THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
July 23, 2012
8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: July 9, 2012

4. FIREFIGHTER SWEARING-IN CEREMONY

5. OPEN MEETING

6. LEGISLATION FOR REMOVAL FROM COUNCIL DOCKET

1. ORDINANCE 52-09	AN ORDINANCE AMENDING SECTION 721.03 "ACCESSORY USES" OF CHAPTER 721 "PERMITTED USES IN RESIDENTIAL DISTRICTS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **FOR REMOVAL.**
2. ORDINANCE 48-10	AMENDING SECTION 721.03 "ACCESSORY USES" OF CHAPTER 721 "PERMITTED USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **FOR REMOVAL.**
3. ORDINANCE 49-10	AMENDING SECTION 710.08 "DEFINITIONS" OF CHAPTER 710 "INTERPRETATION, RULES OF CONSTRUCTION, AND DEFINITIONS" OF TITLE ONE OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **FOR REMOVAL.**

7. REPORT OF COMMITTEES

COMMITTEE-OF-THE-WHOLE:

1. ORDINANCE 10-12	AMENDING SECTION 303.99 "TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALTIES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO REDUCE THE PENALTY OF A PARKING TICKET TO A MINOR MISDEMEANOR; AND DECLARING AN EMERGENCY. **SECOND READING.**
2. ORDINANCE 11-12	AN ORDINANCE ESTABLISHING NEW CHAPTER 147 "PARKING GENERALLY" OF TITLE FIVE "ADMINISTRATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

ZONING & PLANNING COMMITTEE:

1. ORDINANCE 02-12	CREATING A ZONING TEXT AMENDMENT TO SECTION 761.04 OF TITLE SIX OF PART SEVEN "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

2. ORDINANCE 05-12 — AMENDING ZONING TEXT TO 724, 734, 744, AND SECTIONS 722.02, 722.03, 722.04, 722.05, 732.02, 741.02, AND 746.02 OF TITLE TWO, THREE, AND FOUR OF PART SEVEN OF THE PLANNING AND ZONING CODE. **THIRD READING.**

3. ORDINANCE 06-12 — ENACTING NEW CHAPTER 772 "PARKING" OF TITLE SEVEN OF PART SEVEN "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

8. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

1. RESOLUTION 46-12 — GRANTING A CONDITIONAL USE PERMIT FOR OUTDOOR DINING AT 13901-13971 CEDAR ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

2. RESOLUTION 47-12 — GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH AT 13939 CEDAR ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

9. LEGISLATION REQUESTED BY CITY COUNCIL

1. ORDINANCE 17-12 — AMENDING SECTION 710.08 "DEFINITIONS" OF CHAPTER 710 "INTERPRETATIONS, RULES OF CONSTRUCTION, AND DEFINITIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

2. ORDINANCE 18-12 — AMENDING SECTION 521.03 "ACCESSORY USES" OF CHAPTER 721 "PERMITTED USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

10. MAYOR'S REPORT

11. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 48-12 — IN SUPPORT OF GENT MACHINE COMPANY'S APPLICATION FOR A CUYAHOGA COUNTY ECONOMIC DEVELOPMENT FUND REDEVELOPMENT AND MODERNIZATION LOAN. FIRST READING.

2. RESOLUTION 49-12 — A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "OPERATION HOME IMPROVEMENT #103- OTHER." FIRST READING.

3. ORDINANCE 13-12 — ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT-NUISANCE ABATEMENT (HIGH GRASS, WEEDS, ETC.) AS AUTHORIZED BY SECTION 521.14 (D), OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

4. ORDINANCE 14-12 — ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT-NUISANCE ABATEMENT (YARD CLEAN-UP, BOARDING CHARGES, ETC.) AS AUTHORIZED BY SECTION 521.14 (D), OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

5. ORDINANCE 15-12	ASSESSING ALL UNPAID COSTS OF FALSE ALARMS-NUISANCE ABATEMENTS, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY. FIRST READING.
6. ORDINANCE 16-12	ASSESSING ALL UNPAID COSTS OF CRIMINAL NUISANCE ABATEMENTS, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY. FIRST READING.

12. LAW DIRECTOR'S REPORT

13. LETTERS AND COMMUNICATIONS

14. ADJOURN TO EXECUTIVE SESSION: For the purpose of discussing collective bargaining agreements.

15. ADJOURN TO REGULAR MEETING OF COUNCIL

16. ADJOURN

CITY OF SOUTH EUCLID, OHIO

SUBSTITUTE ORDINANCE NO.: 10-12 July 23, 2012
INTRODUCED BY: Gelfand
REQUESTED BY: Gelfand

AN ORDINANCE

AMENDING SECTION 303.99 "TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALITES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO REDUCE THE PENALTY FOR A PARKING TICKET TO A MINOR MISDEMEANOR; AND DECLARING AN EMERGENCY.

WHEREAS, a parking ticket in the City of South Euclid is currently a fourth degree misdemeanor that is subject to a penalty of jail, not more than 30 days and a fine of no more than $250.00; and

WHEREAS, City Council desires, where permissible under Ohio law, to reduce the penalty of a parking ticket to a non-reportable minor misdemeanor that would be punishable by a fine of no more than $150.00; and

WHEREAS, it is necessary that this Council change the Codified Ordinances to reflect this desired decriminalization; and

WHEREAS, it is necessary that alleged parking law violators have certain due process rights of which they must be notified; and

WHEREAS, it is the intention of this Council that residents and visitors to South Euclid be afforded convenient means and methods for paying parking fines;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, County of Cuyahoga, State of Ohio:

Section 1: That relevant sections of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

303.99 TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALTIES:

(a) Penalties for Misdemeanors. Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be sentenced in accordance with Section 501.99.

(b) Whoever violates any parking offense contained in Chapter 351 of the Codified Ordinances of the City of South Euclid, with the exception of Section 351.04(d), shall be guilty of a minor misdemeanor.

(c) Whoever violates Section 351.04(d) of the Codified Ordinances of the City of South Euclid shall be guilty of a misdemeanor of the fourth degree.

(d) In no case shall an offender who violates any parking offense contained in Chapter 351 of the Codified Ordinance of the City of South Euclid be sentenced to any term of imprisonment or any other punishment than a fine as delineated by division (f) of this section. Nothing in this section shall be construed as to limit the ability of peace officers to remove a vehicle for purposes other than punishment as allowed under the Codified Ordinances of the City of South Euclid or the Ohio Revised Code.

(e) An arrest or conviction for any parking offense contained in Chapter 351 of the Codified Ordinances of South Euclid does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(f) The following fines for parking infractions are hereby established:

	If paid within 10 days of the time notice was issued	After 10 days	Upon conviction the Court my impose a fine no higher than
351.03	$15.00	$30.00	$150.00
351.04(d)	$250.00	$250.00	$250.00
351.045	$15.00	$30.00	$150.00
351.06	$15.00	$30.00	$150.00
351.07	$15.00	$30.00	$150.00
351.09	$15.00	$30.00	$150.00
351.10	$15.00	$30.00	$150.00
351.11	$15.00	$30.00	$150.00
351.12	$15.00	$30.00	$150.00
351.14	$15.00	$30.00	$150.00
351.15	$15.00	$30.00	$150.00
351.16 1st offense	$20.00	$30.00	$150.00
351.16 2nd offense	$30.00	$50.00	$150.00
351.18	$15.00	$30.00	$150.00
351.19	$15.00	$30.00	$150.00
351.20	$15.00	$30.00	$150.00

Section 2: Due Process. Parking citations issued in the City of South Euclid shall provide the following information:

1. **Rights of the Accused: The following rights shall appear on any parking citation issued in the City of South Euclid advising alleged offenders that they understand that they have been accused of a Minor Misdemeanor and have the following rights:**
   i. **right to appear before the court located at 1349 South Green Road, South Euclid, Ohio 44121 before or at the time designated in the summons provided to contest the charge for which they are accused. They may also contact the court at (216) 381-2880 to request a hearing on this case.**
   ii. **right to a trial within 30 days**
   iii. **right to be represented by an attorney**
   iv. **right to remain silent**
   v. **right to have any guilt proven beyond a reasonable doubt**
   vi. **right to confront any accusers and have witnesses subpoenaed for trial on defendant's behalf.**

2. **Hearing or Protest Option: The following statement shall appear on any parking citation issued in the City of South Euclid advising alleged offenders of their right to contest any charge: "If you desire to contest the charge or if a court appearance is required, you must appear at the time and place stated**

in the summons or you may contact the South Euclid Municipal Court at 1349 South Green Road, South Euclid, Ohio 44121, (216) 381-2880"

3. **Waiver Option: The following statement shall appear on any parking citation issued in the City of South Euclid advising alleged offenders of their option to waive their rights to a hearing and pay the fine as provided for the specific violation described in the citation:**

> **"I the undersigned defendant, do hereby enter my written plea of guilty to the offense charged in this ticket. I realize that by signing this guilty plea, I admit my guilt of the offense as charged and waive my right to contest the offense in a trial before the court. Further, I realize that this is a non-jailable offense for which no points will be assessed to my Driver's License, therefore no reporting will be transmitted to the Bureau of Motor Vehicles pursuant to this plea. I plead guilty to this offense as charged."**

Defendant's Signature_____ **Date**_____

Section 3: Payment of Parking Fines. The court shall establish payment procedures for offenders which are convenient. Options may include, but are not limited to:

(a) U.S. Postal Service; or
(b) Hand-delivery to South Euclid Municipal Court customer service window during court business hours; or
(c) Hand-delivery in sealed envelope to police dispatcher 24 hours per day, seven days per week; or
(d) Through the South Euclid Municipal Court website; or
(e) Through a telephone payment option.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 28, 1975, 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 5: That this ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. Wherefore, this ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.:	11-12	June 11, 2012
INTRODUCED BY:	Miller	As Amended in Committee
REQUESTED BY:	Miller	Second Reading: July 23, 2012

AN ORDINANCE

AN ORDINANCE ESTABLISHING NEW CHAPTER 147 "PARKING GENERALLY" OF TITLE FIVE "ADMINISTRATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid believes that parking violations within the City of South Euclid should not be considered criminal offenses for any purpose; and

WHEREAS, the Council of the City of South Euclid desires to establish clear and concise rules and regulations for all aspects dealing with the issuance and administration of parking violations within the City of South Euclid.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That new Chapter 147 "Parking Generally" of Title Five "Administrative" of Part One "Administrative Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

147.01 DESIGNATING PARKING INFRACTIONS, ESTABLISHING VIOLATIONS BUREAU.

1. Definitions.

(A) "Parking Infraction" means a violation of Section 147.02

(B) "Vehicle" has the same meaning as in Section 301.51 of Codified Ordinances of the City of South Euclid.

(C) "Court" or "Municipal Court" means the South Euclid Municipal Court.

(D) "Bureau" means the City of South Euclid Parking Violations Bureau.

(E) "Local Authority" means every county, municipal corporation, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this state.

(F) "Disability Parking Space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under section 4503.44 of the Revised Code.

(G) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

2. IMPOUNDMENT AND IMMOBILIZATION.

(A) A parking infraction shall not be considered a criminal offense for any purpose.

(B) A vehicle involved in five or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Municipal Court pursuant to § 7(C) is subject to impoundment or immobilization by law enforcement officers of the City, without regard to whether the vehicle, at the time of impoundment or immobilization, is legally parked.

(C) The owner of any vehicle impounded is liable for impoundment fees and storage charges as provided by § 6.

(D) A vehicle impounded or immobilized under division (B) or (E) of this section shall be released to the owner upon the owner presenting a valid certificate of title to the vehicle to the violations clerk of the Parking Violations Bureau and either paying the fines, penalties, fees and costs due on the parking infractions issued or outstanding or payment of the judgments or default judgments which led to the impoundment or immobilization, or posting a bond equal to the amount of the fines, penalties, fees and costs. In no case shall the owner of a vehicle impounded or immobilized be required to post a bond in excess of $1,000.00 to obtain release of the vehicle.

(E) Notwithstanding divisions (B) and (D) of this section, a vehicle parked, stopped, or standing on a public street or highway in commission of a parking infraction is subject to impoundment if the law enforcement officer issuing the parking infraction determines that the vehicle is substantially impeding, or hindering the movement of other traffic.

3. PARKING TICKET, SERVICE AND LIABILITY.

(A) The parking ticket adopted in § 9 shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the City. The parking ticket shall be the summons and complaint.

(B) A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains and file a copy with the violations clerk. If the operator of the vehicle is present, the officer shall record on the ticket the name of the operator on the ticket, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.

Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this division, or by the procedure described in division (D) of this section has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees, and costs for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(C) The original of a parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the City and of the law enforcement agency whose officer issued it, and shall be prima facie evidence of the facts it contains.

(D) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner, is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction is not considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in § 8.

(E) Except as provided in § 8, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine, penalty, fees, and costs arising out of the parking infraction. Any owner of a vehicle who pays any fine, penalty, fee, and cost imposed for a parking infraction may recover the amount paid from the operator of the vehicle whose act or omission resulted in the infraction.

(F) No person upon whom a parking ticket charging a parking infraction is personally or constructively served shall be arrested as a result of the commission of the parking infraction.

4. PARKING VIOLATIONS BUREAU.

(A) The City of South Euclid Parking Violations Bureau is hereby established pursuant to section 4521.04 of the Ohio Revised Code. The Parking Violations Bureau shall be a Division within the office of the Chief of Police. The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the territory of the City.

(B) The operating costs of the Parking Violations Bureau shall be paid by the City. The Police Chief shall appoint a violations clerk, hearing examiners, and necessary clerical employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer.

(C) The fine, penalties, fees, and costs established for a parking infraction shall be collected, retained, and disbursed by the violations clerk if the parking infraction out of which the fine, penalties, fees, and costs arose occurred within the jurisdiction of the Bureau. The violations clerk shall issue blank tickets for parking infractions to law enforcement officers for the City, and prescribe conditions for issuance and accountability. The fine, penalties, fees, and costs collected by a violations clerk for a parking infraction shall be disbursed by the clerk to the City.

(D) The Chief of Police has authority to contract with any nongovernmental entity to provide services in processing, collecting, and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this ordinance. No contract shall affect the responsibilities of hearing examiners, or the ultimate responsibility of the violations clerk to collect, retain, and disburse fines, penalties, fees, and costs for parking infractions and money paid in satisfaction of judgments and default judgments entered pursuant to this ordinance. All contracts entered into by the violations clerk shall be subject to approval of City Council and the Mayor.

5. ANSWERS, PROCEDURE.

(A) A person who is personally or constructively served with a parking ticket charging a parking infraction may answer the charge by appearing personally before the Parking Violations Bureau or by mail, within ten days from the date of the infraction. The answer shall be in one of the following forms:

(1) An admission that the person committed the infraction, by payment of any fine arising out of the parking infraction;

(2) An admission that the person committed the infraction, with an explanation of the circumstances surrounding the infraction;

(3) A denial that the person committed the infraction and a request for a hearing. If the person desires the presence, at the hearing, of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.

(B)(1) A person who admits that he committed a parking infraction shall, and a person who admits that he committed a parking infraction with explanation may, when he makes his answer, pay the fine arising out of the infraction admitted to the violations clerk of the Bureau.

(2) A person who admits that he committed a parking infraction with explanation shall submit evidence to the Bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in person or, to avoid the necessity of personal appearance, may be sent as affidavits and other documentary evidence by mail. The Bureau, when it receives an answer admitting that a person committed a parking infraction with explanation, shall promptly determine whether the explanation mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the Bureau determines that the explanation mitigates the fact that the person committed the parking infraction, the Bureau shall eliminate or reduce the amount of the fine arising out of the

parking infraction. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the Bureau determines that the explanation does not mitigate the fact that the person committed the infraction, the person owes the entire amount of the fine arising out of the parking infraction, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits that he committed a parking infraction with explanation and the person fails to pay the amount of the fine due within ten days after receiving notice of the Bureau's determination, unless the amount due has previously been paid, the Bureau's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to division (B) of § 7.

(3) A person who denies that he committed a parking infraction shall be granted a hearing concerning the infraction. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau in accordance with § 7.

(C) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (A) of this section, the Parking Violations Bureau shall issue the proper notifications of infraction pursuant to § 6, and proceed according to that section. Failure to timely answer a charge may result in the imposition of an additional penalty of $50.00.

(D) The issuance of a parking ticket, the filing of or failure to file an answer by a person personally or constructively served with the ticket, the substance of an answer, the payment of any fine, penalty, fee, and cost, and any other relevant information shall be entered in the records of the Bureau.

6. FAILURE TO ANSWER.

(A) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction and fails to answer the charge within the time specified in § 5, the Parking Violations Bureau shall send notification of infraction as follows:

(1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally, if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

(B) A notification of infraction shall be sent within twelve months after the expiration of the time specified in § 5 for the making of an answer, shall be sent by first class mail, and shall contain all of the following:

(1) An identification of the parking infraction with which the person was charged and the time and date of the infraction, which identification may be a copy of the parking ticket;

(2) The amount of the fine, penalties, fees, and costs due;

(3) A warning that the person must answer the parking infraction charged in the ticket within thirty days or a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person;

(4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau if he denies in his answer that he committed the

parking infraction;

(5) An identification of the manner in which and the entity to which an answer may be made;

(6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person.

(C) A person who receives a notification of infraction pursuant to this section may answer in any of the ways provided in division (A) of § 5 for answers to parking infractions charged in a parking ticket. An answer under this section shall be made within thirty days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in divisions (A)(1), (2), and (3) of § 5 for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty, fee, or cost arising out of such infraction also shall be paid. The answer shall be governed by division (B) of § 5 for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation also shall consider any penalty, fee, or cost arising out of such infraction.

(D) If a person who is issued a notification of infraction fails to timely answer, as provided in division (C) of this section, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of $50.00.

(E) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, penalty, fee, and cost and any other relevant information shall be entered in the records of the Bureau.

7. Hearing procedure.

information in proper form is prima facie evidence that the registered owner of the vehicle was the person who committed the (A) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction or who receives a notification of infraction, in his answer to the charge denies that he committed the infraction, the Parking Violations Bureau shall conduct a hearing to determine if the person committed the infraction. Each hearing shall be conducted by a hearing examiner of the Parking Violations Bureau, in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.

At the hearing, the City has the burden of proving, by a preponderance of the evidence, that the person committed the parking infraction. If the person, in his answer, denied that he committed the infraction and requested the presence at the hearing of the law enforcement officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance. The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if he submits documentary evidence to the hearing examiner prior to the day of the hearing.

The City shall submit the original parking ticket that was personally or constructively served on the person or a true copy of that ticket, and information from the Bureau of Motor Vehicles that identifies the owner of the vehicle. The ticket and the parking infraction. The City may present additional evidence and testimony at the hearing. The City does not have to be represented at the hearing by an attorney.

