

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

September 23, 2013

8:00 PM

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES:** June 10, 2013; June 17, 2013 Special Meeting;
and June 24, 2013

4. **OPEN MEETING**

5. **REPORT OF COMMITTEES**

ZONING & PLANNING COMMITTEE:

1. ORDINANCE 42-12 AMENDING SECTION 770.07 "SIGN DESIGN AND CONSTRUCTION CRITERIA" AND SECTION 770.10 "ADMINISTRATION PROCEDURES" OF CHAPTER 770 "SIGNS" OF TITLE SEVEN OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

6. **LEGISLATION REQUESTED BY THE PLANNING COMMISSION**

1. RESOLUTION 49-13 GRANTING A CONDITIONAL USE PERMIT TO THE CUYAHOGA COUNTY PUBLIC LIBRARY (CCPL), LOCATED AT 1876 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

7. **MAYOR'S REPORT**

8. **LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION**

1. RESOLUTION 47-13 PROVIDING A DATE AND TIME LIMITS FOR THE HALLOWEEN OBSERVANCE UPON THE STREETS AND OUT OF DOORS FOR THE YEAR 2013. FIRST READING.

2. RESOLUTION 48-13 AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.

3. ORDINANCE 16-13 AMENDING SECTION 1510.01 "ADOPTION OF OHIO FIRE CODE; CITY OF SOUTH EUCLID FIRE PREVENTION CODE DEFINED; FILE AND DISTRIBUTION COPIES" OF CHAPTER 1510 "CITY OF SOUTH EUCLID FIRE PREVENTION CODE" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

9. **LAW DIRECTOR'S REPORT**

10. **LETTERS AND COMMUNICATIONS**

11. **ADJOURN**

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 42-12
INTRODUCED BY: Icove
REQUESTED BY: Mayor

December 26, 2012
As Amended in Zoning & Planning
Committee: September 9, 2013
Second Reading: September 9, 2013
Third Reading: September 23, 2013

AN ORDINANCE

AMENDING SECTION 770.07 "SIGN DESIGN AND CONSTRUCTION CRITERIA" AND SECTION 770.10 "ADMINISTRATION PROCEDURES" OF CHAPTER 770 "SIGNS" OF TITLE SEVEN OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, in order to create consistency in the city's signage approval process, City Council wishes to amend Section 770.07 and 770.10 of the Codified Ordinances.

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

Section 1: That Section 770.07 "Sign Design and Construction Criteria" and Section 770.10 "Administration Procedures" of Chapter 770 "Signs" of Title Seven 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:

770.07 SIGN DESIGN AND CONSTRUCTION CRITERIA.

In addition to ensuring compliance with the numerical standards of these regulations, the ~~Council, Planning Commission,~~ Architectural Review Board and Zoning Administrator, as the case may be, shall consider the proposed general design arrangement and placement of the sign according to the following criteria:

(a) Design Criteria.

- (1) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.
- (2) The sign should be consolidated into a minimum number of elements.
- (3) The ratio between the message and the background shall permit easy recognition of the message.
- (4) The size, style and location of the sign shall be appropriate to the activity of the site.
- (5) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture of the building.
- (6) Signs shall be designed with a limited number of, and harmonious use of, colors.
- (7) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.
- (8) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

(b) Illumination. Signs permitted to be illuminated shall comply with South Euclid Codified Ordinances, Chapter 1328, "Outdoor Lighting," and the following:

- (1) Signs shall not include flashing, moving or intermittent lighting where any part of the message changes at a rate of more than once every ten seconds.

(2) The illumination of signs shall not obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.

(c) Construction Standards.

(1) All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the City and shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

(2) Permanent signs shall be fabricated on and of materials that are of good quality and good durability.

(3) All signs shall be rigidly secured and no sign shall swing. No part of any sign shall be revolving, oscillating or otherwise designed to move to attract attention.

(4) No sign shall be erected to project over or obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.

(5) No sign shall be located on the roof of any building.

(6) Temporary signs shall be of durable and weather-resistant material suitable for its intended use, non-illuminated and fastened or anchored sufficiently, whether attached to the building, structure, or positioned in the ground.

(7) No sign shall be located in the public right-of-way or attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.

(8) The external walls, fascia, parapet or chimney of a building shall be restored to its original condition before the mounting of any signs.

(d) Electronic message displays may be permitted subject to Section 770.10 Administration Procedures and subject to the following requirements:

(1) Operational limitations. Such displays shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.

(2) Minimum display time. Each message on the sign must be displayed for a minimum of ten seconds.

A. No message transition may be displayed for less than one-half second.

B. No message may be repeated at intervals of less than two seconds.

(3) Illumination. No electronic message display may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(4) An electronic message display sign that is nonconforming as outlined by the requirements of this chapter shall, within thirty days from the date of the enactment of this chapter, be altered to comply with the provisions of this chapter or be removed.

