

ORDINANCE 1-21-O

AN ORDINANCE APPROVING THE TENTATIVE AGREEMENT AND AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH IAFF LOCAL #2603 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, RELATIVE TO WAGES, TERMS AND OTHER CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY.

WHEREAS, Local #2603 of the International Association of Firefighters, hereinafter "Union", has been certified by the State Employment Relations Board as exclusive representatives of all employees in the prescribed bargaining unit; and

WHEREAS, a full tentative agreement was reached by the City Administration and said Union on January 25, 2021; and

WHEREAS, the Union members ratified the aforementioned full tentative agreement on January 24, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Council of the City of Celina does hereby approve the full tentative agreement recently reached between the City of Celina and the said Union.

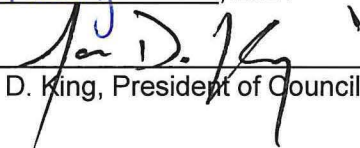
SECTION TWO

THAT, the Mayor and the Safety-Service Director be and are hereby authorized on behalf of the City to enter into a contract with the said Union. Said contract shall supersede Ordinance 39-17-O as written and amended and be in effect commencing September 16, 2020 until September 16, 2023.

SECTION THREE

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public health, safety, and welfare and for the further reason council action must be taken within 30 days of presentation to Council. NOW, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 8th day of February, 2021

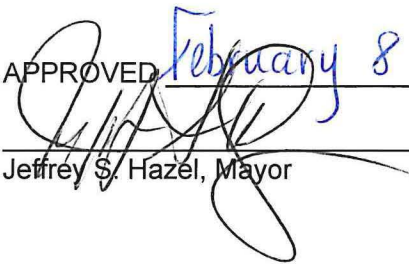


Jason D. King, President of Council

ATTEST:

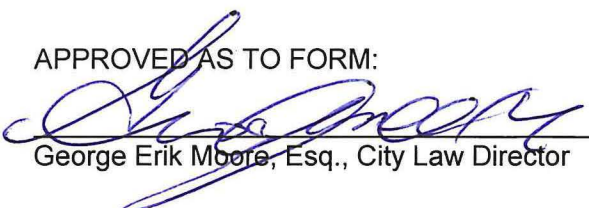


Joan S. Wurster, Clerk of Council

APPROVED February 8, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 3-21-O

AN ORDINANCE APPROVING THE TENTATIVE AGREEMENT AND AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. REPRESENTING THE SERGEANTS AND DECLARING AN EMERGENCY.

WHEREAS, the Fraternal Order of Police, Ohio Labor Council, Inc. (hereafter F.O.P.), has been certified by the State Employment Relations Board as exclusive representatives of the Sergeants of the City of Celina Police Department; and

WHEREAS, a full tentative agreement was reached by the City Administration and said Union on January 26, 2021; and

WHEREAS, the Union members ratified the aforementioned full tentative agreement on February 6, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Council of the City of Celina does hereby approve the full tentative agreement recently reached between the City of Celina and the F.O.P. representing the Sergeants of the City of Celina Police Department.

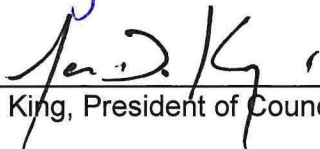
SECTION TWO

THAT, the Mayor and Safety-Service Director be and are hereby authorized on behalf of the City to enter into a contract with the F.O.P. Sergeants and that said contract shall supersede the existing contract authorized by Ordinance 40-17-O as written and amended for the period October 1, 2020 through September 30, 2023.

SECTION THREE

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public health, safety, and welfare and for the further reason Council action must be taken within 30 days of presentation to Council. NOW, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 8th day of February, 2021




Jason D. King, President of Council

ATTEST:



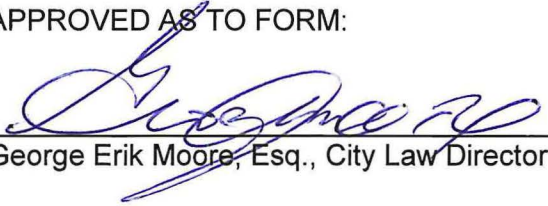
Joan S. Wurster, Clerk of Council

APPROVED February 8, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 4-21-O

AN ORDINANCE VACATING A PORTION OF THE ALLEY DESCRIBED AS “THE EAST/WEST ALLEY BETWEEN STELLA STREET AND ZILLAH STREET THAT IS NORTH OF 725 WEST LOGAN STREET AND SOUTH OF 314 STELLA STREET, STARTING AT THE RIGHT OF WAY ON THE WEST SIDE OF THE ALLEY AND HEADING IN AN EAST DIRECTION ONE HUNDRED THIRTY-ONE AND ONE-HALF (131.5) FEET”, AND DECLARING AN EMERGENCY.