(B)(1) If a person for whom a hearing is to be conducted appears at the scheduled hearing, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the City has established, by a preponderance of the evidence, that the person committed the parking infraction. If the hearing examiner determines that the person committed the

infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties, fees and costs shall be entered in the records of the Parking Violations Bureau.

(2) If a person for whom a hearing is to be conducted fails to appear at the scheduled hearing and fails to submit evidence in accordance with that division, the hearing examiner shall, if he determines from any evidence and testimony presented, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

(3) If a person who is sent a notification of infraction does not timely answer, the hearing examiner of the Parking Violations Bureau shall, if he determines from any evidence and testimony presented to him, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

(4) If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in division (B)(1), (2), or (3) of this section committed the parking infraction, the hearing examiner shall enter judgment against the City, shall dismiss the charge against the person, and enter the judgment and dismissal in the records of the Parking Violations Bureau.

(5) A default judgment entered under this section may be vacated by the hearing examiner who entered it if all of the following apply:

(a) The person against whom the default judgment was entered files a motion with the Parking Violations Bureau within one year of the date of entry of the judgment;

(b) The motion sets forth a sufficient defense to the parking infraction out of which the judgment arose; and

(c) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of infraction.

(C) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the violations clerk of the Parking Violations Bureau in which the judgment was entered within ten days of the date of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the clerk to the City, and the clerk shall enter the fact of payment and its disbursement in the records of the Bureau. If payment is not made within this period, the judgment or default judgment shall be filed with the Clerk of the South Euclid Municipal Court and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that court.

As required by RC 4521.08(C), judgments and default judgments filed with the South Euclid Municipal Court pursuant to this division shall be maintained in a separate index and judgment roll from other judgments rendered in that court. Computer printouts, microfilm, microdot, microfiche, or other similar data recording techniques may be utilized to record such judgments. When a judgment or default judgment is filed with the court, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that Court. The court may assess costs against the judgment debtor, in an amount not exceeding $79.00 for each parking infraction, to be paid upon satisfaction of the judgment. *All judgments or default judgments for unpaid parking tickets may be enforced pursuant to Section 4521.10 of the Ohio Revised Code that will prohibit the registrar and/or deputy registrar from accepting any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the notice unless the person presents a release as provided under 4521.10.*

(D) Any person against whom a judgment or default judgment is entered pursuant to this

section, and the City, if a judgment is entered against the City pursuant to this section, may appeal the judgment to the South Euclid Municipal Court by filing notices of appeal with the Parking Violations Bureau and the Municipal Court within fifteen days of the date of entry of the judgment and by the payment of such reasonable costs as the Court requires. Upon the filing of an appeal, the Court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the Court in accordance with the rules of the Court. Service of notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the Parking Violations Bureau in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

The judgment on appeal to the Municipal Court is final, and no other appeal of the judgment of the Parking Violations Bureau and no appeal of the judgment of the Municipal Court may be taken.

(E) A default judgment entered pursuant to this section may be filed with the Municipal Court under division (C) of this section at any time within three years after the date of issuance of the parking ticket charging the parking infraction out of which the judgment arose. This division applies to any ticket issued for an offense that would be a parking infraction on or after the effective date of this section if the ticket was issued within three years prior to the effective date of this section.

8. NONLIABILITY OF OWNER.

(A) An owner of a vehicle is not jointly liable with an operator of the vehicle whose act or omission resulted in a parking infraction for the parking infraction or any fine, penalty, fee, or cost arising out of the parking infraction if any of the following apply:

(1) The owner answers the charge of the parking infraction under § 5 or 6, the answer denies that he committed the infraction and requests a hearing concerning the infraction, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking infraction, was being used by the operator without the owner's express or implied consent, and the Parking Violations Bureau determines that the vehicle was being used without the owner's express or implied consent at that time. If the Bureau does not so determine, it shall conduct the hearing concerning the infraction according to § 7.

(2) The owner answers the charge of the parking infraction under § 5 or 6, the answer denies that he committed the parking infraction, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the infraction, the owner was either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking infraction, the vehicle in question was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement. If the owner does not so prove, the Parking Violations Bureau shall conduct a hearing relative to the infraction according to § 7.

(3) The owner, at a hearing concerning the parking infraction conducted in accordance with § 7, proves that the vehicle, at the time of the parking infraction, was being used by the operator without the owner's express or implied consent or proves the facts described in division (A)(2) of this section.

(B) An owner of a vehicle who is either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, but who does not satisfy the additional requirement of division (A)(2) of this section is not liable for any penalties arising out of a parking infraction involving the vehicle if at the time of the commission of the parking infraction, the vehicle was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking infraction by denying that he committed the

parking infraction or by paying the fine arising out of the parking infraction within thirty days after actual receipt of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction.

Proof that the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking infraction shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the Parking Violations Bureau within thirty days after the date of receipt by the owner of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction. The submission of a true copy of a written rental or lease agreement or affidavit shall be prima facie evidence that a vehicle was in the care, custody, or control of a person other than the owner. In addition, any information required by division (A)(2) of this section may be provided on magnetic tape or another computer-readable media in a format acceptable to the City of South Euclid.

9. PARKING TICKET ADOPTED.

The following parking ticket is adopted to be used by law enforcement officers in all cases in which a person is charged with a parking infraction within the City of South Euclid:

(Front)
Offender
Name

License Plate
No.

Vehicle

Parking Infraction Type, Make or Model
Date of Violation Time of
Violation

Place of Violation
Below signed officer affirms the facts contained in this parking infraction.

_____

Ptl.

(Back)

The owner-operator of the vehicle designated has been charged with a parking infraction.

You must, within 10 days, answer this infraction by admitting the parking infraction, admitting the parking infraction with an explanation of the circumstances, or denying the parking infraction and requesting a hearing.

Answers may be made in person, by mail or phone to the violations clerk, Parking Violations Bureau,
[address]

Failure to answer within 10 days or to appear at a requested hearing will be considered an admission of this parking infraction, and may result in a default judgment against you and impoundment or immobilization of the designated vehicle, and penalties prescribed by ordinance.

10. PARKING INFRACTION FINES.

The following fines for parking infractions are hereby established:

	If paid within 10 days of the time notice was issued	After 20 days but within 30 days from the time notice was issued	After 30 days but prior to the time a civil complaint is issued
351.03	$15.00	$30.00	$45.00
351.04(f)	$250.00	$300.00	$350.00
351.045	$15.00	$30.00	$45.00
351.06	$15.00	$30.00	$45.00
351.07	$15.00	$30.00	$45.00
351.09	$15.00	$30.00	$45.00
351.10	$15.00	$30.00	$45.00
351.11	$15.00	$30.00	$45.00
351.12	$15.00	$30.00	$45.00
351.14	$15.00	$30.00	$45.00
351.15	$15.00	$30.00	$45.00
351.16 1st offense	$20.00	$30.00	$60.00
351.16 2nd offense	$30.00	$50.00	$100.00
351.18	$15.00	$30.00	$45.00
351.19	$15.00	$30.00	$30.00
351.20	$15.00	$30.00	$45.00

Section 2: That is hereby found and determined that all formal actions of this council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety by ensuring the safe and orderly regulation of vehicle parking within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____day of _____, 2012

_____
David B. Miller, President of Council

Attest:

Keith A. Benjamin, Clerk of Council

Approved:

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 02-12
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

February 13, 2012
Second Reading: June 11, 2012
Third Reading: July 23, 2012

AN ORDINANCE

CREATING A ZONING TEXT AMENDMENT TO SECTION 761.04 OF TITLE SIX OF PART SEVEN OF "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council has requested that Section 761.04 of Chapter 761 of Title Six of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio, relating to "Administration" within the City be amended; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 761.04 (d) of Chapter 761 of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio is hereby amended and supplemented by the enactment of the amended Section 761.04 entitled "Zoning and Building Standards Board of Appeals: Appeals; Variances", which shall read as follows:

761.04 ZONING AND BUILDING STANDARDS BOARD OF APPEALS; APPEALS; VARIANCES.

(d) The Board of Appeals shall not have jurisdiction to hear an appeal or grant a variance in the following cases:

...

(6) From any decision of the City Architect, as provided for in this Code; ~~or~~

(7) From any decision of the Architectural Review Board, as provided for in this Code~~.~~ **; or**

(8) From the uses specifically prohibited or not expressly permitted as may be provided for in this Title. Any use that is specifically prohibited or not expressly permitted in this Title shall, within five years from the date of the enactments of this section, be altered to comply with the provisions of this Title.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected hereby. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

_____
David B Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 05-12
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

February 27, 2012
Second Reading: June 11, 2012
Third Reading: July 23, 2012

AN ORDINANCE

AMENDING ZONING TEXT TO CHAPTERS 724, 734, 744 AND SECTIONS 722.02, 722.03, 722.04, 722.05, 732.02, 741.02 AND 746.02 OF TITLE TWO, THREE, AND FOUR OF PART SEVEN OF THE PLANNING AND ZONING CODE.

WHEREAS, The Planning Commission has thoroughly reviewed a Zoning Text amendment that amends Chapters 724, 734, 744 and Sections 722.02, 722.03, 722.04, 722.05, 732.02, 741.02 and 746.02 of Title Two, Three, and Four of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio; and

WHEREAS, the Council has requested that Chapters 724, 734, 744 and Sections 722.02, 722.03, 722.04, 722.05, 732.02, 741.02 and 746.02 of Title Two, Three, and Four of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio relating to parking be amended; and

WHEREAS, the Council desires to have clarity, consistency, and uniformity in the application of the regulations pertaining to "Parking"; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the text amendments within the listed Chapters and Sections of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio shall read as follows:

CHAPTER 722
Conditional Uses in Residential Districts
722.01 General standards; responsibility of Planning Commission.
722.02 Uses; conditions.
722.03 Use standards.
~~722.04 Off-street parking spaces.~~
~~722.05 Accessory parking for existing commercial establishments.~~
~~722.06~~ **722.04** Planned unit residential developments.

722.02 (c) Accessory Parking. Accessory parking for commercial uses, in conformity with the provisions of ~~Section 732.02~~ **Chapter 772.**

722.03 (b) All principal and accessory uses must conform to lot area, yard, height and off-street parking requirements established in ~~Schedules 722.02 and 722.04~~ **Chapter 772, Table 1.**

722.03 ~~(c) Accessways to parking spaces shall be designed with due regard to traffic safety and the maintenance of a smooth and efficient flow of traffic in the area.~~

~~**722.04 OFF-STREET PARKING SPACES**~~

~~(a) Off-street parking spaces shall be located not less than twenty feet from any adjoining residential property. When such parking is located within a structure, it must not be located within the required yards.~~

~~(b) The number of required off-street parking spaces for conditional uses is established in Schedule 722.04.~~

~~SCHEDULE 722.04. OFF-STREET PARKING REQUIREMENTS FOR INSTITUTIONAL AND PUBLIC FACILITIES~~

~~Use~~	~~Access Drive (Minimum Distance from Intersection in Feet)~~	~~Access Drive (Minimum Distance from Adjacent Residential Property in Feet)~~	~~Number of Parking Spaces Required~~
~~Churches,~~	~~50~~	~~25~~	~~1 space for each 4~~

~~synagogues and parish houses~~			~~permanent seats or 1 space for each 96 inches of pew or the total parking area shall equal 3 times the gross floor area~~
~~Monasteries and convents~~	~~50~~	~~25~~	~~1 space for each 2 residents; 1 space for each employee; and any auditorium or church requirements~~
~~Public and private schools~~			
~~Elementary and junior high schools~~ ~~High schools~~ ~~Trade and vocational schools, colleges and universities~~	~~100~~ ~~100~~ ~~100~~	~~50~~ ~~50~~ ~~50~~	~~1 space for each 2 staff members plus 1 space per 8 seats in an auditorium~~ ~~1 space for each 2 staff members plus 1 for each 2 seats in a classroom based on planned classroom capacities plus any auditorium regulations which are applicable~~ ~~1 space for each 2 employees plus 1 space for each 8 seats in a classroom based on planned classroom capacity~~
~~Child care institutions, including type A day care homes and child day care centers~~	~~50~~	~~25~~	~~1 space for each staff member plus 1 space for each 4 children~~
~~Public and private recreational facilities~~			
~~Golf courses~~ ~~Tennis courts~~ ~~Swimming pools~~	~~50~~ ~~50~~ ~~50~~	~~25~~ ~~25~~ ~~25~~	~~8 spaces for each green~~ ~~4 spaces for each court~~ ~~1 space for each 50 sq. ft. of pool and pool deck area~~
~~Park~~	~~50~~	~~25~~	~~Space equivalent to 1% of the total land area~~
~~Libraries and museums~~	~~50~~	~~25~~	~~1 space for each employee plus 1 space for each 200 sq. ft. of green floor area~~
~~Governmental office~~	~~50~~	~~25~~	~~1 space for each 300 sq. ft. of gross floor area plus 1 space per 4 seats of area used for public assembly~~
~~Hospitals~~	~~100~~	~~50~~	~~1 space for every 3 beds plus 1 space for each doctor plus 1 space for every 3 other employees~~
~~Nursing homes and homes for the aged~~	~~50~~	~~25~~	~~1 space for each staff member including doctors and nurses plus 1 for every 3 other employees plus 1 for every 6 beds~~
~~Welfare centers, settlement houses, health centers~~	~~50~~	~~25~~	~~1 space for each 300 sq. ft. of gross floor area~~
~~Theaters, assembly halls, arenas and other auditoria~~			~~1 space for each 5 seats or total parking area equal to 3 times the gross floor area~~
~~Family homes~~	~~50~~	~~15~~	~~1 for each staff member plus~~

			~~4 additional for visitors~~

~~**722.05 ACCESSORY PARKING FOR EXISTING COMMERCIAL ESTABLISHMENTS.**~~

~~(a) In General. In a Residential District which is contiguous to an existing commercial establishment that is within an existing Commercial Zoning District, only the first lot adjacent to the commercial establishment may be developed, in accordance with the following provisions, for the sole purpose of providing required accessory off-street parking for such an establishment.~~

~~(b) Accessory Off-Street Parking for Commercial Uses In Residential Districts. Required accessory off-street parking may be provided for a permitted use in a Residence-Office, Limited Commercial or General Commercial District on adjoining land in a Residential District subject to the following conditions:~~

~~(1) Driveways to off-street parking spaces for vehicular ingress and egress shall be located at least fifty feet from the adjacent residential zoning lot.~~

~~(2) Screening along the boundary with the adjoining use shall be provided and maintained by a solid wall erected to a height of no less than three feet or more than six feet nor a minimum ten-foot wide area with a landscaped buffer consisting of a type which effectively screens the activities from the abutting residential property.~~

~~(3) All other regulations governing off-street parking facilities, as set forth in Chapter 734, shall be complied with.~~

~~**722.06**~~ **722.04 PLANNED UNIT RESIDENTIAL DEVELOPMENTS.**

~~**CHAPTER 724**~~
~~**Off-Street Parking and Loading Regulations**~~

~~724.01 Off-street parking.~~
~~724.02 General requirements for parking spaces.~~
~~724.03 Access driveways for parking spaces.~~
~~724.04 Rules for computing required parking spaces; collective provision of spaces.~~
~~724.05 Size of parking spaces.~~
~~724.06 Parking or storage of commercial or construction vehicles and equipment.~~
~~724.07 Parking or storage of recreational vehicles.~~
~~724.08 Off-street loading requirements for multiple-family residences.~~
~~724.09 Access to and location of loading spaces.~~
~~724.10 Improvement and maintenance of loading spaces.~~
~~724.11 Parking inoperable automobiles.~~

~~***CROSS REFERENCES***~~

~~Municipal zoning – see Ohio R.C. 713.06 et seq.~~
~~Definitions – see P. & Z. 710.08~~
~~Off-street parking for conditional uses in Residential Districts – see P. & Z. 722.04~~
~~Accessory parking for commercial establishments in Residential Districts – see P. & Z. 722.05~~
~~Off-street parking and loading in Commercial Districts – see P. & Z. Ch. 734~~
~~Off-street parking and loading in Manufacturing Districts – see P. & Z. Ch. 744~~

~~**724.01 OFF-STREET PARKING.**~~

~~(a) One-Family Residences. At least two off-street parking spaces, with at least one space being enclosed, shall be provided on the zoning lot for each one-family dwelling unit in each One-Family Residential District. In addition, the following standards and regulations must be met:~~

~~(1) The minimum floor area for an enclosed off-street parking structure, including a private garage, is 200 square feet. For lots that do not exceed 6,000 square feet, the maximum floor area for the same off- street parking structure is 500 square feet, provided the structure is built on the same lot as the main building. An additional floor area of 150 square feet may be provided for each 2,000 square feet of lot area by which the lot area exceeds 6,000 square feet, and such ratio may be prorated. In any case, however, no such garage on one lot shall exceed a total floor area of 800 square feet. Not more than one garage, whether attached or detached, shall be permitted on any one lot. A lot having an attached garage may be permitted to have a detached garage, provided that the attached garage is properly converted to a habitable part of the main dwelling house and the detached garage meets all of the required yard and area requirements of this Planning and Zoning Code as pertaining to detached garages. Further, the existing driveway shall be~~

~~removed and relocated as determined necessary by the Zoning Administrator in order to maintain the character and aesthetics of the lot and the neighborhood.~~

~~(2) In addition to the enclosed off street parking spaces allowed above, not more than three open off-street parking spaces shall be provided on zoning lots 6,000 square feet or less and not more than four open off-street parking spaces shall be provided on zoning lots greater than 6,000 square feet. However, no automobile shall be parked or stored on any lot other than in an enclosed structure thereon or on the paved direct accessway from the pubic right-of-way to the enclosed structure, including a circular accessway on those zoning lots capable of containing the same. No parking shall be permitted on landscaped areas, tree lawns, or front yard setbacks, nor shall any front yard area be paved other than for direct access to the garage or residence unless the Building Commissioner determines that an expansion of the driveway area is warranted and the request meets all of the criterion, per the desired expansion option.~~

~~A. For the aesthetic value of the residence and neighborhood, any expansion of a driveway within the front yard area (area between the building set-back line and the right-of-way-line) the following criterion must be met:~~

~~1. The expansion shall not be any closer than one foot from adjacent property line.~~