770.10 ADMINISTRATION PROCEDURES.

(a) Architectural Review Board. In addition to all the requirements within the Planning and Zoning Code for the City of South Euclid, the Architectural Review Board shall review all sign applications as identified within this chapter.

(b) Signs Requiring a Permit. Except as otherwise regulated by Section 770.03 and Section 770.04, permits are required prior to the erection or alteration of all permanent signs, including wall signs, awning or canopy signs, window signs, monument signs, temporary special event

signs, projecting signs, freestanding long-term signs (commercial district only), and public purpose/safety signs.

(c) Signs not Requiring Permit. The erection of freestanding signs in residential districts, building markers and window signs shall not require a permit.

(d) Signs in the C-C District. Signs proposed in the C-C District that require a permit, according to division (a) of this section, shall be subject to the review and approval of the ~~Planning Commission~~ and Architectural Review Board, in accordance with Chapter 738.

(e) Sign Concept Plan. For all buildings, development projects and institutional buildings within all zoning districts that now exists or are herein after enacted, the Architectural Review Board shall approve basic sign parameters that set forth the location, size and style of each sign under this chapter. Such sign parameters shall be established when the Architectural Review Board reviews development plans for new buildings or at the time, a specific sign application is made for an identification sign for an existing building. Whenever the Architectural Review Board has approved such sign parameters, the Zoning Administrator shall be authorized to review and approve any subsequent sign application submitted for a tenant of the development or building that complies with such sign parameters.

(f) Application Requirements. An application for a sign permit shall be made to the Zoning Administrator on the form provided. The application shall include two copies; one copy depicting the actual colors of the building and sign, either drawing or photo, with the second copy at eight and one-half by eleven size and suitable for reproduction. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site. Specifically, the application shall include:

(1) A complete site plan or photograph showing the location of the sign and its relationship to the building, the building setbacks and lot width, the locations and square footage areas of all existing signs on site, the adjacent parcels and parking lots, drives and sidewalks;

(2) Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, materials of the sign and the frame or structure, and approximate weight of the sign;

(3) Construction, erection or fastening details, including wattage of electric lamps or illuminating tubes, if applicable;

(4) A detailed landscape plan of the sign site location; and

(5) A permit fee for each sign application, as established by City Council.

When a person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.

(g) Issuance of Permits.

(1) The applicant shall submit the sign application to the Zoning Administrator for review. The Zoning Administrator shall determine if the proposed sign is in full compliance with the requirements of this Zoning Ordinance.

(2) Upon acceptance of the application, the Zoning Administrator shall submit the application to the Architectural Review Board for its review and recommendation pursuant to the procedures and requirements set forth by Section 770.07 of this chapter. ~~and when applicable, the Planning Commission for site plan and/or conditional use review.~~

(3) The Zoning Administrator shall not issue a permit for a proposed sign unless the application complies with all requirements of this chapter and all other applicable ordinances of the City, and has received the approval of the Zoning Administrator, ~~and Architectural Review Board. and when applicable, the Planning Commissioner and/or City Council.~~ **and Architectural Review Board.**

(h) Validity of Permit. If the work authorized under a sign permit has not been initiated within one year after the date of issuance, the permit shall become null and void.

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 hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for further reason that consistency in the City's Codified Ordinances is desired. 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 _____, 2013.

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

RESOLUTION NO.: 49-13
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

September 23, 2013

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE CUYAHOGA COUNTY PUBLIC LIBRARY (CCPL), LOCATED AT 1876 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to the Cuyahoga County Public Library (CCPL) for construction of a new branch located at 1876 South Green 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 722 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 the Cuyahoga County Public Library (CCPL), located at 1876 South Green Road in the City of South Euclid, Ohio, per the following conditions:

Condition 1: The Traffic Commissioner's comments in his report dated June 5, 2013 shall be addressed to the satisfaction of the Traffic Commissioner.

a. The ingress/egress driveway on South Green Road for the CCPL is to align with the ingress/egress of Notre Dame College.

Condition 2: The adequate buffering as defined between the specifically identified residential properties and the Cuyahoga County Public Library site located at 1876 South Green Road.

a. The buffer for the properties numbers: 703-25-053, 703-25-054, 703-25-055 shall consist of fencing as approved by the Architectural Review Board that attaches to the Cuyahoga County Public Library, traverses north to the property 703-25-054 and then the fence shall traverse easterly to the approximate westerly property line of 703-25-055.

b. The buffer for the Summit Drive ingress/egress onto Greenway Road shall be connected to the fencing employed in item "a."

c. The buffer for the property 703-25-040 shall consist of a fence as approved by the Architectural Review Board that will attach to the Cuyahoga County Public Library and traverse north to the northerly boundary line of property 703-25-040.

d. Access for property maintenance shall be provided to the rear portion of the property of the proposed Library Building that abuts the following residential properties: 703-25-040, 703-25-058, 703-25-057, and 703-25-054.

