking spaces shall be hard-surfaced (asphalt or concrete) and striped; and
- (5) Parking areas and detached garages or carports shall not be permitted in any front or side yard and shall be set back at least 10 feet from any adjoining side or rear lot line; provided, if a garage or carport faces and is accessed from an alley, the minimum building setback shall be 20 feet from the rear lot line.

(G) Landscaping: For all residential development in the R-4 District, except a single building containing a two-family dwelling on one (1) lot, a landscape plan, prepared by a landscape architect registered in the State of Ohio, shall be submitted for Planning Commission approval in accordance with the following minimum requirements:

- (1) Front yard landscaping shall contain at least one shade tree for each dwelling unit with a minimum caliper of two and one-half (2½) inches and one ornamental tree for each two units. Shrubbery and/or other low plant material at least 24 inches high at time of planting and approved by the Planning Commission shall be installed along the foundation of each unit.
- (2) A perimeter buffer meeting the following minimum requirements shall be installed along the side and rear property boundaries for townhouse developments abutting property zoned First Residence or Third Residence:
 - a. Minimum width of 10 feet;
 - b. Equivalent of one (1) tree per 50 feet or fraction of buffer zone length, at least one-third (1/3) of all trees shall be evergreen trees. At the time of planting, deciduous trees shall be a minimum of two and one-half (2 ½) inch caliper and evergreens shall be at least six (6) feet tall;

- c. Three (3) foot high continuous sight-obscuring screen composed of plant material, berms, walls, fences or any combination approved by the Planning Commission;
 - d. If berms are used for any part of the buffer, they shall contain one (1) shrub for every 10 feet of berm length in addition to the requirements of subsection (2)b. All required plant material shall be placed on the top or side slope of the berm facing the exterior property line;
 - e. If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub for every 10 feet of wall or fence shall be placed along the exterior side in addition to the requirements of subsection (2)b. At least half of all shrubs shall be a minimum of 24 inches high at the time of planting;
 - f. All areas within the buffer strip not containing trees, shrubs or planting beds shall be planted with grass and other living ground cover; and
 - g. In order to promote better design and a more natural appearance, the required trees and other plant material need not be uniformly spaced. Clusters or groupings of plant material may be permitted; provided, the intent of the buffer strip to provide separation and screening from adjoining uses is achieved.
- (3) Landscaped islands shall be provided within parking areas to reduce the visual impact of parking upon the development. At a minimum, a landscaped island at least nine (9) feet wide and 180 square feet in area shall separate each eight (8) contiguous parking spaces. Each island shall contain trees and/or other living plant material to provide visual relief and physical separation of parking spaces.
- (4) Screening shall be provided around all outdoor trash dumpsters, as follows:
- a. Solid sight-obscuring fence or wall six (6) feet high;
 - b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use;
 - c. The fence or wall shall be constructed of masonry, treated wood or other material approved by the Planning Commission if determined to be attractive, durable, weather resistant, rust proof and easily maintained. Chain link and barbed wire fences are not permitted.

(H) Building Materials and Design Standards: Exterior design of all principal and accessory buildings shall complement the character of the adjacent neighborhood with respect to building materials, details, roof pitch, setbacks and scale. However, at a minimum, the following standards shall apply, unless a modification is permitted, as specified in Section 1158.05 H:

(1) Exterior Materials.

- a. Primary: At least 80 percent of the building exterior shall consist of:
 - i. brick and tile masonry (or synthetic equivalent),
 - ii. native stone (or synthetic equivalent),
 - iii. hardie-plank or equivalent, and/or
 - iv. wood siding.
- b. Accent: No more than 20 percent of any façade may consist of:
 - i. pre-cast masonry (for trim and cornice elements only),