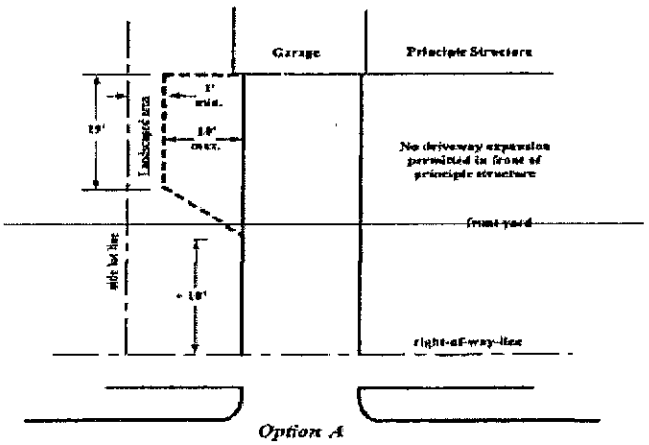
~~2. The expansion shall be limited to ten feet of additional width.~~

~~3. The expansion length shall be limited to nineteen feet as measured from the front face of the garage.~~

~~4. The distance from the right-of-way-line to the beginning of the additional expansion width must be greater than ten feet.~~

~~5. Appropriate landscaping shall be provided between the driveway expansion and the adjacent property line to screen the visual appearance of the expansion. The landscaping shall be a minimum of one foot in width.~~

~~The graphic display provides a visual expression and is intended to aide in the interpretation of the regulation.~~



Option A

~~B. For the aesthetic value of the residence and neighborhood, any expansion of a driveway within the front yard area (area between the building set-back line and the right-of-way-line) the following criterion must be met:~~

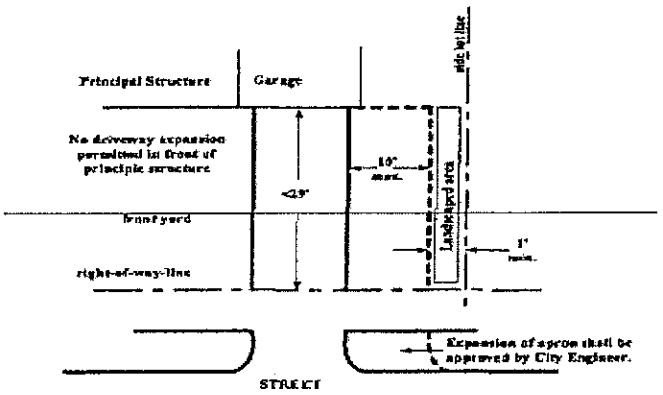
~~1. The expansion shall not be any closer than one foot from adjacent property line.~~

~~2. The expansion shall be limited to ten feet of additional width.~~

~~3. The expansion length shall be limited to nineteen feet as measured from the front face of the garage. However, if the distance from the right-of-way-line to the beginning of the additional expansion width is less than ten feet, the driveway expansion shall extend to the right-of-way-line. The driveway apron to the street shall be expanded to the width of the proposed expansion and shall be approved by the City Engineer.~~

~~4. Appropriate landscaping shall be provided between the driveway expansion and the adjacent property line to screen the visual appearance of the expansion. The landscaping shall be a minimum of one foot in width.~~

~~The graphic display provides a visual expression and is intended to aide in the interpretation of the regulation.~~



Option B

~~C. For the aesthetic value of the residence and neighborhood, any addition to the existing driveway within the front yard area (area between the building set-back line and the right-of-way-line), for the purpose of only a turnaround, the following criterion must be met:~~

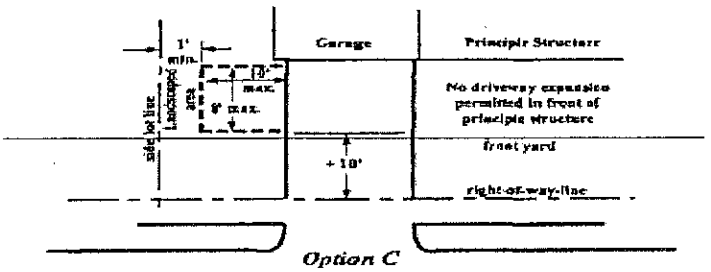
~~1. Any addition shall not be any closer than one foot from adjacent property line.~~

~~2. The addition shall be limited to ten feet of additional width and eight feet additional length (Figure Option C).~~

~~3. The distance from the right-of-way-line to the beginning of the additional expansion width must be greater than ten feet.~~

~~4. Appropriate landscaping shall be provided between the driveway addition and the adjacent property line to screen the visual appearance of the addition. The landscaping shall be a minimum of one foot in width.~~

~~The graphic display provides a visual expression and is intended to aide in the interpretation of the regulation.~~



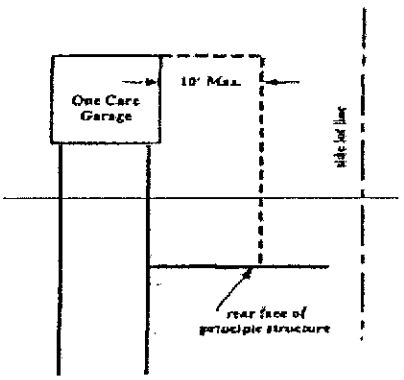
Option C

~~D. For the aesthetic value of the residence and neighborhood, any expansion of driveway from the rear face of the principle structure only to a one-car garage the following criterion must be met:~~

~~1. The expansion of the driveway shall be within the rear yard of property behind the principle structure.~~

~~2. The expansion shall be limited to ten feet of additional width, as measured from the side of the garage.~~

~~The graphic display provides a visual expression and is intended to aide in the interpretation of the regulation.~~



Option D

~~(3) The materials used for the expansion shall be similar to that of the existing driveway. Permitted nonconforming driveways shall be made conforming for an expansion to be permitted. Under no circumstance will the usage of gravel, stone, or similar materials be permitted for the expansion of the driveway.~~

~~(4) All expansions, additions of driveways and landscaping shall be approved by the Building Department before issuance of permit.~~

~~(b) Two-Family Residences. At least two off-street parking spaces, with at least one space being enclosed, shall be provided for each dwelling unit. Not more than four open and enclosed off-street parking spaces shall be provided on zoning lots 12,000 square feet or less, and not more than six open and enclosed off-street parking spaces shall be provided on zoning lots greater than 12,000 square feet. However, no automobile shall be parked or stored on any lot other than in an enclosed structure thereon or on the direct accessway from the public right-of-way to the enclosed structure.~~

~~(c) Multiple-Family Residences. At least two off-street parking spaces shall be provided for each dwelling unit. Of these required spaces, one parking space per unit shall be covered in a completely enclosed structure.~~

~~(Ord. 76-04. Passed 6-11-07.)~~

~~724.02 GENERAL REQUIREMENTS FOR PARKING SPACES.~~

~~(a) Off-street parking spaces shall be located at least ten feet from any wall of a building if such wall contains ground floor openings intended to provide access, light or ventilation to the building.~~

~~(b) Off-street parking spaces shall not be provided in required front yards.~~

~~(c) All off-street parking spaces for a multiple-family residence shall be located on the same zoning lot as the development.~~

~~(d) Off-street parking spaces, when located along the boundary of a One-Family Residential Zoning District, shall be screened by a solid wall erected to a height of no less than four feet nor more than seven feet.~~

~~(e) Off-street parking spaces shall be surfaced either with concrete or a bituminous surface or a similar surface, with specifications conforming to the Building Code.~~

~~(f) Appropriate bumper guards or curbs shall be provided where needed to define off-street parking spaces to assure the proper parking of vehicles and to avoid the extension of vehicles beyond such parking space.~~

~~(g) Off-street parking spaces shall be properly graded for drainage so that all water is drained within the zoning lot providing such spaces.~~

~~(h) Off-street parking spaces shall have a system of lighting installed to provide an adequate standard of illumination over the entire parking lot. All lighting shall be constructed and arranged to prevent direct emission of light upon adjoining zoning lots or onto public streets.~~

~~(i) Landscape planting shall consist of at least one standard tree, located in or immediately adjacent to the parking area, for each ten parking spaces.~~

~~(j) Off-street parking spaces shall be maintained free from dust, paper, other loose particles, snow and ice. All signs, markers and other methods used to indicate direction of traffic movement and location of off-street parking spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as the surface of the parking spaces, shall be maintained in good condition throughout their use for parking purposes and the Zoning Administrator shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.~~

~~724.03 ACCESS DRIVEWAYS FOR PARKING SPACES.~~

~~(a) Off-street parking spaces and internal circulation driveways shall be at least fifteen feet from side or rear lot lines.~~

~~(b) An access driveway from a street shall be at least fifty feet from any One-Family Residential District boundary.~~

~~(c) Each parking lot or area shall be provided adequate access driveways at least ten feet in width. Only one two-way access drive or pair of one-way drives shall be permitted for each 150 feet of public street frontage measured to the centerlines of each drive.~~

~~724.04 RULES FOR COMPUTING REQUIRED PARKING SPACES; COLLECTIVE PROVISION OF SPACES.~~

~~(a) Where fractional spaces result, the parking spaces required shall be the next highest whole number.~~

~~(b) In the case of mixed uses, parking spaces required shall equal the sum of the requirements of the various uses computed separately.~~

(c) The collective provision of off-street parking areas by two or more buildings or uses on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.

724.05 SIZE OF PARKING SPACES.

(a) The total parking area in a multiple-family residence shall be a size which is equivalent to 350 square feet for each required off-street parking space. Of this area, 200 square feet shall be provided for the parking of each vehicle and the remaining area for adequate ingress, egress and landscaping.

(b) In One-Family Residential Districts, 200 square feet shall be provided for each required off-street parking space.

724.06 PARKING OR STORAGE OF COMMERCIAL OR CONSTRUCTION VEHICLES AND EQUIPMENT.

(a) In General. The parking or storage of commercial vehicles and equipment in a Residential District, to the extent and in the manner herein described, is limited to the resident owner or occupant.

(b) Commercial Vehicles. The parking or storage of commercial vehicles or equipment as herein defined, in any Residential District, other than in a garage or enclosed structure, is prohibited, except that a commercial vehicle may be parked outside of a garage or enclosure for a reasonable period of time when making a customary delivery of goods, merchandise or services to the premises located within such Residential District. Further, and subject to the provisions of Section 761.04, the height of the door of the garage or enclosure shall not exceed seven feet, unless the Zoning and Building Standards Board of Appeals, upon request of the owner, grants a variance on the height of the door, which variance shall not exceed eighteen inches of such requirement.

(Ord. 3-89. Passed 7-9-90.)

(c) Construction Vehicles and/or Equipment. The parking or storage, in any Residential District, of vehicles, machines, devices or equipment used in the construction or maintenance of buildings, dwellings, houses, roads and sidewalks, is prohibited. However, where such vehicles, machines, devices and/or equipment are being used for the building, renovation, maintenance or improving of a house, dwelling, road or sidewalk in any Residential District, the temporary parking or storage of the vehicles, machines, devices and/or equipment is permitted until the project has been completed.

(Ord. 69-98. Passed 10-26-98.)

(d) Definitions. As used in this section:

(1) "Commercial vehicle" means:

A. Any vehicle with current State-issued license plates attached thereto with the designation "truck", "commercial", or "bus", and exceeding 9,000 pounds GVWR (Gross Vehicle Weight); or

B. Any vehicle that is used for business, commercial or manufacturing purposes that bears one or more of the following: mounted equipment, racks carrying equipment, ladders and ladder racks, building materials and similar items; or

C. Any vehicle, including a trailer, used for the hauling or transporting of any machinery, device, materials or equipment in connection with a commercial enterprise, whether or not such vehicle is marked or identified by lettering, symbols or signs relating to such commercial purpose or enterprise and whether or not such vehicle has attached thereto a State-issued license plate with the designation "truck", "commercial vehicle", or "bus."

(Ord. 3-89. Passed 7-9-90.)

(2) "Construction vehicle and equipment" means any vehicle, off-highway earth-moving equipment, backhoe, bulldozer, cement mixer, hoist, scaffold, snowplow and like devices, apparatus and machines used in the construction or maintenance of buildings, houses, roads, streets, sidewalks or driveways, or for landscaping or snowplowing.

(Ord. 69-98. Passed 10-26-98.)

(3) "Storage", "stored" or "store" means the keeping or housing of any commercial or construction vehicle, or any equipment used in a commercial or construction enterprise, in or upon premises located in any Residential District for any period of time.

(4) "Parking", "parked" or "park" means the stopping or standing of vehicles, whether or not occupied, otherwise than temporarily for the purpose of and while actively engaged in loading or unloading of merchandise or passengers.

(Ord. 17-06. Passed 4-10-06; Res. 33-06. Passed 12-11-06.)

~~**724.07 PARKING OR STORAGE OF RECREATIONAL VEHICLES.**~~

~~(a) Conditions of Permitted Parking. In order to minimize any deteriorating or adverse impact on adjacent properties, no recreational vehicle shall be parked or stored on any street or highway, or on any public or private property, within the City, except as hereinafter provided. Any owner of a recreational vehicle that is not in excess of twenty-eight feet in overall length, eight feet in width and eleven feet in height, may park or store such vehicle on property owned by him or her in accordance with the following conditions:~~

~~(1) The recreational vehicle parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall such vehicle be used for living or housekeeping purposes.~~

~~(2) If the camping and recreational vehicle is parked or stored outside of a garage, it must be parked or stored upon a hard-surface driveway or turn-around approved by the City Building Department.~~

~~(3) All recreational vehicles must be kept in good repair and carry a current year's license and/or registration.~~

~~(4) No person shall make or cause to be made major repairs, alterations or conversions of recreational vehicles unless such repair, alteration or conversion is done in a completely enclosed garage. Repairs of a major type are herein defined to include, but are not limited to, spray painting, body, plumbing, heating, spring and frame repairs, radiator repair, major overhauling of engines requiring the removal of the engine cylinder head or crankcase pan or the removal of the motor and conversion of any other type of motor. The conversion of any vehicle is expressly prohibited.~~

~~(5) No materials of any nature may be stored beneath a recreational vehicle.~~

~~(6) When such a vehicle is parked or stored outside of a garage in an approved or permitted location, the wheels shall be left on such vehicle or vehicle conveyance so that it may be moved in case of an emergency.~~

~~(7) No recreational vehicle shall be parked or stored unless it is titled to or leased or used exclusively by one of the permanent occupants of the residence where the recreational vehicle is located.~~

~~(8) No recreational vehicle shall be stored outside of a garage until the adequacy of screening has been determined by the Zoning Administrator based upon a screening plan submitted to the Zoning Administrator and upon the following factors:~~

~~A. Location of screened area to adjacent residences.~~

~~B. Size and condition of vehicle.~~

~~C. View of screened area from the street.~~

~~D. Size, quantity and quality of screening.~~

~~Adequate screening shall consist of building walls, fencing or evergreen planting. At least five days before the Zoning Administrator makes any determination as to the adequacy of screening, notices shall be sent to the owners of contiguous properties. After such determination has been made, notice thereof shall be promptly given to the applicant and to the owners of contiguous properties. Such determination shall not become effective for ten days thereafter and, if an appeal is filed with the Zoning and Building Standards Board of Appeals, such determination shall not become effective until such appeal has been decided by said Board, as set forth in Section 762.04.~~

~~(9) In Multiple Family Residential Districts, the outside storage and parking of recreational vehicles shall be permitted only in the area described as the off-street parking facility for the main residential structure. Such recreational vehicles must be owned or leased by an occupant of the main residential structure. All other provisions of this section shall be applicable to Multiple-Family Districts.~~

~~(b) Recreational Vehicle Defined. As used in this section, "recreational vehicle" means and includes the following:~~

~~(1) A "travel trailer", which means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and permanently identified as a "travel trailer" by the manufacturer;~~

~~(2) A "pick-up camper", which means a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses;~~

~~(3) A "motor home", which means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consumption of food, and for sleeping;~~

~~(4) A "folding tent trailer", which means a canvas folding structure, mounted on wheels and designed for travel and vacation uses;~~

~~(5) A "boat" or "boat trailer", which mean and includes a boat, float, snowmobile and raft, plus the normal equipment to transport the same on the streets and highways;~~

~~(6) A "trailer", which means a cart or wagon designed to be pulled by an automobile, van, truck or tractor for hauling boats, floats, rafts, canoes, snowmobiles, motorcycles and other recreational equipment and devices, as well as those carts or wagons used for utility purposes, i.e. hauling landscaping materials, furniture and household goods, plus the normal equipment to transport the same on the highway.~~

~~**724.08 OFF-STREET LOADING REQUIREMENTS FOR MULTIPLE-FAMILY RESIDENCES.**~~

~~(a) One off-street loading space shall be provided for each multiple-family residence building with a gross floor area of between 5,000 and 50,000 square feet. One additional loading space shall be provided for every additional 100,000 square feet of gross floor area.~~

~~(b) Each required loading space shall be at least twelve feet wide at the building line of the building being served and of sufficient length to provide maneuvering space for the type of trucks anticipated.~~

~~**724.09 ACCESS TO AND LOCATION OF LOADING SPACES.**~~

~~(a) Access to loading spaces shall conform to the standards for access to off-street parking set forth in Section 724.03. In the case of a lot with frontage on two or more streets, all ingress and egress from loading spaces shall be from the most major street on which the lot has frontage.~~

~~(b) No street, sidewalk, alley or other public way or easement shall be used for loading purposes.~~

~~(c) No part of any lot required for a front yard, parking spaces, or an access drive thereto, shall be utilized for loading purposes.~~

~~**724.10 IMPROVEMENT AND MAINTENANCE OF LOADING SPACES.**~~

~~All off-street loading areas shall be improved and maintained in accordance with the standards set forth in Section 724.02 for off-street parking areas.~~

~~**724.11 PARKING INOPERABLE AUTOMOBILES.**~~

~~No person shall use any premises in a Residential District for the purpose of keeping inoperable automobiles.~~

~~As used in this section, "inoperable automobile" means any motor vehicle which:~~

~~(a) Is not in operating condition; or~~

~~(b) Has no value except for salvage or junk purposes; or~~

~~(c) Has not been licensed and issued a distinctive number and registration mark valid for the current year pursuant to Ohio R.C. Chapter 4503; or~~

~~(d) Does not display such distinctive number and registration mark.~~

~~As used in this section, "keeping inoperable automobiles" means the parking, standing or storage of one or more automobiles at any place, other than in an enclosed garage, for a period in excess of seven calendar days.~~

~~(Ord. 94-04. Passed 12-27-04.)~~

732.02 CONDITIONAL USES.

(a) In General. The following uses or facilities may be located within a C-1, C-2 or C-3 Commercial District:

(1) Public and institutional facilities, including:

E. Government-owned and/or operated buildings or facilities. Parking requirements for public and quasipublic facilities are as scheduled in ~~Section 722.04~~ **Section 772.19, Table 1**; and

(2) Multiple-family residential uses, provided that the following specific conditions are met:

H. The commercial building shall conform to all yard, building height, ~~parking~~, **and** loading ~~and landscaping~~ regulations set forth in the Commercial District regulations; ~~and~~

I. The commercial building shall conform to all landscaping and parking regulations as set forth in Chapter 771 and 772, respectively; and

J. ~~I.~~ Each multiple-family dwelling unit shall contain a minimum area of 500 square feet.

~~(b) Accessory Off-Street Parking for Commercial Uses in Residential Districts. Required accessory off-street parking may be provided for a permitted use in a Residence-Office, Limited Commercial, or General Commercial District on adjoining land in a Residential District, subject to the following conditions:~~

~~(1) Driveways to off-street parking spaces for vehicular ingress and egress shall be located at least fifty feet from the adjacent residential zoning lot.~~

~~(2) Screening along the boundary with the adjoining use shall be provided and maintained by a solid wall erected to a height of no less than three feet nor more than six feet or a minimum ten-foot wide area with a landscaped buffer consisting of a type which effectively screens the activities from the abutting residential property.~~

~~(3) All other regulations governing off-street parking facilities as set forth in Chapter 734 of this Code shall be complied with.~~

~~(c)~~ **(b)** Uses or Facilities in R-O Districts.