- e. The buffer for the property south of Rosemary Drive, 703-24-030 shall consist of a six foot high black vinyl fence and landscaping buffer as approved by the Architectural Review Board and the city landscape architect.

Condition 3: Any future development or addition to the Cuyahoga County Public Library and/or its site located at 1876 South Green Road that requires a request for a variance from any requirement or condition imposed by the regulations of the South Euclid Codified Ordinances shall not be reviewed by the South Euclid Board of Appeals unless the Planning Commission grants permission for the applicant to submit the variance request.

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 _____, 2013.

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

RESOLUTION NO.: 47-13
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 23, 2013

A RESOLUTION

PROVIDING A DATE AND TIME LIMITS FOR THE HALLOWEEN OBSERVANCE UPON THE STREETS AND OUT OF DOORS FOR THE YEAR 2013.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO:

Section 1: That Halloween activities and observance in the City of South Euclid, Ohio, in the Year 2013, shall take place on Thursday, October 31, 2013.

Section 2: That the custom generally known as "Trick or Treating" shall be permitted only between the hours of 6:00 p.m. and 8:00 p.m. on the above date and the provisions regarding peace disturbances as provided for in Chapter 509 of the Codified Ordinances of the City of South Euclid, Ohio are prohibited.

Section 3: That most communities around South Euclid will observe Halloween on October 31st from 6:00 p.m. to 8:00 p.m. and the Council of South Euclid desires to do the same to eliminate the misunderstandings among children who may go from one community to another.

Section 4: 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 5: 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 _____, 2013.

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

RESOLUTION NO.: 48-13
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 23, 2013

A RESOLUTION

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID.

WHEREAS, the City of South Euclid is the owner of certain parcels of vacant and improved land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcels were deeded to the City of South Euclid through the Cuyahoga County tax foreclosure process and/or from the Cuyahoga Land Bank; and

WHEREAS, the Council of the City of South Euclid has, upon study and consideration, determined that said parcels do not serve and are not needed for any municipal purpose; and

WHEREAS, in accordance with the agreement for professional services, the City's Community Development Corporation, One South Euclid, has the ability to dispose of the subject parcels and return the land to productive use.

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

Section 1: That the Council has determined the subject parcels do not serve any municipal purpose.

Section 2: That the Mayor be and she is hereby authorized to convey said parcels of real property (as shown in Exhibit A, attached hereto) to the City's Community Development Corporation, One South Euclid, in order to dispose of the property and return the land to productive use.

Section 3: 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 4: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the residents and for the further reason that the subject property does not serve any municipal purpose and should be disposed of through conveyance to One South Euclid to return the property to productive use. This Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2013.

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

EXHIBIT A:

Parcels (Vacant Lots) to be conveyed to One South Euclid:

PP#	Address	Street Name
702-09-080	1120	South Belvoir Blvd.
701-15-043	4055	Suffolk Road
703-26-024 & 703-26-025	1804	Donwell Drive

Improved properties (contain an existing structure) to be conveyed to One South Euclid:

PP#	Address	Street Name
702-12-076	1359	Avondale Road

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 16-13
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 23, 2013

AN ORDINANCE

AMENDING SECTION 1510.01 "ADOPTION OF OHIO FIRE CODE, CITY OF SOUTH EUCLID FIRE PREVENTION CODE DEFINED; FILE AND DISTRIBUTION COPIES" OF CHAPTER 1510 "CITY OF SOUTH EUCLID FIRE PREVENTION CODE" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes the need to update the City of South Euclid Fire Prevention Code to ensure it is consistent with the latest edition of the Ohio Fire Code.

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

Section 1: That Section 1510.01 "Adoption of Ohio Fire Code; City of South Euclid Fire Prevention Code Defined; File and Distribution Copies" of Chapter 1510 "City of South Euclid Fire Prevention Code" of Part Fifteen "Fire Prevention Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

1510.01 ADOPTION OF OHIO FIRE CODE; CITY OF SOUTH EUCLID FIRE PREVENTION CODE DEFINED; FILE AND DISTRIBUTION COPIES.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the City the ~~2007~~ **2011** edition of the Ohio Fire Code (OFC), as adopted by the Ohio Department of Commerce, Division of State Fire Marshal, published in Division 13.01:7 of the Ohio Administrative Code (OAC).

(b) The Ohio Fire Code, together with the provisions of this Part Fifteen of these Codified Ordinances, shall be known and may be cited as the City of South Euclid Fire Prevention Code. References throughout this Part Fifteen of these Codified Ordinances to "this Code" shall be deemed to mean the City of South Euclid Fire Prevention Code.

(c) A complete copy of the Ohio Fire Code shall be kept on file in the library of the Fire Chief and in the offices of the Fire Prevention Bureau and shall be available to the Clerk of Council. The Clerk of Council shall provide copies of the Ohio Fire Code to the public, upon request, at cost.

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 within the City and therefore should be adopted at the earliest possible time in order for the City to enforce the most current rules and regulations. 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 _____, 2013.

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