- ii. gypsum reinforced fiber concrete (GFRC – for trim elements only),
 - iii. metal (for beams, lintels, trim elements and ornamentation only), and/or
 - iv. split-faced block (for piers, foundation walls and chimneys only).
- (2) **Building Facades.** Long, monotonous building planes shall be avoided. The front façade of each row of townhouse units within a single building shall be articulated using means such as, but not limited to: offsetting the front setback of individual units; using gables; recessing front entries; varying colors and materials on each unit; using a variety of window sizes and styles and/or incorporating columns, dormers, overhangs or other architectural elements. In addition, the following requirements shall be met:
- a. Transparency: Windows and doors shall comprise at least 25 percent of the front façade and the street side façade for units abutting a public street.
 - b. Front entry: Each dwelling unit shall have a front door facing a street or public open space that is accessed from a stoop or porch.
 - i. a stoop shall have a minimum depth of four feet and a minimum area of 24 square feet;
 - ii. a front porch must be at least eight feet deep, with a width equal to at least 40 percent of the width of the dwelling unit;
 - c. Roofs:
 - i. Pitched roofs shall have at least a 4:12 but not more than a 12:12 pitch. Mechanical equipment located on the roof shall be on the back half of the building and screened on all sides so as not to be visible as observed from the sidewalk or pavement edge of the street.
 - ii. Flat roofs shall be enclosed by a parapet which shall be high enough to conceal mechanical equipment as observed from the sidewalk or pavement edge of the street.

1158.05 REVIEW AND APPROVAL

- (A) **Application:** Applications for rezoning property to an R-4 District shall be submitted in compliance with Bay Village Charter 7.6.
- (B) **Development Plan:** The development plan shall contain, at a minimum, the information specified in Section 1129.01.
- (C) **Planning Commission Review:** The complete application and all required documents shall be forwarded to the Planning Commission for review and approval under Chapter 1129. The applicant shall attend the review meeting and present the proposed project to the Commission.
- (D) **Review Standards:** The development plan shall be approved upon a finding that the plan meets the following standards:
 - (1) The development plan complies with all requirements of this chapter, all applicable requirements of this ordinance and all other applicable laws and regulations.
 - (2) The site is designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
 - (3) The site is designed in a way that minimizes impacts upon adjacent property and mitigates the potential negative effects of traffic, noise, and glare to the maximum extent reasonably possible.

- (4) The development plan shall be found to be consistent with the Intent and Applicability provisions of this chapter, as stated in Sections 1158.01 and 1158.02, respectively.
- (5) Unless a more specific design standard is required by the city through a different ordinance, all uses and structures subject to development plan review shall comply with the following:
- a. Traffic Circulation. The number, location and size of access points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
 - b. Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system.
 - c. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscaping, buffers and greenbelts, as required by this chapter, shall adequately screen proposed buildings from surrounding property.
 - d. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. Where necessary, screening shall be provided to shield abutting residential properties from headlights and glare.
 - e. Utility Service. All utility service shall be underground, unless impractical.
 - f. Exterior Uses. Outdoor storage areas, parking areas, trash receptacles, heating and cooling units and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
 - g. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
 - h. Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.

and present Section 1158 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting

of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

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

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

11-13-15 II

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH BROWNING-FERRIS INDUSTRIES OF OHIO, INC.,
FOR SOLID WASTE COLLECTION AND DISPOSAL, YARD WASTE, AND
RECYCLING MATERIALS COLLECTION AND PROCESSING, AND DECLARING
AN EMERGENCY.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with Browning-Ferris Industries of Ohio, Inc. to provide for the collection and disposal of solid waste collection and disposal, and recyclable materials collection and processing including yard waste in the City of Bay Village, it being hereby determined that the bid of said company is the lowest and best bid received after advertising according to law.

SECTION 2. That in accordance with said agreement, Browning-Ferris Industries of Ohio, Inc. agrees to the following rate structures:

YEAR 1:	rate per household will be \$14.82 per month.
YEAR 2:	rate per household will be \$15.26 per month.
YEAR 3:	rate per household will be \$15.80 per month.
YEAR 4:	rate per household will be \$16.35 per month.
YEAR 5:	rate per household will be \$16.92 per month.

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

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to provide uninterrupted garage/rubbish collection and recycling within the City, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

11-13-15 II