~~CHAPTER 734~~

~~Off-Street Parking and Loading Regulations~~

~~734.01 Circumstances requiring spaces and accessways.~~
~~734.02 Required number of parking spaces.~~
~~734.03 Regulations for required parking spaces.~~
~~734.04 Joint parking facilities.~~
~~734.05 Access driveways for parking spaces.~~
~~734.06 Municipal parking lots.~~
~~734.07 Improvement and maintenance of parking spaces.~~
~~734.08 Required loading spaces.~~
~~734.09 Location of loading spaces.~~
~~734.10 Improvement and maintenance of loading spaces.~~

~~CROSS REFERENCES~~

~~Municipal zoning - see Ohio R.C. 713.06 et seq.~~
~~Definitions - see P. & Z. 710.08~~
~~Accessory parking for commercial establishments in Residential Districts - see P. & Z. 722.05~~
~~Off-street parking and loading in Residential Districts - see P. & Z. Ch. 724~~
~~Parking of inoperable motor vehicles in Residential Districts - see P. & Z. 724.11~~
~~Off-street parking and loading in Manufacturing Districts - see P. & Z. Ch. 744~~

~~734.01 CIRCUMSTANCES REQUIRING SPACES AND ACCESSWAYS.~~

~~Except for residential uses located within a Residence-Office District, for which off-street parking regulations are set forth in Chapter 724, off-street parking and loading spaces and necessary accessways shall be provided within zoning districts described in this Title in any of the following circumstances:~~

~~(a) Whenever a new use is established or a new building constructed;~~
~~(b) Whenever an existing building is altered to increase the floor area; or~~
~~(c) Whenever an existing use is changed to a use requiring more off-street parking and loading facilities.~~

~~734.02 REQUIRED NUMBER OF PARKING SPACES.~~

~~The minimum number of off-street parking spaces shall be as set forth in the following schedule:~~

~~SCHEDULE 734.02~~

~~Medical and dental offices and medical or dental laboratories.~~	~~One (1) space per doctor or dentist plus one (1) space for each 150 net sq. ft. of waiting area and exam rooms.~~
~~Nonretail services and professional office buildings, excluding medical.~~	~~One (1) space for each three hundred (300) sq. ft. of net floor area.~~
~~Medical and psychological clinics.~~	~~One (1) space for each one hundred (100) sq. ft. of net floor area.~~
~~Research laboratories.~~	~~One (1) space for each four hundred (400) sq. ft. of net floor area.~~
~~Child care institutions such as kindergartens and day care nurseries.~~	~~One (1) space for each two employees plus any auditorium or assembly requirements which are applicable.~~
~~Food stores, over 10,000 gross square feet.~~	~~One (1) space for each four hundred (400) sq. ft. of net floor area.~~
~~Food stores up to 10,000 gross square feet.~~	~~One (1) space for each two hundred (200) sq. ft. of net floor area.~~
~~Restaurants, bars, taverns,~~	~~One (1) space for each eighty (80) sq. ft. of net floor area or one~~

~~lunchrooms (non-fast food or drive-in).~~	~~(1) space for each six (6) seats, whichever is greater.~~
~~Fast food and drive-in restaurants.~~	~~One (1) space for each twenty (20) sq. ft. of net floor area.~~
~~Motels—hotels.~~	~~One (1) space for each guest room plus one (1) space for each four hundred (400) sq. ft. of public meeting area and/or restaurant space.~~
~~Drug stores, gift items, pet stores, books and periodicals, sporting goods and household hardware, dry goods, wearing apparel, variety stores.~~	~~One (1) space for each three hundred (300) sq. ft. of net floor area.~~
~~Furniture, floor coverings, wall coverings, interior furnishings and finishes.~~	~~One (1) space for each eight hundred (800) sq. ft. of net floor area including outdoor sales area.~~
~~Banks, savings and loan institutions and security sales offices.~~	~~One (1) space for each three hundred (300) sq. ft. of net floor area plus eight (8) waiting spaces for each drive-up station.~~
~~Trade vocational, business and dancing schools.~~	~~One (1) space for each two (2) employees plus one space (1) for each eight (8) seats in a classroom based on planned classroom capacity.~~
~~Barber shops, beauty salons and similar personal services.~~	~~One space for each chair or station plus one (1) space for each two (2) employees.~~
~~Theaters, assembly halls, arenas and other auditoria.~~	~~One (1) space for each five (5) seats.~~
~~Libraries and museums.~~	~~One (1) space for each employee plus one (1) space for each eight hundred (800) sq. ft. of net floor area.~~
~~Bowling alleys.~~	~~Five (5) spaces for each lane, exclusive of restaurant areas.~~
~~Gasoline service stations.~~	~~One (1) space for each pump plus two (2) spaces for each service bay and stopping space adjacent to pump islands.~~
~~Funeral homes.~~	~~One (1) space for each five (5) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.~~
~~Automobile repair and service garages.~~	~~One (1) space for each five hundred (500) sq. ft. of net floor area plus one (1) space for each two (2) employees.~~
~~New car dealers.~~	~~One (1) space for each eight hundred (800) sq. ft. of net floor area plus ten percent (10%) of any outdoor lot must be reserved for customer parking.~~
~~Used car dealers.~~	~~Twenty-five percent (25%) of the permitted sales area must be reserved for customer parking.~~
~~Nurseries, plant husbandry, garden supplies, agricultural produce and other outdoor retail sales uses.~~	~~Total parking area equal to twenty-five percent (25%) of total display and selling area plus one (1) space for each two (2) employees.~~
~~Laundromats.~~	~~One (1) space per two (2) rental appliances.~~

~~734.03 REGULATIONS FOR REQUIRED PARKING SPACES.~~

~~(a) Where fractional spaces result, the parking spaces required shall be the next highest whole number.~~

~~(b) The off-street parking spaces required for any use in a Commercial District shall be located within 300 feet of the building, unless otherwise specifically provided.~~

~~(c) Parking spaces shall be located no less than ten feet from any wall of a building if such wall contains ground floor openings intended to provide access, light or ventilation to the building.~~

~~(d) Parking spaces provided which are not located on the same zoning lot as the use to which they are accessory shall nevertheless be in the same ownership as the use and shall be subject to deed restrictions filed in an office of record, binding the owner and his or her heirs and assigns to maintain the required number of spaces available throughout the life of such use.~~

~~734.04 JOINT PARKING FACILITIES.~~

~~(a) In the case of mixed uses, off-street parking spaces shall equal the sum of the requirements of the various uses computed separately.~~

~~(b) The collective provision of off-street parking areas by two or more buildings or uses located on adjacent zoning lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further~~

~~provided that the land upon which the collective facilities are located is owned or leased in the same ownership as the use to which they are accessory, which land shall be subject to deed restrictions filed in an office of record, binding the owner and his or her heirs and assigns to maintain the required number of parking spaces available throughout the life of such use.~~

~~734.05 ACCESS DRIVEWAYS FOR PARKING SPACES.~~

~~Access driveways to off-street parking spaces shall be provided according to the following standards:~~

~~(a) Each access drive shall have a minimum width of ten feet for each direction. The maximum width for any access drive shall be thirty-six feet.~~

~~(b) Only one two-way access drive, or a pair of one-way drives, shall be permitted for each 100 feet of public street frontage measured to the centerlines of each drive.~~

~~(c) The centerline of any drive shall be at least fifty feet from the right-of-way line of any intersecting street, measured along the curb line of the street from which access is provided.~~

~~(d) An apron with a radius of six feet at the curb line shall be provided to join the driveway to the street.~~

~~(e) Access to off-street parking spaces from a street right of way must be provided according to accepted highway design standards and shall be approved by the Zoning Administrator in association with the Director of Public Safety.~~

~~734.06 MUNICIPAL PARKING LOTS.~~

~~(a) In the event that any land is acquired by the City, by lease or otherwise, for the purpose of providing Municipal off-street parking, any structure or use or part thereof which, at the time of such acquisition by the City, was already occupied or was subject to a right of occupation for off-street parking, shall thereafter be deemed to have the number of off-street parking spaces required under this Planning and Zoning Code at the time of the acquisition by the City.~~

~~(b) The Director of Service shall prepare a written report indicating the exact number of off-street parking spaces to be credited to each building, as provided in subsection (a) hereof. Such report shall be filed with the Director of Finance as part of the permanent record of such parking improvement.~~

~~(c) Any structure not fully occupied at the time of the acquisition of the land referred to in subsection (a) hereof shall be credited with the number of off-street parking spaces required for the last full occupancy of such building.~~

~~734.07 IMPROVEMENT AND MAINTENANCE OF PARKING SPACES.~~

~~(a) Off-street parking spaces shall be surfaced with either concrete or a bituminous surface, or a similar surface, with specifications conforming to the Building Code.~~

~~(b) Appropriate bumper guards or curbs shall be provided where needed to define parking spaces, to assure the proper parking of vehicles and to avoid the extension of vehicles beyond such parking spaces.~~

~~(c) Off-street parking spaces shall be properly graded for drainage so that all water is drained within the zoning lot providing such spaces.~~

~~(d) Wherever parking lots or garages are to be used during darkness, a system of lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All lighting shall be constructed and arranged to prevent the direct emission of light upon adjoining zoning lots or onto public streets.~~

~~(e) If a lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon a sign installed expressly for that purpose, in accordance with size regulations set forth in Chapter 770.~~

~~(f) Off-street parking spaces that abut public sidewalks shall be separated from the walkway by a grassed and landscaped buffer strip a minimum of three feet in width. Landscape planting shall consist of suitable shrubbery and trees.~~

~~(g) Off-street parking spaces shall be maintained free of dust, paper and other loose particles and snow and ice. All signs, markers or other methods used to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition. All walls, trees and shrubbery, as well as the surface of the parking spaces, shall be maintained in good condition throughout their use for parking purposes. The Zoning Administrator shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.~~

~~(h) The use of any required parking space for the storage of any motor vehicle for sale or rental, or for any purpose other than the parking of motor vehicles, is prohibited.~~

~~(i) The following minimum design standards shall be observed in laying out off-street facilities:~~

	~~Minimum **Parking** Space Size~~		-
~~Angle of **Parking**~~	~~Width~~	~~Length~~	~~Minimum Aisle Width~~

~~Parallel - One-Way Traffic~~	~~8 feet~~	~~22 feet~~	~~12 feet~~
~~Parallel - Two-Way Traffic~~	~~8 feet~~	~~22 feet~~	~~20 feet~~
~~90 Degree~~	~~9 feet~~	~~18 feet~~	~~22 feet~~
~~60 Degree~~	~~9 feet~~	~~18 feet~~	~~17 feet (for one way)~~
~~45 Degree~~	~~9 feet~~	~~18 feet~~	~~13 feet (for one way)~~
~~Disabled~~	~~Refer to ADA guidelines~~		-

~~(j) All planting screens required by this section shall consist of plants at least thirty inches high when planted, which shall be maintained in a healthy condition and so pruned as to provide maximum capacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.~~

~~Plant~~	~~Distance Apart (Ft.)~~
~~Multiflora rose~~	~~2~~
~~Forsythia~~	~~3~~
~~Lilac~~	~~3~~
~~Privet~~	~~1 1/2~~
~~Arbor vitae~~	~~4~~
~~Barberry~~	~~3~~
~~Pfitzer juniper~~	~~4~~
~~Scotch pine~~	~~5~~

~~In lieu of a required planting screen, a landscaped earth berm at least four (4) feet in height and thirty (30) feet in width (height being measured from the surface of the area to be screened) may be installed.~~

~~(k) The minimum required area to be landscaped, exclusive of buildings, accessory uses, parking and drives, shall be five percent of the total site area.~~

~~(Ord. 62-10. Passed 3-14-11.)~~

~~734.08 REQUIRED LOADING SPACES.~~

~~(a) One off-street loading space shall be provided for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 20,001 to 100,000 square feet of gross floor area; and one additional space for each 75,000 square feet of gross floor area in excess of 100,000 square feet.~~

~~(b) In structures with mixed uses, the required loading spaces may be based on the gross floor area of all uses in the structure.~~

~~(c) Each required loading space shall be no less than twelve feet wide at the building line of the building being served, and of sufficient length to provide maneuvering space for the type of trucks anticipated.~~

~~734.09 LOCATION OF LOADING SPACES.~~

~~(a) Access to loading spaces shall conform to the standards for access to off-street parking set forth in Section 734.05, and further, in the case of a lot with frontage on two or more streets, all ingress and egress to loading spaces shall be from the more primary street on which the lot has frontage.~~

~~(b) No street, sidewalk, alley or other public way or easement may be used for loading purposes.~~

~~(c) Loading spaces shall be completely enclosed visually or screened when located within seventy-five feet of a Residential District boundary.~~

~~(d) No part of any lot required for yards, parking areas or access drives thereto shall be utilized for loading purposes.~~

~~734.10 IMPROVEMENT AND MAINTENANCE OF LOADING SPACES.~~

~~All off-street loading spaces shall be improved and maintained in accordance with the standards set forth in Section 734.07 for off-street parking spaces.~~

741.02 LIMITED MANUFACTURING (M-1) DISTRICTS.

(f) Accessory Uses.

(1) Off-street parking and loading facilities as permitted and regulated in Chapter ~~744~~ **772**

~~**CHAPTER 744**~~
~~**Off-Street Parking and Loading Regulations**~~

~~744.01 Circumstances requiring spaces and accessways.~~
~~744.02 Required number of parking spaces.~~
~~744.03 Regulations for required parking spaces.~~
~~744.04 Joint parking facilities.~~
~~744.05 Access driveways to parking spaces.~~
~~744.06 Municipal parking lots.~~
~~744.07 Improvement and maintenance of parking spaces.~~
~~744.08 Required loading spaces.~~
~~744.09 Location of loading spaces.~~
~~744.10 Improvement and maintenance of loading spaces.~~

~~***CROSS REFERENCES***~~

~~Municipal zoning - see Ohio R.C. 713.06 et seq.~~
~~Definitions - see P. & Z. 710.08~~
~~Accessory parking for commercial establishments in Residential Districts - see P. & Z. 722.05~~
~~Off-street parking and loading in Residential Districts - see P. & Z. Ch. 724~~
~~Parking of inoperable motor vehicles in Residential Districts - see P. & Z. 724.11~~
~~Off-street parking and loading in Commercial Districts - see P. & Z. Ch. 734~~

~~**744.01 CIRCUMSTANCES REQUIRING SPACES AND ACCESSWAYS.**~~
~~Accessory off-street parking and loading spaces and necessary accessways shall be provided for all uses in a Manufacturing District in any of the following circumstances:~~
~~(a) Whenever a new use is established or a new building constructed;~~
~~(b) Whenever an existing building is altered to increase the floor area; and~~
~~(c) Whenever an existing use is changed to a use requiring more off-street parking and loading.~~

~~**744.02 REQUIRED NUMBER OF PARKING SPACES.**~~

~~Off-street parking spaces shall be provided in accordance with Schedule 744.02.~~

~~SCHEDULE 744.02. REQUIRED NUMBER OF OFF-STREET **PARKING** SPACES~~	
~~Use~~	~~Required Off-Street **Parking** Spaces~~
~~Commercial Services in any Manufacturing District~~	~~One (1) space for each four hundred (400) square feet of building floor area and one space for each one thousand (1,000) square feet of outdoor storage area if permitted, but not less that five (5) spaces shall be permitted for any such use, except as modified as follows:~~
	~~In addition, banks with drive-in windows shall provide waiting lanes for not less that eight (8) automobiles for each drive-in window within the lot containing the bank.~~
	~~Eating places without interior seating for at least forty (40) persons shall provide one (1) space for each twenty (20) square feet of floor area.~~
	~~Eating places with interior seating for more than forty (40) persons shall provide one (1) space for each fifty (50) square feet of floor area or one (1) space for each four (4) seats, whichever is greater.~~
~~Public Utilities and Vehicle Storage~~	~~One (1) space for each one thousand (1,000) square feet of floor area and one (1) additional space for each two thousand (2,000) square feet of outdoor storage, if permitted.~~
~~Storage or Wholesale Uses~~	~~One (1) space for each one thousand (1,000) square feet of floor area and one (1) additional space for each two thousand (2,000)~~

	~~square feet of outdoor storage, if permitted, but not less than three (3) spaces shall be provided for any such use.~~
~~Scientific Laboratories~~	~~One (1) space for each four hundred (400) square feet of floor area.~~
~~Manufacturing Uses~~	~~One (1) space for each four hundred (400) square feet of floor area and one (1) additional space for each one thousand (1,000) square feet of outdoor processing or storage area.~~

~~**744.03 REGULATIONS FOR REQUIRED PARKING SPACES.**~~

~~(a) Where fractional spaces result, the parking spaces required shall be the next highest whole number.~~

~~(b) The off-street parking spaces required for any use in a Manufacturing District shall be located within 500 feet of the building to be served unless otherwise specifically provided.~~

~~(c) Parking space shall be located no less than ten feet from any wall of a building if such wall contains ground floor openings intended to provide access, light or ventilation to the building.~~

~~(d) Parking shall be prohibited in any required front yard unless it is screened by a landscaped buffer or landscaped mound. The landscaped mound shall have a maximum height of five feet. The landscaped buffer or landscaped mound shall consist of evergreen and deciduous vegetation between the parking area and the front property line. It shall be the property owner's or occupant's responsibility to maintain the landscaped buffer or landscaped mound in good condition throughout the period of the use of the lot. Property owners or occupants who fail to maintain the landscaping shall be subject to penalty provided in Section 764.99.~~

~~(e) Parking spaces provided which are not located on the same zoning lot as the use to which they are accessory shall nevertheless be in the same ownership as the use and shall be subject to deed restrictions filed in an office of record binding the owner and his or her heirs and assigns to maintain the required number of spaces available throughout the life of such use.~~

~~**744.04 JOINT PARKING FACILITIES.**~~

~~(a) In the case of mixed uses, off-street parking spaces required shall equal the sum of the requirements of the various uses computed separately.~~

~~(b) The collective provision of off-street parking areas by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users. However, such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his or her heirs and assigns to maintain the required number of parking spaces available throughout the life of such use.~~

~~**744.05 ACCESS DRIVEWAYS TO PARKING SPACES.**~~

~~Access driveways to off-street parking spaces shall be provided according to the following standards:~~

~~(a) Each access drive shall have a minimum width of ten feet for each direction. The maximum for any access drive shall be thirty-six feet.~~

~~(b) Only one two-way access drive or pair of one-way drives shall be permitted for each 100 feet of public street frontage measured to the centerlines of each drive.~~

~~(c) The centerline of any drive shall be at least fifty feet from the right-of-way line of any intersecting street, measured along the curb line of the street from which access is provided.~~

~~(d) An apron with a radius of six feet at the curb line shall be provided to join the driveway to the street.~~

(e) ~~Access to off-street parking spaces from a street right-of-way must be provided according to accepted highway design standards and shall be approved by the Zoning Administrator in~~ association with the Director of Public Safety.

~~**744.06 MUNICIPAL PARKING LOTS.**~~

~~(a) In the event that any land is acquired by the City, by lease or otherwise, for the purpose of providing Municipal off-street parking, any structure or use or part thereof which, at the time of such acquisition by the City, was already occupied or was subject to a right of occupation for off-street parking, shall thereafter be deemed to have the number of off-street parking spaces required under this Planning and Zoning Code at the time of the acquisition by the City.~~

~~(b) The Director of Service shall prepare a written report indicating the exact number of parking spaces to be credited to each building, as provided in subsection (a) hereof. Such report shall be filed with the Director of Finance as part of the permanent record of such parking improvement.~~

~~(c) Any structure not fully occupied at the time of the acquisition of the land referred to in subsection (a) hereof shall be credited with the number off-street parking spaces required for the last full occupancy of such building.~~

~~744.07 IMPROVEMENT AND MAINTENANCE OF PARKING SPACES.~~

~~(a) Off-street parking spaces shall be surfaced with either concrete or a bituminous surface, or a similar surface, with specifications conforming to the Building Code.~~

~~(b) Off-street parking spaces shall be properly graded for drainage so that all water is drained within the zoning lot providing such spaces.~~

~~(c) A structurally sound wall or other abutment, no less than five feet nor more than eight feet high, approved by the Zoning Administrator, shall be installed:~~

~~(1) Around each side of a parking lot which adjoins a public street, sidewalk or alley.~~

~~(2) Wherever necessary to prevent the washing of soil to and from adjoining property.~~

~~(3) For adequate screening of the parking lot from adjacent commercial or residential property.~~

~~As an alternative to the wall, the property owner or occupant may maintain a landscape buffer or landscaped mound, consisting of evergreen and deciduous vegetation, between the parking area and the public street, sidewalk or alley. It shall be the property owner's or occupant's responsibility to maintain the landscaped buffer or landscaped mound in good condition throughout the period of the use of the lot. Property owners or occupants who fail to maintain the landscaping shall be subject to the penalty provided in Section 764.99.~~

~~(d) Wherever parking lots or garages are to be used during darkness, a system of lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All lighting shall be constructed and arranged to prevent direct emission of light upon adjoining zoning lots or on public streets~~

~~(e) If a lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon a sign installed expressly for that purpose, in accordance with size regulations set forth in Chapter 770.~~

~~(f) Landscape planting shall consist of at least one standard tree located in or immediately adjacent to the parking area for each ten parking spaces.~~

~~(g) Off-street parking spaces and parking lots shall be maintained free of dust, paper and other loose particles and snow and ice. All signs, markers or other methods used to indicate the direction of traffic movement and the location of parking and shrubbery, as well as the surface of the parking lots and parking spaces, shall be maintained in good condition throughout their use for parking purposes and the Zoning Administrator shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.~~

~~744.08 REQUIRED LOADING SPACES.~~

~~(a) Required off-street loading spaces shall be provided in such numbers as are provided for in this section in addition to required off-street parking spaces. Each required loading space shall be no less than twelve feet wide at the building line of the building being served, and of sufficient length to provide maneuvering space for the type of trucks anticipated.~~

~~(1) Commercial service uses — one space for each 10,000 square feet of floor area or fraction thereof.~~

~~(2) Public utilities and vehicle storage uses - one space for each 20,000 square feet of floor area or fraction thereof.~~

~~(3) Storage or wholesale uses — one space for each 15,000 square feet of floor area, or fraction thereof.~~

~~(4) Scientific laboratories — one space for each 25,000 square feet of floor of fraction thereof.~~

~~(5) Manufacturing uses — one space for each 15,000 square feet of floor area or fraction thereof.~~

~~(b) In structures with mixed uses, the number of off-street loading spaces required shall equal the sum of the requirements of the various uses computed separately, unless a lesser total number is deemed adequate by the Zoning Administrator.~~

~~744.09 LOCATION OF LOADING SPACES.~~

~~(a) Access to off-street loading spaces shall conform to the standards for access to off-street parking set forth in Section 744.05, and further, in the case of a lot with frontage on two or more streets, all ingress and egress to loading spaces shall be from the most major street on which the lot has frontage.~~

~~(b) No street, sidewalk, alley or other public way or easement may be used for loading purposes.~~

~~(c) No part of any zoning lot required for yards, parking area or access drive thereto shall be utilized for loading purposes.~~

~~(d) Loading spaces shall be completely enclosed when located within seventy-five feet of a Residential District boundary.~~

~~**744.10 IMPROVEMENT AND MAINTENANCE OF LOADING SPACES.**~~

~~All off-street loading spaces shall be improved and maintained in accordance with the standards set forth in Section 744.07 for off-street parking spaces.~~

746.02 CREATION AND PRESERVATION OF YARD AREAS.

Every building, other structure or use of land shall be located on a zoning lot such that front, side and rear yards are preserved according to the following provisions and the provisions of Schedule 746.02:

(a) Where the property line of the zoning lot coincides with the boundary of any adjoining Residential District, the minimum yard dimensions shall conform to Schedule 746.02 and other requirements as stated in Section 746.07.

(b) A rear yard shall not be required when a rear lot line coincides with a railroad right-of-way, and a side yard shall not be required when a side lot line coincides with a railroad right-of-way.

~~(c) Within the required front yard, a minimum grass-covered buffer strip or landscaped mound of twelve feet in width, with a maximum height of five feet, is required from the sidewalk (where one exists or is proposed) to any parking area or driveway aisle that is located in the required yard abutting a public road.~~

~~In addition to grass cover, the perimeter parking buffer strip shall contain a continuous line of evergreen shrubs, planted at intervals of no more than five feet on centers and at an initial height of at least two feet, and a continuous row of trees spaced at intervals of no more than twenty feet on centers and at an initial height of at least eight feet. Such tree or shrub covers that are over three feet in height shall be so located within the perimeter parking strip so as to not obstruct proper sight distance at intersecting parking aisles or where walkways intersect with vehicular driveway aisles.~~

~~Both the street buffer strip and the twelve-foot wide perimeter parking buffer strip shall be continuous and shall extend along the entire length of the front lot line that abuts a public right-of-way, except for areas pierced by walkway or driveway aisles to the extent necessary to provide safe ingress and egress to the property.~~

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected hereby. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

_____
David B Miller, President of Council

Attest:

Approved:

_____
Keith A. Benjamin, Clerk of Council

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 06-12
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

February 27, 2012
Second Reading: June 11, 2012
Third Reading: July 23, 2012

AN ORDINANCE

ENACTING NEW CHAPTER 772 "PARKING" OF TITLE SEVEN OF PART SEVEN "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

WHEREAS, the Council has requested that a new Chapter 772 "Parking" of Title Seven of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio be enacted; and

WHEREAS, the Council desires to have clarity, consistency, and uniformity in the application of the regulations pertaining to "Parking"; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 772 "Parking" of Title Seven of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio be enacted as follows:

Chapter 772
Parking

772.01 Intent
772.02 General Provisions
772.03 General Design and Layout Requirements
772.04 Off-Street Loading Space Requirements
772.05 General Maintenance Requirements

Residential

772.06 Required Number of Off-Street Parking Spaces; Location
772.07 Parking Inoperable Automobiles
772.08 Parking or Storage of Commercial or Construction Vehicles and Equipment
772.09 Parking or Storage of Recreational Vehicles

Commercial / Manufacturing

772.10 Joint Parking Facilities
772.11 Off-Site and Shared Parking
772.12 Drive-Through Stacking
772.13 Parking Inoperable Automobiles
772.14 Cart Corrals
772.15 Municipal Parking Lots

Conditional Uses

772.16 General Standards; Responsibility of Planning Commission
772.17 Accessory Parking for Existing Commercial Establishments

Parking Space Computation

772.18 Rules for Regulations and Computing Required Parking Spaces

CROSS REFERENCES

Definitions – see P. & Z. 710.08
Enforcement, Violations and Penalties – see P. & Z. 764
Landscaping – see P. & Z. 771
Lighting – see B.C. 1328

772.01 INTENT.

The regulations of this Chapter are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for off-street parking of motor vehicles, in accordance with the use on the property.

772.02 GENERAL PROVISIONS

(a) Parking spaces shall be located on the lot with the uses for which they are required. Exceptions are for off-site and shared parking.

(b) When the requirement spaces for an unspecified use is unclear, the number of parking spaces shall be determined by the Zoning Administrator on the basis of similar requirement, the number of persons served or employed, and the capability of adequately serving the visiting public. The Board of Zoning Appeals can hear a variance request from the requirement per section 762.04.

(c) When the intensity of use of any building, structure or premises shall be expanded through the addition of dwelling units, floor area, beds, eating capacity, or other unit of measurement, parking and loading facilities shall be provided for such increase in intensity of use.

(d) Whenever the existing use of a building, structure or premises shall hereafter be changed or converted to a new use permitted by this ordinance, parking and loading facilities shall be provided as required for such new use.

(e) The use of any required loading or parking space for the storage of any motor vehicle for sale or rental, or for any purpose other than the parking of motor vehicles, is prohibited.

(f) No vehicle may be parked or stored on any surface other than a paved surface, designated parking space within the commercial or manufacturing district, or enclosed within a structure.

(g) Except on property where a parking lot or parking garage is the permitted principal use, no vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a principal structure.

(h) The parking or storage of commercial vehicles and equipment in a Residential District, to the extent and in the manner herein described, is limited to the resident owner or occupant.

(i) Signs. Signs shall be provided according to the regulations set forth in Chapter 770.

772.03 COMMERCIAL GENERAL DESIGN AND LAYOUT REQUIREMENTS

(a) Surface and Curbing.

1. All off-street parking areas shall be constructed using a paved surface of concrete, bituminous surface, approved pervious surface, or similar surfaces, with specifications conforming to the Building Code.
2. All parking areas for nonresidential uses shall be completely curbed. Complete curbing may not be required if, innovative drainage techniques or storm water best management practices (BMPs) are employed, and in the written opinion of City of South Euclid Engineer, the drainage system for the property and surrounding environment shall be best served if curbs were not present.
   A. Off-street parking spaces shall be properly graded for drainage so that all water is drained within the zoning lot providing such spaces.
3. All parking areas for nonresidential uses shall be clearly painted to show each parking space. Individual spaces shall be designed with appropriate bumper guards or curbs so that no part of the parked vehicle will extend beyond the boundary of the established parking space into any minimum required yard or onto adjoining property.

(b) Access to Parking Spaces.

1. All required parking spaces shall be designed to provide direct access for vehicles. In no case can parking areas, which do not have direct access be considered a parking space meeting the requirement of this ordinance. Except in all residential districts.
   A. Entrances and exits to parking areas should be located so as to minimize traffic volume and conflicts with pedestrians, residential streets and busy intersections.
2. Access Driveways for Parking Spaces. Access driveways to off-street parking spaces shall be provided according to the following standards:
   A. Each access drive shall have a minimum width of ten feet for each direction. The maximum width for any access drive shall be thirty-six feet.
   B. Only one two-way access drive, or a pair of one-way drives, shall be permitted for each 100 feet of public street frontage measured to the centerlines of each drive.
   C. The centerline of any drive shall be at least fifty feet from the right-of-way line of any intersecting street, measured along the curb line of the street from which access is provided.

D. An apron with a minimum flare of three (3) feet on either side shall be provided to join the driveway to the street.
E. Access to off-street parking spaces from a street right of way must be provided according to accepted highway design standards and shall be approved by the Zoning Administrator in association with the Director of Public Safety.
F. An access driveway in a commercial district from a street shall be at least fifty feet from any Residential District boundary.

3. Parking spaces are unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.

(c) Vehicle Parking Space and Storage

1. Off-street parking facilities shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, belonging to patrons, occupants or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material, unless such facilities are enclosed in a building and otherwise permitted in the district.
2. Parking space size shall be a minimum of one hundred sixty-two (162) square feet and dimensions shall conform to Schedule 1: Parking Dimensions. The following minimum design standards shall be observed in laying out off-street facilities.

Schedule 1: Parking Dimensions

	Minimum Parking Space Size		
Angle of Parking	Width	Length	Minimum Aisle Width
Parallel – One-Way Traffic	8 feet	22 feet	12 feet
Parallel – Two-Way Traffic	8 feet	22 feet	20 feet
90 Degree	9 feet	18 feet	22 feet
60 Degree	9 feet	18 feet	17 feet (for one way)
45 Degree	9 feet	18 feet	13 feet (for one way)
Disabled	Refer to ADA guidelines		

3. Within the Manufacturing District, a structurally sound wall or other abutment, no less than five feet nor more than eight feet high, approved by the Zoning Administrator, shall be installed:
   A. Around each side of parking lot which adjoins a public street, sidewalk or alley.
   B. For adequate screening of the parking lot from adjacent commercial or residential property.

(d) Parking Lot and Structures

1. Off-street parking spaces may be open to the sky or enclosed in a building. In any instance, when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
   A. Parking structures should be designed with a facade treatment that reasonably screens the parked vehicles, at each level of the parking structure, from view from the street.
   B. If a lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon a sign installed expressly for that purpose.

(e) Pedestrian circulation

1. Landscaping of parking spaces, buffers, and perimeter landscaping shall conform to the standards set forth in Chapter 771 Landscaping.
2. All parking areas shall provide means of pedestrian circulation to the use and between the use and the street. Safe connections shall be provided within parking lots, which connect to the on-site businesses. The use of special pavement materials to distinguish between pedestrian and vehicular areas is encouraged.
   A. Walkways shall be provided in large parking areas and in parking areas that are associated with a high pedestrian volume and shall be clearly distinguished and separated from the automobile parking spaces and aisles.

B. These walkways shall be integrated with existing sidewalks and pedestrian routes and coordinated with the surrounding neighborhoods where pedestrian routes are located.
C. Such walkways shall be constructed of concrete, stone or brick and set apart and enhanced with landscaping and lighting.
D. Treatment shall be provided to emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade, and strengthen vistas and important axes between the development and other locations.

3. All walkways and parking facilities shall conform to the design requirements established by the Americans with Disabilities Act (ADA).

(f) Lighting
1. Reference to Chapter 1328.

(g) Off-street bicycle parking shall be provided as follows:
1. Bicycle Parking: Off-street bicycle parking shall be provided as follows:
A. A bicycle parking space required shall be at least 6 feet long and 2 feet wide with a 5 foot access aisle and a vertical clearance of at least 6 feet.
B. All required bicycle facilities must be in accordance with the Association of Pedestrian and Bicycle Professional Bike Parking Guidelines.
C. All required bicycle facilities must be included on all site plans. Site plans must include a table that shows the square footage calculations and the resulting required spaces.
D. Bicycle parking that requires a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
a. All lockers and racks must be securely anchored to the ground or the building structure to prevent racks and lockers from being removed from the location.
b. Racks must support the bicycle frame and at least one wheel and allow for the frame and wheel to be locked to the rack either through a U-lock or other device.
c. Racks that hold the bike by the wheel with no way to lock the frames and wheel to the rack with a U-lock are not permitted. Grid or fence style racks and wave or ribbon style racks are not permitted. The City of South Euclid Building Department can supply approved systems.
d. The surface of bicycle parking facilities shall be designed and maintained to be free of debris.
e. Existing traditional-type racks, which support only one wheel or other racks that are inconsistent, shall not count toward the bicycle parking requirement of this section.

2. When automobile parking spaces are provided in a structure, all required bicycle spaces shall be located inside that structure in accordance with the following requirements:
A. All spaces must be at ground level.
B. All spaces must be provided free of charge.
C. All spaces must be clearly marked as bicycle parking.
D. All spaces must be located in a location that:
a. Is illuminated with twice the amount of sight as the vehicular parking space
b. Is separated from vehicular parking by some form of barrier to minimize the possibility of parked bicycles being hit by a car.
c. No farther from the pedestrian entrance/exit than the nearest non-handicapped vehicular parking space.

3. Bicycle Parking Requirements:
A. 1 and 2 Family: no requirement
B. Multifamily: 1 space per 2 units
C. Commercial Uses: 1 space per 25 vehicle spaces
D. Institutional Uses:
a. Educational Uses (Colleges/Universities, High Schools, Junior High Schools and Elementary Schools): 1 space per 5 students
b. Library, Museum, Gallery: 1 space per 500 square feet
c. Auditorium, Church, Synagogue: 1 space per 20 seats (or 40 feet of bench), or 1 space per 3,000 square feet, whichever is greater
d. Manufacturing and Industrial Uses: no requirement
e. Where bicycle parking is required, no fewer than 2 spaces and no more than 50 spaces shall be required.

f. For any use not described, the Planning Commission will determine bicycle parking.

(h) Miscellaneous

Trash and recycling dumpsters shall not be located in required parking spaces.

772.04 OFF-STREET LOADING SPACE REQUIREMENTS

(a) Required off-street loading space(s) shall be provided and designed to sufficiently accommodate the specific type of use as determined by the South Euclid City Engineer and/or Traffic Commissioner.

(b) Access To and Locations of Loading Spaces

1. Access to loading spaces shall conform to the standards for access to off-street parking set forth in Section 772.23, Rules for Regulations and Computing Required Parking Spaces. In the case of a lot with frontage on two or more streets, all ingress and egress from loading spaces shall be from the most major street on which the lot has frontage or as determined by the South Euclid Traffic Commissioner.
2. No street, sidewalk, alley or other public way or easement shall be used for loading purposes.
3. No part of any lot required for a yard, front yard, parking spaces, or an access drive thereto, shall be utilized for loading purposes.
4. Loading spaces within Commercial or Manufacturing Districts shall be enclosed visually or screened when located within seventy-five feet of a Residential District boundary.
5. Accessory off-street parking and loading spaces and necessary access ways shall be provided for all uses in a Manufacturing District in any of the following circumstances:
   A. Whenever a new use is established or a new building constructed;
   B. Whenever an existing building is altered to increase the floor area; and
   C. Whenever an existing use is changed to a use requiring more off-street parking and loading.

772.05 GENERAL MAINTENANCE REQUIREMENTS

All off-street loading, parking spaces, and parking lots shall be improved and maintained in accordance with the standards set forth in this Chapter for off-street parking areas.

(a) Off-street loading and parking spaces shall be maintained free of dust, paper and other loose particles and snow and ice. All signs, markers or other methods used to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition. All walls, trees and shrubbery, as well as the surface of the parking spaces, shall be maintained in good condition throughout their use for parking purposes. The Zoning Administrator shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.

(b) All signs, markers or other methods used to indicate the direction of traffic movement and the location of parking and shrubbery, as well as the surface of the parking lots and parking spaces, shall be maintained in good condition throughout their use for parking purposes.

(c) The use of any required loading or parking space for the storage of any motor vehicle for sale or rental, or for any purpose other than the parking of motor vehicles, is prohibited.

PARKING STANDARDS BY USE - RESIDENTIAL

772.06 REQUIRED NUMBER OF OFF-STREET PARKING SPACES; LOCATION

Residential parking standards applicable to the One-family Residential, Multifamily Residential zoning districts:

(a) <u>One-Family Residences</u>. At a minimum least two off-street parking spaces, with at least one space being enclosed shall be provided on the zoning lot for each one-family dwelling unit in each One-Family Residential District. In addition, the following standards and regulations must be met:

1. The minimum floor area for an enclosed off-street parking structure, including a private garage, is 260 square feet for one car and 400 square feet for a two car.
2. For lots that do not exceed 6,000 square feet, the maximum floor area for the same off-street parking structure is 500 square feet, provided the structure is built on the same lot as the main building.
3. An additional floor area of 150 square feet may be provided for each 2,000 square feet of lot area by which the lot area exceeds 6,000 square feet, and such ratio may be prorated.

4. In any case, however, no such garage on one lot shall exceed a total floor area of 800 square feet.
5. Not more than one garage, whether attached or detached, shall be permitted on any one lot.
6. A lot having an attached garage may be permitted to have a detached garage, provided that the attached garage is properly converted to a habitable part of the main dwelling house and the detached garage meets all of the required yard and area requirements of this Planning and Zoning Code as pertaining to detached garages. Further, the existing driveway shall be removed and relocated as determined necessary by the Zoning Administrator in order to maintain the character and aesthetics of the lot and the neighborhood.
7. In addition to the enclosed off-street parking spaces allowed above, not more than three open off-street parking spaces shall be provided on zoning lots 6,000 square feet or less and not more than four open off-street parking spaces shall be provided on zoning lots greater than 6,000 square feet.
8. However, no automobile shall be parked or stored on any lot other than in an enclosed structure thereon or on the paved direct access way from the pubic right-of-way to the enclosed structure, including a circular access way on those zoning lots capable of containing the same.
9. No parking shall be permitted on landscaped areas, tree lawns, or front yard setbacks, nor shall any front yard area be paved other than for direct access to the garage or residence unless the Building Commissioner determines that an expansion of the driveway area is warranted and the request meets all of the criterion, per the desired expansion option.
   A. For the aesthetic value of the residence and neighborhood, any expansion of a driveway within the front yard area (area between the building set-back line and the right-of-way-line) the following criterion must be met for all options:
      1. The expansion shall not be any closer than one foot from adjacent property line.
      2. The expansion shall be limited to ten feet of additional width.
      3. Appropriate landscaping shall be provided between the driveway expansion and the adjacent property line to screen the visual appearance of the expansion. The landscaping shall be a minimum of one foot in width.

The graphic display provides a visual expression and is intended to aide in the interpretation of the regulation.

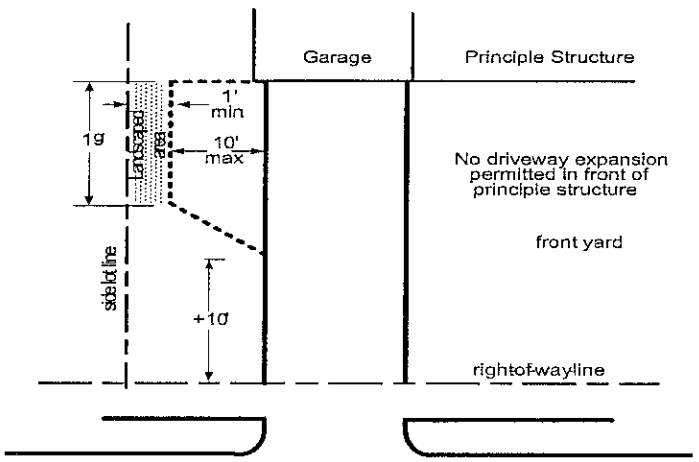


Figure A

Option A:

1. The expansion length shall be limited to nineteen feet as measured from the front face of the garage. (Figure A)
2. The distance from the right-of-way-line to the beginning of the additional expansion width must be greater than ten feet.

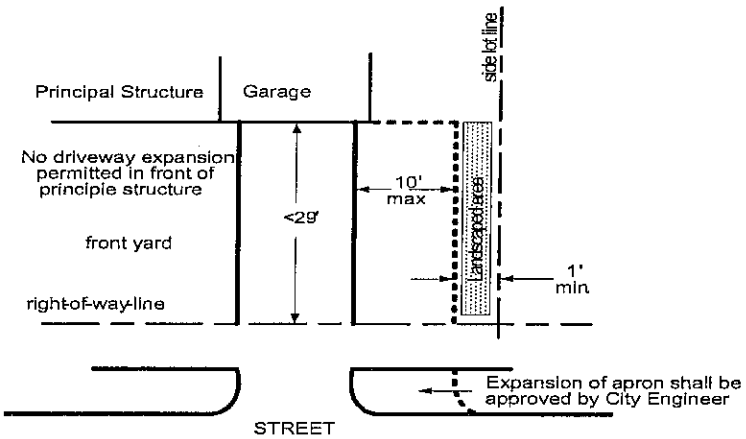


Figure B

Option B:

1. The expansion length shall be limited to nineteen feet as measured from the front face of the garage. However, if the distance from the right-of-way-line to the beginning of the additional expansion width is less than ten feet, the driveway expansion shall extend to the right-of-way-line. The driveway apron to the street shall be expanded to the width of the proposed expansion and shall be approved by the City Engineer. (Figure B)

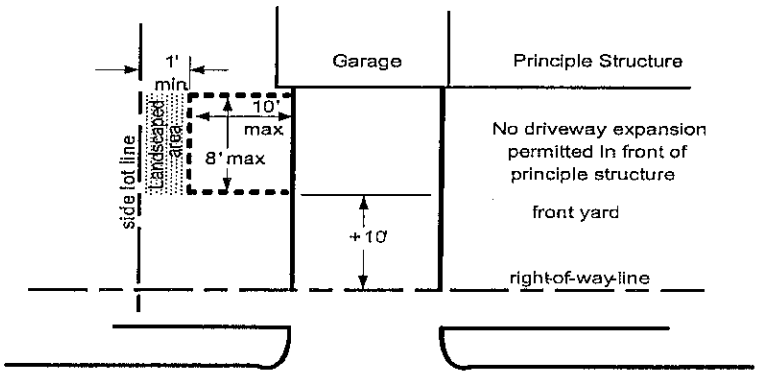


Figure C

Option C:

1. The addition shall be limited to ten feet of additional width and eight feet additional length (Figure C).
2. The distance from the right-of-way-line to the beginning of the additional expansion width must be greater than ten feet.

B. For the aesthetic value of the residence and neighborhood, any expansion of driveway from the rear face of the principle structure only to a one-car garage the following criterion must be met:

The graphic display provides a visual expression and is intended to aide in the interpretation of the regulation.

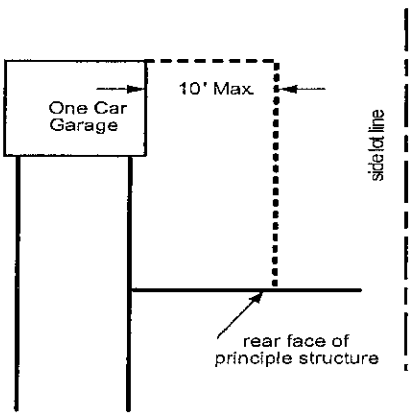


Figure D

Option D:

1. The expansion of the driveway shall be within the rear yard of property behind the principle structure (Figure D).
2. The expansion shall be limited to ten feet of additional width, as measured from the side of the garage.

C. The materials used for the expansion shall be similar to that of the existing driveway. Permitted nonconforming driveways shall be made conforming for an

expansion to be permitted. Under no circumstance will the usage of gravel, stone, or similar materials be permitted for the expansion of the driveway.

D. All expansions, additions of driveways and landscaping shall be approved by the Building Department before issuance of permit.

(d) Two-Family Residences. At least two off-street parking spaces, with at least one space being enclosed, shall be provided for each dwelling unit. Not more than four open and enclosed off-street parking spaces shall be provided on zoning lots 12,000 square feet or less, and not more than six open and enclosed off-street parking spaces shall be provided on zoning lots greater than 12,000 square feet. However, no automobile shall be parked or stored on any lot other than in an enclosed structure thereon or on the direct access way from the public right-of-way to the enclosed structure.

(e) Multiple-Family Residences. At least two off-street parking spaces shall be provided for each dwelling unit. Of these required spaces, one parking space per unit shall be covered in a completely enclosed structure.

772.07 PARKING INOPERABLE AUTOMOBILES.

(a) No person shall use any premises, other than an enclosed garage, in a Residential District for the purpose of keeping inoperable automobiles. As used in this section, "inoperable automobile" means any motor vehicle which:

1. Is not in operating condition; or
2. Has no value except for salvage or junk purposes; or
3. Has not been licensed and issued a distinctive number and registration mark valid for the current year pursuant to Ohio R.C. Chapter 4503; or
4. Does not display such distinctive number and registration mark.
5. As used in this section, "keeping inoperable automobiles" means the parking, standing or storage of one or more automobiles at any place, other than in an enclosed garage, for a period in excess of seven calendar days.

772.08 PARKING OR STORAGE OF COMMERCIAL OR CONSTRUCTION VEHICLES AND EQUIPMENT.

(a) Commercial Vehicles. The parking or storage of commercial vehicles or equipment as herein defined, in any Residential District, other than in a garage or enclosed structure, is prohibited, except that a commercial vehicle may be parked outside of a garage or enclosure for a reasonable period of time when making a customary delivery of goods, merchandise or services to the premises located within such Residential District. Further, and subject to the provisions of Section 761.04, the height of the door of the garage or enclosure shall not exceed seven feet, unless the Zoning and Building Standards Board of Appeals, upon request of the owner, grants a variance on the height of the door, which variance shall not exceed eighteen inches of such requirement.

(b) Construction Vehicles and/or Equipment. The parking or storage in any Residential District, of vehicles, machines, devices or equipment used in the construction or maintenance of buildings, dwellings, houses, roads and sidewalks, is prohibited. However, where such vehicles, machines, devices and/or equipment are being used for the building, renovation, maintenance or improving of a house, dwelling, road or sidewalk in any Residential District, the temporary parking or storage of the vehicles, machines, devices and/or equipment is permitted until the project has been completed.

(c) Definitions. As used in this section:

1. "Commercial vehicle" means:

A. Any vehicle with current State-issued license plates attached thereto with the designation "truck", "commercial", or "bus", and exceeding 9,000 pounds GVWR (Gross Vehicle Weight); or

B. Any vehicle that is used for business, commercial or manufacturing purposes that bears one or more of the following: mounted equipment, racks carrying equipment, ladders and ladder racks, building materials and similar items; or

C. Any vehicle, including a trailer, used for the hauling or transporting of any machinery, device, materials or equipment in connection with a commercial enterprise, whether or not such vehicle is marked or identified by lettering, symbols or signs relating to such commercial purpose or enterprise and whether or not such vehicle has attached thereto a State-issued license plate with the designation "truck", "commercial vehicle", or "bus."

2. "Construction vehicle and equipment" means any vehicle, off-highway earth-moving equipment, backhoe, bulldozer, cement mixer, hoist, scaffold, snowplow and like devices, apparatus and machines used in the construction or maintenance of buildings, houses, roads, streets, sidewalks or driveways, or for landscaping or snowplowing.
3. "Storage", "stored" or "store" means the keeping or housing of any commercial or construction vehicle, or any equipment used in a commercial or construction enterprise, in or upon premises located in any Residential District for any period of time.
4. "Parking", "parked" or "park" means the stopping or standing of vehicles, whether or not occupied, otherwise than temporarily for the purpose of and while actively engaged in loading or unloading of merchandise or passengers.

772.09 PARKING OR STORAGE OF RECREATIONAL VEHICLES.

(a) Conditions of Permitted Parking. In order to minimize any deteriorating or adverse impact on adjacent properties, no recreational vehicle shall be parked or stored on any street or highway, or on any public or private property, within the City, except as hereinafter provided. Any owner of a recreational vehicle that is not in excess of twenty-eight feet in overall length, eight feet in width and eleven feet in height, may park or store such vehicle on property owned by him or her in accordance with the following conditions:

1. The recreational vehicle parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall such vehicle be used for living or housekeeping purposes.
2. If the camping and recreational vehicle is parked or stored outside of a garage, it must be parked or stored upon a hard-surface driveway or turn-around approved by the City Building Department.
3. All recreational vehicles must be kept in good repair and carry a current year's license and/or registration.
4. No person shall make or cause to be made major repairs, alterations or conversions of recreational vehicles unless such repair, alteration or conversion is done in a completely enclosed garage. Repairs of a major type are herein defined to include, but are not limited to, spray painting, body, plumbing, heating, spring and frame repairs, radiator repair, major overhauling of engines requiring the removal of the engine cylinder head or crankcase pan or the removal of the motor and conversion of any other type of motor. The conversion of any vehicle is expressly prohibited.
5. No materials of any nature may be stored beneath a recreational vehicle.
6. When such a vehicle is parked or stored outside of a garage in an approved or permitted location, the wheels shall be left on such vehicle or vehicle conveyance so that it may be moved in case of an emergency.
7. No recreational vehicle shall be parked or stored unless it is titled to or leased or used exclusively by one of the permanent occupants of the residence where the recreational vehicle is located.
8. No recreational vehicle shall be stored outside of a garage until the adequacy of screening has been determined by the Zoning Administrator based upon a screening plan submitted to the Zoning Administrator and upon the following factors:
   A. Location of screened area to adjacent residences.
   B. Size and condition of vehicle.
   C. View of screened area from the street.
   D. Size, quantity and quality of screening.

   Adequate screening shall consist of building walls, fencing or evergreen planting. At least five days before the Zoning Administrator makes any determination as to the adequacy of screening, notices shall be sent to the owners of contiguous properties. After such determination has been made, notice thereof shall be promptly given to the applicant and to the owners of contiguous properties. Such determination shall not become effective for ten days thereafter and, if an appeal is filed with the Zoning and Building Standards Board of Appeals, such determination shall not become effective until such appeal has been decided by said Board, as set forth in Section 762.04.
9. In Multiple-Family Residential Districts, the outside storage and parking of recreational vehicles shall be permitted only in the area described as the off-street parking facility for the main residential structure. Such recreational vehicles must be owned or leased by an occupant of the main residential structure. All other provisions of this section shall be applicable to Multiple-Family Districts.

(b) Recreational Vehicle Defined. As used in this section, "recreational vehicle" means and includes the following:

1. A "travel trailer", which means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and permanently identified as a "travel trailer" by the manufacturer;
2. A "pick-up camper", which means a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses;
3. A "motor home", which means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consumption of food, and for sleeping;
4. A "folding tent trailer", which means a canvas folding structure, mounted on wheels and designed for travel and vacation uses;
5. A "boat" or "boat trailer", which mean and includes a boat, float, snowmobile and raft, plus the normal equipment to transport the same on the streets and highways;
6. A "trailer", which means a cart or wagon designed to be pulled by an automobile, van, truck or tractor for hauling boats, floats, rafts, canoes, snowmobiles, motorcycles and other recreational equipment and devices, as well as those carts or wagons used for utility purposes, i.e. hauling landscaping materials, furniture and household goods, plus the normal equipment to transport the same on the highway.

PARKING STANDARDS BY USE - COMMERCIAL / MANUFACTURING

772.10 JOINT PARKING FACILITIES.

(a) In the case of mixed uses, off-street parking spaces shall equal the sum of the requirements of the various uses computed separately.

(b) The collective provision of off-street parking areas by two or more buildings or uses located on adjacent zoning lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased in the same ownership as the use to which they are accessory, which land shall be subject to deed restrictions filed in an office of record, binding the owner and his or her heirs and assigns to maintain the required number of parking spaces available throughout the life of such use.

772.11 OFF-SITE AND SHARED PARKING.

(a) Two or more institutional, commercial, or industrial uses are encouraged to share parking facilities in compliance with this Section. The Planning Commission may approve a development plan with such a reduction, or reallocation, in the number of parking spaces required when the Planning Commission determines:
   1. That, because of varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than that which are required based on the sum of the various uses computed separately;
   2. That the lesser number of spaces, or the reallocation of the required parking spaces, is appropriate and consistent with these regulations;
   3. That not more than fifty percent of the required parking spaces shall be shared; and
   4. That the location of the shared or reallocated parking will provide convenient and safe access from the shared parking area to the use that the shared parking is serving.

(b) Shared parking application. In addition to all other submission requirements applicable for the proposal, an applicant requesting a shared parking arrangement shall also provide:
   1. Evidence, as determined by the Planning Commission, that the two land uses have differing peak-hours (or days, or seasons) of parking demand, or that the total parking demand at any one time would be adequately served by the total number of parking spaces being proposed.
   2. An agreement between property owners if the shared parking area and the use served is in two or more separate ownerships. Such agreement shall address such items, but not be limited to, use of facilities, maintenance, utilities taxes, signage, enforcement, cooperation, insurance, indemnification, and termination. The Law Director shall approve the form and completeness of such agreement.

(c) Residential uses are not permitted to share parking facilities pursuant to this Section.

772.12 DRIVE -THROUGH STACKING.

(a) Drive through establishments shall provide stacking space for the queuing of vehicles awaiting service as determined by the South Euclid Traffic Commissioner and in accordance with the following provisions:

1. Each stacking space shall be twenty (20) feet long, and a minimum of nine (9) feet wide.
2. Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked.
3. Stacking spaces shall be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.

772.13 PARKING INOPERABLE AUTOMOBILES TO BE SALVAGED / REPAIRED.

(a) Stored Vehicles to be Salvaged / Repaired. The outdoor storage of such vehicles associated with permitted auto repair or salvage facilities shall be consistent with the following requirements:

1. All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any front yard between the front building facade and the street, or within any buffer yard, required landscape area, or required setback area.
2. All storage areas for such vehicles shall be completely enclosed with an eight (8) foot tall, opaque wood, vinyl, stone, or masonry fence. Chain link fences may be permitted if supplemented by plant material that forms a continuous landscape screen composed of evergreens and a minimum of six-feet high. Gates allowing access to the storage areas shall be closed when not in use, and shall be a minimum of eight (8) feet in height and one hundred percent (100%) opaque.

772.14 CART CORRALS

(a) The cart corrals shall not be located in required parking spaces, nor displace required landscape areas. Shopping Cart Corrals: If applicable, parking lots shall include an adequate number of shopping cart corrals where carts can be dropped off without obstructing vehicle, bicycle, or pedestrian traffic movement, or being left in landscape planter areas. Cart corrals should be both attractive and durable, and their design will be a specific consideration in the site plan.

772.15 MUNICIPAL PARKING LOTS.

(a) In the event that any land is acquired by the City, by lease or otherwise, for the purpose of providing Municipal off-street parking, any structure or use or part thereof which, at the time of such acquisition by the City, was already occupied or was subject to a right of occupation for off-street parking, shall thereafter be deemed to have the number of off-street parking spaces required under this Planning and Zoning Code at the time of the acquisition by the City.

(b) The Director of Service shall prepare a written report indicating the exact number of off-street parking spaces to be credited to each building, as provided in subsection (a) hereof. Such report shall be filed with the Director of Finance as part of the permanent record of such parking improvement.

(c) Any structure not fully occupied at the time of the acquisition of the land referred to in subsection (a) hereof shall be credited with the number of off-street parking spaces required for the last full occupancy of such building.

PARKING STANDARDS BY USE – CONDITIONAL USES

772.16 GENERAL STANDARDS; RESPONSIBILITIES OF PLANNING COMMISSION.

Recognizing that various parking options are essential to the community and yet have characteristics, which may be detrimental to and incompatible with residential areas if not properly developed, the Planning Commission shall have the responsibility to make the ultimate determination that in each case the standards hereinafter set forth for each parking option are achieved. In addition, it shall be determined that each use so permitted shall be in general accord with the overall development objectives of the City and shall not adversely affect the value of adjacent or neighboring property, create undesirable traffic congestion or other hazards or otherwise impair the safety and general welfare of the residents of the City.

(a) Drive-up/drive-through windows when associated with a use otherwise permitted in the C-2 District shall be subject to the provisions of Section 762.05, if the location of the drive-up/drive-through windows is less than seventy-five (75) feet from adjacent Residential District.

772.17 ACCESSORY PARKING FOR EXISTING COMMERCIAL ESTABLISHMENTS.

In a Residential District which is contiguous to an existing commercial establishment that is within an existing Residence-Office, Limited Commercial or General Commercial District, only the first lot adjacent to the commercial establishment may be developed, in accordance with the following provisions, for the sole purpose of providing required accessory off-street parking for such an establishment and subject to the following conditions within this Chapter:

(a) Screening along the boundary with the adjoining use shall be in accordance with Chapter 771 Landscaping.
(b) All other regulations governing off-street parking facilities, as set forth in this Chapter shall be complied with.

PARKING SPACE COMPUTATION

772.18 RULES FOR REGULATIONS AND COMPUTING REQUIRED PARKING SPACES

(a) Where fractional spaces result, the parking spaces required shall be the next highest whole number.

(b) In the case of mixed uses, parking spaces required shall either equal the sum of the requirements of the various uses computed separately or in accordance with the shared parking agreement per Section 772.11.

(c) The collective provision of off-street parking areas by two or more buildings or uses on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.

(d) Minimum Required Spaces. The minimum number of parking spaces required per property shall be determined by the sum of spaces required for each applicable use in ITE Parking Standards.

(e) Exceeding the Minimum Requirements. A parking lot that exceeds the minimum parking space requirements by more than ten percent (10%) shall also increase the required interior parking lot landscaping for the entire site by ten percent (10%).
   1. A fifteen percent (15%) increase in required parking may be permitted without restriction and above the set maximum if the developer constructs all additional parking spaces with pervious pavement or employs the use of Best Management Practices (BMP's) for storm water filtration as approved by the City of South Euclid Engineer.

Table 1: Minimum Off-Street Parking Schedule for Conditional Uses in Residential Districts

Use	Access Drive (Minimum Distance from Intersection in Feet)	Access Drive (Minimum Distance from Adjacent Residential Property in Feet)	Number of Parking Spaces Required
Churches, synagogues and parish houses	50	25	1 space for each 4 permanent seats or 1 space for each 96 inches of pew or the total parking area shall equal 3 times the gross floor area
Monasteries and convents	50	25	1 space for each 2 residents; 1 space for each employee; and any auditorium or church requirements
Public and private schools			

Elementary and junior high schools High schools Trade and vocational schools, colleges and universities	100 100 100	50 50 50	1 space for each 2 staff members plus 1 space per 8 seats in an auditorium 1 space for each 2 staff members plus 1 for each 2 seats in a classroom based on planned classroom capacities plus any auditorium regulations which are applicable 1 space for each 2 employees plus 1 space for each 8 seats in a classroom based on planned classroom capacity
Child care institutions, including type-A day care homes and child day care centers	50	25	1 space for each staff member plus 1 space for each 4 children
Public and private recreational facilities			
Golf courses Tennis courts Swimming pools	50 50 50	25 25 25	8 spaces for each green 4 spaces for each court 1 space for each 50 sq. ft. of pool and pool deck area
Park	50	25	Space equivalent to 1% of the total land area
Libraries and museums	50	25	1 space for each employee plus 1 space for each 200 sq. ft. of green floor area
Governmental office	50	25	1 space for each 300 sq. ft. of gross floor area plus 1 space per 4 seats of area used for public assembly
Hospitals	100	50	1 space for every 3 beds plus 1 space for each doctor plus 1 space for every 3 other employees
Nursing homes and homes for the aged	50	25	1 space for each staff member including doctors and nurses plus 1 for every 3 other employees plus 1 for every 6 beds
Welfare centers, settlement houses, health centers	50	25	1 space for each 300 sq. ft. of gross floor area
Theaters, assembly halls, arenas and other auditoria			1 space for each 5 seats or total parking area equal to 3 times the gross floor area
Family homes	50	15	1 for each staff member plus 4 additional for visitors

Table 2: Minimum Off-Street Parking Schedule in Commercial District

Medical and dental offices and medical or dental laboratories.	One (1) space per doctor or dentist plus one (1) space for each 150 net sq. ft. of waiting area and exam rooms.
Nonretail services and professional office buildings, excluding medical.	One (1) space for each three hundred (300) sq. ft. of net floor area.
Medical and psychological clinics.	One (1) space for each one hundred (100) sq. ft. of net floor area.
Research laboratories.	One (1) space for each four hundred (400) sq. ft. of net floor area.
Child care institutions such as kindergartens and day care nurseries.	One (1) space for each two employees plus any auditorium or assembly requirements which are applicable.
Food stores, over 10,000 gross square feet.	One (1) space for each four hundred (400) sq. ft. of net floor area.
Food stores up to 10,000 gross square feet.	One (1) space for each two hundred (200) sq. ft. of net floor area.
Restaurants, bars, taverns, lunchrooms (non-fast food or drive-in).	One (1) space for each eighty (80) sq. ft. of net floor area or one (1) space for each six (6) seats, whichever is greater.
Fast food and drive-in restaurants.	One (1) space for each twenty (20) sq. ft. of net floor area.
Motels - hotels.	One (1) space for each guest room plus one (1) space for each four hundred (400) sq. ft. of public meeting area and/or restaurant space.
Drug stores, gift items, pet stores, books and periodicals, sporting goods and household hardware, dry goods, wearing apparel, variety stores.	One (1) space for each three hundred (300) sq. ft. of net floor area.
Furniture, floor coverings, wall coverings, interior furnishings and finishes.	One (1) space for each eight hundred (800) sq. ft. of net floor area including outdoor sales area.
Banks, savings and loan institutions and security sales offices.	One (1) space for each three hundred (300) sq. ft. of net floor area plus eight (8) waiting spaces for each drive-up station.
Trade vocational, business and dancing schools.	One (1) space for each two (2) employees plus one space (1) for each eight (8) seats in a classroom based on planned classroom capacity.
Barber shops, beauty salons and similar personal services.	One space for each chair or station plus one (1) space for each two (2) employees.
Theaters, assembly halls, arenas and other auditoria.	One (1) space for each five (5) seats.
Libraries and museums.	One (1) space for each employee plus one (1) space for each eight hundred (800) sq. ft. of net floor area.
Bowling alleys.	Five (5) spaces for each lane, exclusive of restaurant areas.
Gasoline service stations.	One (1) space for each pump plus two (2) spaces for each service bay and stopping space adjacent to pump islands.
Funeral homes.	One (1) space for each five (5) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.
Automobile repair and service garages.	One (1) space for each five hundred (500) sq. ft. of net floor area plus one (1) space for each two (2) employees.
New car dealers.	One (1) space for each eight hundred (800) sq. ft. of net floor area plus ten percent (10%) of any outdoor lot must be reserved for customer parking.
Used car dealers.	Twenty-five percent (25%) of the permitted sales area must be reserved for customer parking.
Nurseries, plant husbandry, garden supplies, agricultural produce and other outdoor retail sales uses.	Total parking area equal to twenty-five percent (25%) of total display and selling area plus one (1) space for each two (2) employees.
Laundromats.	One (1) space per two (2) rental appliances.

Table 3: Minimum Off-Street Parking Schedule in Manufacturing District

Use	Required Off-Street Parking Spaces
Commercial Services in any Manufacturing District	One (1) space for each four hundred (400) square feet of building floor area and one space for each one thousand (1,000) square feet of outdoor storage area if permitted, but not less that five (5) spaces shall be permitted for any such use, except as modified as follows:
	In addition, banks with drive-in windows shall provide waiting lanes for not less that eight (8) automobiles for each drive-in window within the lot containing the bank.
	Eating places without interior seating for at least forty (40) persons shall provide one (1) space for each twenty (20) square feet of floor area.
	Eating places with interior seating for more than forty (40) persons shall provide one (1) space for each fifty (50) square feet of floor area or one (1) space for each four (4) seats, whichever is greater.
Public Utilities and Vehicle Storage	One (1) space for each one thousand (1,000) square feet of floor area and one (1) additional space for each two thousand (2,000) square feet of outdoor storage, if permitted.
Storage or Wholesale Uses	One (1) space for each one thousand (1,000) square feet of floor area and one (1) additional space for each two thousand (2,000) square feet of outdoor storage, if permitted, but not less than three (3) spaces shall be provided for any such use.
Scientific Laboratories	One (1) space for each four hundred (400) square feet of floor area.
Manufacturing Uses	One (1) space for each four hundred (400) square feet of floor area and one (1) additional space for each one thousand (1,000) square feet of outdoor processing or storage area.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected hereby. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

_____
David B Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 46-12 July 23, 2012
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR OUTDOOR DINING AT 13901-13971 CEDAR ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of South Euclid recognizes the need for outdoor dining as part of the Cedar Center North Development Project, 13901-13971 Cedar Road; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 4-0-0 that a Conditional Use Permit be granted to permit outdoor dining at 13901-13971 Cedar Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that a hardship exists in the land and that the standards set forth in Chapter 738 of the South Euclid Zoning Code have been achieved.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That a Conditional Use Permit is hereby granted to permit outdoor dining at 13901-13971 Cedar Road, per the following conditions:

Condition 1: That if tables and chairs are located in an outdoor dining area at one of the addresses listed above, 50% of the outdoor dining area must remain free of said tables and chairs, thus allowing the public to move freely throughout the premises, to include areas of ingress and egress. For the purposes of this calculation, the frontage of the relevant business establishment maintaining said outdoor dining area should be used.

Condition 2: That if the property owner and/or lessee chooses to place one or more guard rails in the dining area of one or more of the addresses listed above, that said property owner and/or lessee present designs and/or plans for each said guard railing to the Architectural Review Board for review before installation.

Condition 3: That if the property owner or lessee of an establishment provides outdoor dining in an area that includes a public walkway in one of the addresses listed above (ie, city sidewalks or other maintained sidewalks within the development), a minimum passage of five (5) feet in width must be provided.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 47-12 July 23, 2012
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH AT 13939 CEDAR ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of South Euclid recognizes the need for a drive through as part of the Cedar Center North Development Project, 13939 Cedar Road; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 4-0-0 that a Conditional Use Permit be granted to permit a drive through at 13939 Cedar Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that a hardship exists in the land and that the standards set forth in Chapter 738 of the South Euclid Zoning Code have been achieved.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That a Conditional Use Permit is hereby granted to permit a drive through at 13939 Cedar Road, per the following conditions:

Condition 1: That if a drive through is provided at 13939 Cedar Road, that the property owner and/or lessee provide stacking space for the queuing of vehicles awaiting service as determined by the South Euclid Traffic Commissioner.

Condition 2: That each stacking space shall be twenty (20) feet long, and a minimum of nine (9) feet wide.

Condition 3: That the lane widths should be delineated with pavement markings (individual spaces within the lane do not need to be marked).

Condition 4: Stacking spaces shall be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 17-12 July 23, 2012
INTRODUCED BY: Goodman
REQUESTED BY: Goodman and Icove

AN ORDINANCE

AMENDING SECTION 710.08 "DEFINITIONS" OF CHAPTER 710 "INTERPRETATION, RULES OF CONSTRUCTION AND DEFINITIONS" OF TITLE ONE OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

WHEREAS, the Council has requested that Section 710.08 of Chapter 710 "Interpretation, Rules of Construction and Definitions" of Title One of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio relating to "Definitions" within the City be amended; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 710.08 "Definitions" of Chapter 710 "Interpretation, Rules of Construction and Definitions" of Title One of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

710.08 DEFINITIONS.

Words and terms used in this Planning and Zoning Code shall be defined in accordance with the provisions set forth in this section.

(h) Words and Terms of letter "H"

> **Home Based Business: The use of a single family residential dwelling, appurtenant structure, accessory building, and/or property, or a multiple family residential dwelling unit to provide a service, produce a product, sell merchandise, or otherwise engage in an activity for the pursuit of remuneration; excluding the sale of the property and its improvements, garage sales, and infrequent sale of personal property, solely as a residence.**

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 18-12 July 23, 2012
INTRODUCED BY: Goodman
REQUESTED BY: Goodman and Icove

AN ORDINANCE

AMENDING SECTION 721.03 "ACCESSORY USES" OF CHAPTER 721 "PERMITTED USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

WHEREAS, the Council of the City of South Euclid has requested that Section 721.03 of Chapter 721 "Permitted Uses in Residential Districts" of Title Two of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio relating to "Accessory Uses" within the City be amended; and

WHEREAS, the Council recognizes the need for some citizens to use their place of residence for limited nonresidential business activities; and

WHEREAS, the Council desires to ensure that home based business are accessory and clearly incidental to the residential use of the dwelling; and

WHEREAS, the Council desires to protect and maintain the character of residential neighborhoods; and

WHEREAS, the Council desires to ensure that home based business do not create excess traffic, activity, noise, or other nuisances; and

WHEREAS, the Council desires to have clarity, consistency, and uniformity in the application of the regulations pertaining to "Accessory Uses"; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 721.03 "Accessory Uses" of Chapter 721 "Permitted Uses in Residential Districts" of Title Two of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

721.03 ACCESSORY USES.

(a) A home based business is permitted so long as it does not result in one of the following:

1. Physical Change / Visibility

   a. The use shall not involve any display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling, or involves the use of any sign that is not permitted by Chapter 770.

   b. The use shall not involve the alteration of the interior or exterior of the premises so as to change the residential character.

2. Traffic

   a. The use shall be owned and operated only by the occupants of the dwelling.

b. The use shall be conducted only by persons residing within the dwelling unit, except that persons not residing on the premise may be employed either for pay or as a volunteer, to work on the premises.

c. The use shall not continually occupy street parking that is normal to a Residential District.

d. The use shall not generate commercial truck traffic that has a disruptive effect on the neighborhood, except for normal parcel post, UPS or similar delivery services.

e. The use shall not generate any tractor trailer or similar heavy duty delivery.

3. External Effect

a. The use shall not create or cause noise, dust, vibration, odor, gas, fumes, smoke, glare, electrical interferences, hazards or nuisances. There shall be no storage of or use of toxic or hazardous materials.

b. The use shall not involve the use or storage of material or equipment not normally associated with a residential household outside the confines of the home or structure in which the business operates or visible to the street or neighboring homes.

4. Business Activities- The home based business shall cease when the use becomes detrimental to the public health, safety and welfare, or constitutes a nuisance, or when the use is in violation of any statute, ordinance, law or regulation.

(b) Amateur radio antennae, provided they meet the following specific regulations:

1. The maximum height is fifty feet from ground elevation;
2. No transmissions are to be used for commercial purposes;
3. All antennae must be attached to the rear of the dwelling where practical; and
4. The material and construction of all amateur radio antennae shall be approved by the Commissioner of Building for strength, construction, safety and durability.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President ofCouncil

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 48-12 July 23, 2012
INTRODUCED BY: Miller
REQUESTED BY: Mayor

A RESOLUTION

IN SUPPORT OF GENT MACHINE COMPANY'S APPLICATION FOR A CUYAHOGA COUNTY ECONOMIC DEVELOPMENT FUND REDEVELOPMENT AND MODERNIZATION LOAN.

WHEREAS, Gent Machine Company, a screw machine shop, has been located at 445 South Green Road in the City of South Euclid for over 70 years; and

WHEREAS, the ownership of Gent Machine Company is expanding their business by moving into the adjacent building located at 441 South Green Road; and

WHEREAS, in order for the adjacent building to function as a screw machine shop, significant repairs and improvements are required; and

WHEREAS, the owners of Gent Machine Company have chosen to apply for a Cuyahoga County Economic Development Fund Redevelopment and Modernization Loan to finance the cost of the improvements.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of South Euclid, Ohio:

Section 1: That receiving the Cuyahoga County Redevelopment and Modernization Loan is critical to ensuring the successful retention and expansion of Gent Machine Company. Therefore, the Mayor and City Council are in full support of Gent Machine Company's application for a Cuyahoga County Economic Development Fund Redevelopment and Modernization Loan.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that Gent Machine Company desires to receive the County Loan as soon as possible to finance the costs of the expansion process. Wherefore, this Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 49-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 23, 2012

A RESOLUTION

A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "OPERATION HOME IMPROVEMENT #103- OTHER."

WHEREAS, additional funds were received in the Operation Home Improvement Fund and must now be appropriated.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "Operation Home Improvement Fund #103-Other" in the amount of $180,930.00.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 13-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 23, 2012

AN ORDINANCE

ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT - NUISANCE ABATEMENT (HIGH GRASS, WEEDS, ETC.) AS AUTHORIZED BY SECTION 521.14 (D), OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That for the purpose of paying the cost and expense incurred by the City in abating a nuisance, by mowing high grass and weeds on each parcel of land set forth hereunder, there is hereby levied and assessed upon the following described property, situated in the City of South Euclid, County of Cuyahoga and State of Ohio, the following respective amounts:

2011-2012 INVOICES HIGH GRASS ASSESSMENT

Parcel No.	Street number	Street Name	Principal
701-01-007	781	Quilliams	$ 215.02
701-01-013	741	Quilliams	$ 215.02
701-01-031	3798	Merrymound	$ 215.02
701-01-047	3777	Wallingford	$ 215.02
701-01-047	3777	Wallingford	$ 215.02
701-01-047	3777	Wallingford	$ 215.02
701-01-099	3774	Salisbury	$ 215.02
701-02-001	713	Quilliams	$ 215.02
701-02-001	713	Quilliams	$ 215.02
701-02-057	3807	Merrymound	$ 215.02
701-02-061	3791	Merrymound	$ 215.02
701-02-159	3779	Sherwood Rd	$ 215.02
701-02-160	3775	Sherwood Rd	$ 215.02
701-03-007	581	Quilliams	$ 215.02
701-03-079	3758	Princeton Blvd	$ 215.02
701-03-103	3745	Bridgeview	$ 215.02
701-04-012	3870	Covington	$ 215.02
701-04-082	3826	Wallingford	$ 215.02
701-04-085	3836	Wallingford	$ 215.02
701-04-123	3846	Merrymound	$ 215.02
701-13-030	480	S. Green Rd	$ 215.02
701-13-030	480	S. Green Rd	$ 215.02

701-13-030	480	S. Green Rd	$ 215.02
701-13-097	4119	Princeton Blvd	$ 215.02
701-14-018	3978	Lancaster	$ 215.02
701-14-018	3978	Lancaster	$ 215.02
701-14-018	3978	Lancaster	$ 215.02
701-14-018	3978	Lancaster	$ 215.02
701-14-083	379	Greenvale Dr.	$ 215.02
701-15-017	222	S. Green	$ 215.02
701-15-019	238	S. Green	$ 215.02
701-15-020	246	S. Green	$ 215.02
701-16-021	315	S. Green Rd	$ 215.02
701-26-006	821	S. Green	$ 215.02
701-26-008	831	S. Green Rd	$ 215.02
701-26-008	831	S. Green	$ 280.04
701-26-008	831	S. Green Rd	$ 215.02
701-31-019	700	Parkside	$ 280.04
701-38-021	4523	Mcfarland Rd	$ 215.02
701-44-012	4681	Anderson Rd	$ 215.02
			$ 8,730.84

702-01-009	4094	Bluestone	$ 215.02
702-02-107	1160	Plainfield	$ 215.02
702-03-013	1236	Avondale Rd	$ 215.02
702-04-067	1277	Plainfield	$ 215.02
702-04-067	1277	Plainfield	$ 215.02
702-05-036	1367	Plainfield	$ 215.02
702-05-048	1388	Winston	$ 215.02
702-05-048	1388	Winston	$ 215.02
702-06-029	1356	Brookline	$ 215.02
702-06-029	1356	Brookline	$ 215.02
702-06-040	1407	Brookline	$ 215.02
702-08-026	1069	S. Belvoir	$ 280.04
702-08-030	1051	S. Belvoir	$ 215.02
702-08-064	1011	Argonne	$ 215.02
702-08-064	1011	Argonne	$ 215.02
702-09-041	1080	Piermont	$ 280.04
702-09-080	1120	S. Belvoir	$ 215.02
702-10-014	1204	Homestead	$ 215.02

702-10-038	1192	Piermont	$	215.02
702-11-067	1283	Argonne	$	215.02
702-11-090	1200	S. Belvoir	$	280.04
702-11-090	1200	S. Belvoir	$	215.02
702-11-103	1262	S. Belvoir	$	215.02
702-12-012	1316	S. Belvoir	$	215.02
702-12-061	1379	Villa Dr	$	215.02
702-12-067	1348	Villa	$	215.02
702-12-067	1348	Villa Dr	$	215.02
702-12-088	1303	Avondale Rd	$	215.02
702-13-029	1380	Villa Dr	$	215.02
702-13-029	1380	Villa Dr	$	215.02
702-13-029	1380	Villa	$	215.02
702-13-039	1415	Villa Dr	$	215.02
702-14-010	4318	Bluestone	$	215.02
702-14-044	956	Glenside	$	215.02
702-17-033	4401	Adrian	$	215.02
702-17-059	4385	Urban	$	215.02
702-20-001	1215	Homestead	$	215.02
702-20-001	1215	Homestead	$	215.02
702-20-001	1215	Homestead	$	215.02
702-20-001	1215	Homestead	$	215.02
702-20-005	4273	Ardmore Rd	$	215.02
702-20-102	4304	Tamalga	$	215.02
702-20-110	4309	Norma	$	215.02
702-21-098	4365	Tamalga	$	215.02
702-21-098	4365	Tamalga	$	215.02
702-21-098	4365	Tamalga	$	215.02
702-21-102	1228	S. Green	$	280.04
702-21-102	1228	S. Green	$	280.04
702-21-107	4419	Norma Dr	$	215.02
702-22-042	4506	Liberty	$	280.04
702-22-042	4506	Liberty	$	215.02
702-23-043	1299	Dill Rd	$	215.02
702-25-012	1193	S. Green	$	215.02
702-25-018	1235	S. Green	$	215.02
702-29-039	4501	Wilburn Rd	$	215.02
702-31-036	4645	Whitehall Dr	$	215.02
702-35-030	1220	Dorsh Rd	$	215.02

702-35-030	1220	Dorsh Rd	$ 247.53
702-36-039	1332	Dorsh Rd	$ 215.02
702-36-039	1332	Dorsh Rd	$ 280.04
			$ 13,388.85
703-01-033	1392	Francis CT	$ 215.02
703-02-014	1347	Sheffield	$ 215.02
703-02-052	1340	Sheffield	$ 215.02
703-02-052	1340	Sheffield	$ 215.02
703-03-002	4390	Prasse Rd	$ 215.02
703-03-007	1338	Victory Dr	$ 215.02
703-03-023	1403	Victory Dr	$ 215.02
703-05-044	1407	Dill Rd	$ 215.02
703-08-005	1499	Sheridan Rd	$ 215.02
703-08-005	1499	Sheridan	$ 215.02
703-08-032	1508	Sheridan Rd	$ 215.02
703-12-027	1864	Oakmount	$ 215.02
703-13-003	4546	Mayfield Rd	$ 215.02
703-17-043	4527	Golfway Rd	$ 215.02
703-21-027	2047	Campus	$ 215.02
703-23-037	2067	Langerdale Rd	$ 280.04
703-25-022	0	Bayard Rd	$ 290.02
703-26-021	1784	Donwell	$ 280.04
703-26-021	1784	Donwell Rd.	$ 215.02
703-27-037	1680	S. Green Rd	$ 215.02
703-27-046	0	Belvoir	$ 215.02
703-31-040	2093	Wrenford	$ 280.04
703-34-016	1811	Beaconwood	$ 215.02
703-35-024	1780	Beaconwood	$ 182.51
703-37-002	1605	Wrenford	$ 215.02
			$ 5,613.05
704-01-057	1525	Genessee	$ 215.02
704-01-077	1475	Sherbrook	$ 215.02
704-01-098	1496	Holmden	$ 215.02
704-02-033	1581	Warrensville Ctr	$ 215.02

704-02-053	4060	Herold	$	215.02
704-03-018	1505	Holmden	$	215.02
704-07-030	4026	Ellison	$	215.02
704-07-030	4026	Ellison Rd	$	215.02
704-09-140	4217	Ellison Rd	$	215.02
704-10-105	4014	Wandsworth	$	215.02
704-10-105	4014	Wandsworth	$	215.02
704-10-105	4014	Wandsworth	$	182.51
704-11-011	4130	Ellison	$	215.02
704-11-028	4145	Harwood	$	215.02
704-11-034	4121	Harwood	$	215.02
704-11-066	4155	Hinsdale	$	215.02
704-11-103	4165	Bayard	$	215.02
704-11-114	4121	Bayard	$	215.02
704-11-114	4121	Bayard	$	215.02
704-11-114	4121	Bayard	$	215.02
704-12-019	4246	Ellison Rd	$	215.02
704-12-028	4221	Harwood	$	215.02
704-12-028	4221	Harwood	$	215.02
704-12-038	4183	Harwood	$	215.02
704-12-038	4183	Harwood	$	215.02
704-13-075	4046	Stonehaven Rd	$	215.02
704-13-082	4018	Stonehaven Rd	$	215.02
704-13-082	4018	Stonehaven Rd	$	215.02
704-14-043	4078	Stonehaven Rd	$	280.04
704-14-057	4146	Stonehaven Rd	$	215.02
704-14-057	4146	Stonehaven Rd	$	215.02
704-15-019	4246	Bayard	$	215.02
704-15-080	4173	Wilmington	$	215.02
704-16-011	1987	Warrensville	$	215.02
704-17-058	4146	Verona	$	215.02
704-17-086	4078	Wyncote	$	215.02
704-18-054	4238	Verona	$	182.51
704-18-082	4194	Wyncote	$	215.02
704-20-045	14141	Cedar Rd	$	615.12

704-22-016	3771	Eastway	$ 215.02
704-22-064	3785	Colony	$ 215.02
704-22-077	3798	Colony	$ 215.02
704-23-055	3851	Warrendale Rd	$ 215.02
704-24-064	3905	Eastway	$ 215.02
704-26-023	3755	E. Antisdale Rd	$ 215.02
704-26-095	3746	Grosvenor	$ 215.02
			$10,291.02
TOTAL BILLED FOR HIGH GRASS			**$38,023.76**

Section 2: That the total assessment against the above parcels of land be paid by Cash, Certified Check or Money Order made payable to the City of South Euclid, within fifteen (15) days from and after the passage of this Ordinance. All assessments remaining unpaid at the expiration of said fifteen (15) days shall be certified by the Director of Finance to the County Auditor as provided by law, to be placed on the tax duplicate of each parcel and collected as other taxes are collected and paid in two (2) installments within one-year with interest not to exceed 8 1/2%.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason it is necessary to levy assessments to reimburse the City for said work. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____day of_____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 14-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 23, 2012

AN ORDINANCE

ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT-NUISANCE ABATEMENT (YARD CLEAN-UP, BOARDING CHARGES, ETC.) AS AUTHORIZED BY SECTION 521.14 (D) OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That for the purpose of paying the cost and expense incurred by the City in abating a nuisance on each parcel of land set forth hereunder there is hereby levied and assessed upon the following described property, situated in the City of South Euclid, County of Cuyahoga and State of Ohio, the following respective amounts:

2011-2012 Abatement of Nuisances

Parcel No.	Street number	Street name	Principal
701-01-144	3810	Covington	$ 345.06
701-26-008	831	S. Green Rd	$ 280.04
701-39-011	942	King George	$ 405.04
701-31-009	747	Parkside	$ 140.02
701-43-016	851	Trebisky Rd	$ 165.02
702-04-067	1277	Plainfield	$ 165.02
702-05-084	1391	Grantleigh Rd	$ 215.02
702-06-040	1407	Brookline	$ 430.04
702-09-029	1111	Piermont	$ 165.02
702-11-128	4234	Elmwood	$ 165.02
702-15-015	1006	S. Green Rd	$ 445.06
702-21-102	1228	S. Green Rd	$ 265.02
702-22-042	4506	Liberty	$ 215.02
703-02-014	1347	Sheffield	$ 372.53
703-02-052	1340	Sheffield	$ 165.02
703-03-038	1408	S. Green	$ 172.53
703-21-009	2084	Campus	$ 107.51
703-27-036	1676	S. Green	$ 273.77
703-35-021	1760	Beaconwood	$ 165.02
704-03-025	1532	Felton Rd	$ 240.02
704-07-002	1643	Warrensville	$ 207.51
704-10-066	4058	Harwood	$ 297.53

704-10-105	4014	Wandsworth	$	380.04
704-11-011	4130	Ellison	$	165.02
704-14-003	4086	Bayard	$	172.53
704-14-005	4106	Bayard	$	132.51
704-18-054	4238	Verona	$	240.02
704-22-054	3780	Warrendale Rd	$	610.08
704-24-064	3905	Eastway	$	207.51
704-25-033	3863	Grosvenor Rd	$	140.02
704-25-076	3862	E. Antisdale Rd	$	143.51
704-26-008	3823	E. Antisdale Rd	$	155.02
704-26-035	3754	E. Antisdale Rd	$	182.51
704-26-083	3757	Grosvenor	$	240.02
TOTAL			**$**	**8,170.63**

Section 2: That the total assessment against the above parcels of land be paid by Cash, Certified Check or Money Order made payable to the City of South Euclid, within fifteen (15) days from and after the passage of this Ordinance. All assessments remaining unpaid at the expiration of said fifteen (15) days shall be certified by the Director of Finance to the County Auditor as provided by law, to be placed on the tax duplicate of each parcel and collected as other taxes are collected and paid in two (2) installments within one-year with interest not to exceed 8 1/2%.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason it is necessary to levy assessments to reimburse the City for said work. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 23, 2012

AN ORDINANCE

ASSESSING ALL UNPAID COSTS OF FALSE ALARM - NUISANCE ABATEMENTS, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That for the purpose of paying all costs in abating nuisances, there is hereby levied and assessed upon the following described property, situated in the City of South Euclid, County of Cuyahoga and State of Ohio, the following amount:

2011-2012 False Alarm Assessment

Parcel No.	Street	Principal
701-35-033	681 Monticello Place	$50.00
703-04-019	4517 Mayfield	$50.00
TOTAL		**$ 100.00**

Section 2: That the total assessment against the above parcels of land be paid by Cash, Certified Check or Money Order made payable to the City of South Euclid, within fifteen (15) days from and after the passage of this Ordinance. All assessments remaining unpaid at the expiration of said fifteen (15) days shall be certified by the Director of Finance to the County Auditor as provided by law, to be placed on the tax duplicate of each parcel and collected as other taxes are collected and paid in two (2) installments within one-year with interest not to exceed 8 1/2%.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason it is necessary to levy assessments to reimburse the City for said work in abating the nuisances. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

_____
David B. Miller, President of Council

Attest:

_____
Keith A. Benjamin, Clerk of Council

Approved:

_____
Georgine Welo, Mayor

Approved as to form:

_____
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 16-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 23, 2012

AN ORDINANCE

ASSESSING ALL UNPAID COSTS OF CRIMINAL NUISANCE ABATEMENTS, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That for the purpose of paying all costs in abating nuisances, there is hereby levied and assessed upon the following described property, situated in the City of South Euclid, County of Cuyahoga and State of Ohio, the following amount:

2011-2012 Criminal - Nuisance Complaints

Parcel No.	Street number	Street Name	Principal
701-02-120	3763	Freemont	$ 176.40
701-11-048	650	South Green Rd	$ 877.80
701-11-048	650	S. Green Rd	$ 168.00
701-11-048	650	South Green Rd	$ 814.80
701-13-009	4145	Greenvale Apt. 204	$ 250.00
701-13-009	4145	Greenvale Apt. 204	$ 134.40
702-03-091	1190	Plainfield	$ 306.60
702-03-091	1190	Plainfield	$ 168.00
702-03-091	1190	Plainfield	$ 205.80
702-07-017	4156	Bluestone	$ 250.00
702-13-044	1389	Villa	$ 100.80
702-21-100	4432	Tamalga	$ 100.80
702-36-019	1250	Professor	$ 500.00
703-01-023	4285	Mayfield	$ 558.60
703-01-023	4285	Mayfield	$ 205.80
703-12-022	1888	Oakmount	$ 235.20
703-12-022	1888	Oakmount	$ 478.80
703-25-035	1820	S. Green Rd	$ 100.80
703-26-048	1796	S Green	$ 218.40
704-01-004	4066	Mayfield	$ 239.40
704-01-004	4066	Mayfield	$ 411.60
704-01-004	4066	Mayfield	$ 252.00
704-01-004	4066	Mayfield	$ 369.60
704-01-004	4066	Mayfield	$ 168.00
704-01-005	4062	Mayfield	$ 340.20
704-01-005	4062	Mayfield	$ 420.00
704-01-005	4062	Mayfield	$ 138.60
704-01-005	4062	Mayfield	$ 306.60

704-01-012	4004	Mayfield	$	210.00
704-01-012	4004	Mayfield	$	180.60
704-04-013	4473	Mayfield	$	413.20
704-04-013	4473	Mayfield	$	75.60
704-10-026	4069	Bayard	$	659.40
704-12-008	4202	Ellison	$	537.60
704-14-095	1151	Monarch	$	350.80
704-15-074	733	Quilliams	$	273.00
704-15-074	733	Quilliams	$	500.00
704-19-041	4042	Okalona	$	268.80
704-20-014	4101	Colony	$	250.00
704-25-042	3901	Grosvenor	$	67.20
704-26-087	3741	Grosvenor	$	273.00
704-26-087	3741	Grosvenor	$	250.00
TOTAL			**$**	**12,806.20**

Section 2: That the total assessment against the above parcels of land be paid by Cash, Certified Check or Money Order made payable to the City of South Euclid, within fifteen (15) days from and after the passage of this Ordinance. All assessments remaining unpaid at the expiration of said fifteen (15) days shall be certified by the Director of Finance to the County Auditor as provided by law, to be placed on the tax duplicate of each parcel and collected as other taxes are collected and paid in two (2) installments within one-year with interest not to exceed 8 1/2%.

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Passed this _____day of_____, 2012.

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David B. Miller, President of Council

Attest:

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Keith A. Benjamin, Clerk of Council

Approved:

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Georgine Welo, Mayor

Approved as to form:

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Michael P. Lograsso, Director of Law