WHEREAS, David G. Giesige and Isabel Giesige in their individual capacity and as husband and wife, and David G. Giesige in his corporate capacity as owner of Friendly Markets of Celina, LLC, and Ohio Limited Liability Company, have petitioned the City of Celina, Ohio for the vacation of a portion of the alley located at and described as “the east/west alley between Stella Street and Zillah Street that is north of 725 W. Logan Street and south of 314 Stella Street, starting at the right of way on the west side of the alley and heading in an east direction one hundred thirty-one and one-half (131.5) feet” (hereinafter the “portion of the alley proposed to be vacated”), as shown on the aerial map attached hereto and labeled as **Exhibit “A”** which is fully-incorporated herein by reference, as well as the Engineer’s Description packet attached hereto and labeled as **Exhibit “B”** which is fully-incorporated herein by reference; and

WHEREAS, the Celina Planning Commission at its August 20, 2020 meeting voted to recommend to Council to vacate the above-described “portion of the alley proposed to be vacated”, the minutes of which are attached hereto and labeled as **Exhibit “C”** which is fully-incorporated herein by reference; and

WHEREAS, pursuant to Ohio Revised Code Section 723.06, no notice is required because written consent to such vacation has been filed with the legislative authority by 100% of the owners of the property abutting the part of the above-described “portion of the alley proposed to be vacated” as reflected in the attached **Exhibit “D”** which is attached hereto and fully-incorporated herein by reference, and acknowledgment of the City’s retention of a permanent easement in the vacated portion of said alley for the purpose of accessing, constructing, maintaining, operating, renewing, reconstructing, and removing utility facilities pursuant to Ohio Revised Code Section 723.041.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio.

SECTION ONE

THAT, it being found upon hearing, and the Council, upon being satisfied that there is good cause for such partial vacation is not detrimental to the general interest, herein declares the portion of the alley Situated in the City of Celina, County of Mercer, State of Ohio and described above as the “portion of the alley proposed to be vacated” and as more particularly shown in **Exhibit “A”** which is incorporated herein and made a part of this Ordinance, be and is hereby vacated as a public way and acceptance of its prior dedication is hereby rescinded.

SECTION TWO

THAT, the title to the real estate represented by this vacated public right of way hereby vests in the adjoining property owners as provided by law.

SECTION THREE

THAT, the City of Celina further retains a permanent easement in the vacated "portion of the alley proposed to be vacated" as-described above for the purpose of accessing, constructing, maintaining, operating, renewing, reconstructing, and removing utility facilities pursuant to Ohio Revised Code Section 723.041.

SECTION FOUR

THAT, the adjoining property owners shall each bear their own costs associated with the recording of this ordinance and related documents with the Recorder of Mercer County and any other agency where recording is necessary including but not limited to the cost of any new survey, if required. Further, the adjoining property owners shall be responsible for drawing new deeds to divide the vacated street between the parcels of property to its north and to its south if required to do so by any agency.

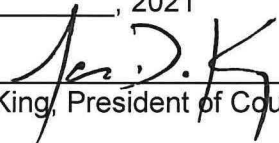
SECTION FIVE

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 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 SIX

NOW, THEREFORE, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

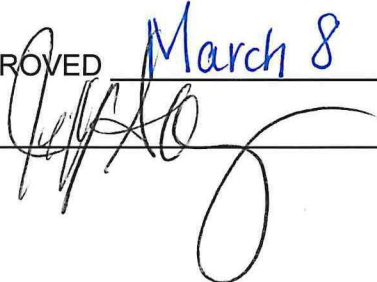
PASSED this 8th day of March, 2021



Jason D. King, President of Council

ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED March 8, 2021


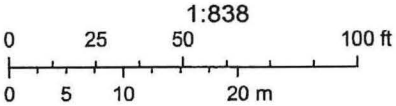
DRAFTED BY:


George E. Moore, Esq., City Law Director

Mercer County, Ohio - GIS 2019



December 11, 2020



INDEX		
SHEET #	PAGE #	DESCRIPTION
C-1	1	TITLE, DATA, MAP, INDEX, SITE PLAN
A-1	2	STRUCTURAL PLANS & ELEVATIONS

2 WORKING DAYS
CALL BEFORE YOU DIG
CALL TOLL FREE 1-800-362-2784
OHIO UTILITIES PROTECTION SERVICE

2017 OBC, 2017 OMC, 2017 OPC, 2015 NEC 2009 ICC/ANSI A117.1, 2016 NFPA	
USE GROUP	M MARKET (GROCERY STORE)
CONSTRUCTION CLASSIFICATION	IIIB (NON FIRE SUPPRESSED)
TOTAL CALCULATED MAXIMUM OCCUPANCY LOAD	84 EXISTING (25 persons & 2 employees) 1 ADJUNCTION (25 SF PER PERSON) 85 TOTAL OCCUPANT LOAD
TOTAL STRUCTURE AREA	ADDITION SQ. FT. = 28.66 EX. STRUCTURE SQ. FT. = 8,430.00 TOTAL SQ. FT. = 8,458.66
ALLOWABLE AREA (100% WIND) ALLOWABLE HEIGHT (100% WIND)	12,500 SQ. FT. PER STORY 2 STORY
ALLOWABLE FIRE AREA WITHOUT SPRINKLER SYSTEM (40% IRR1)	SPRINKLER NOT REQUIRED ALLOWABLE AREA = 12,000 SF
ACTUAL FIRE AREA	8,446.66 SQ. FT.
ASSUMED SOIL BEARING (day)	1,500 P.S.F.
FLOOR LIVE LOAD	BUSINESS = 100 PSF
ROOF LOADING	LIVE = 24 PSF, DEAD = 7 PSF, SNOW 50 PSF
CEILING LOADING	DEAD = 5 PSF
WIND LOADING	115 M.P.H., EXPOSURE "C"
SEISMIC LOADING	SEISMIC IMPORTANCE FACTOR = 1.0 SEISMIC DESIGN CATEGORY = B SITE CLASS = D ANALYSIS PROCEDURE = EQUIVALENT LATERAL FORCE METHOD

PROPOSED STRUCTURE FOR:
FRIENDLY'S IGA
C/O TOM GIESEGE
725 W. LOGAN ST.
CELINA, OH 4582
PH: 419-305-4203
GENERAL CONTRACTOR:
TO BE DETERMINED

PROJECT DESCRIPTION:
TO CONSTRUCT A NEW DRIVE THRU
PICK UP WINDOW USING IIIB CONSTRUCTION.
ADDITION WILL BE USED FOR GROCERY AND
FOOD PICKUP THROUGH THE EXISTING
VACATED ALLEY TO THE NORTH OF THE
EXISTING STRUCTURE.
ADDITION WILL NOT BE CONDITIONED SINCE
IT WILL REMAIN DIVIDED FROM THE EXISTING
KITCHEN AREA BY THE EX. STEEL DOOR.
SEE HVAC AND ELECTRICAL NOTES ON
SHEET C-1 (PAGE 1)

2017 O.B.C. NOTES

- THE EXISTING BLDG. IS USE GROUP "M" NEARBY EXISTING MARKET
- THE EXISTING STRUCTURE & ADDITION IS O.B.C. TYPE "IIB" CONSTRUCTION.

ELECTRICAL NOTES

- ALL EX. ELECTRICAL WORK COMPLIES WITH CHAPTER 27 OF O.B.C. AND THE N.E.C.
- EXISTING WALL MOUNTED LIGHT OVER EXISTING DOOR TO PROVIDE ILLUMINATION REQUIRED PER OBC
- NO EXTERIOR LIGHTING REQUIRED SINCE OPERATING HOURS ARE DURING DAYLIGHT HOURS ONLY MONDAY - SUNDAY 11 AM TO 8 PM

HVAC NOTES

- INTERIOR SPACE VENTILATION IS SUPPLIED THRU THE EXTERIOR WINDOW WHICH MEETS THE 4% OF THE FLOOR AREA BEING VENTILATED BY NATURAL MEANS PER SECTION 402.2 OBC. REQUIRED: 30.48 x 4' = 1.24 SF ACTUAL: 4X4 SLIDER = 6.22 SF

STATE OF OHIO
REGISTERED PROFESSIONAL ENGINEER
CARRIEN L. MAY
#63555

**FRIENDLY'S IGA
DRIVE THRU WINDOW**

DESIGN START DATE: 08/24/20

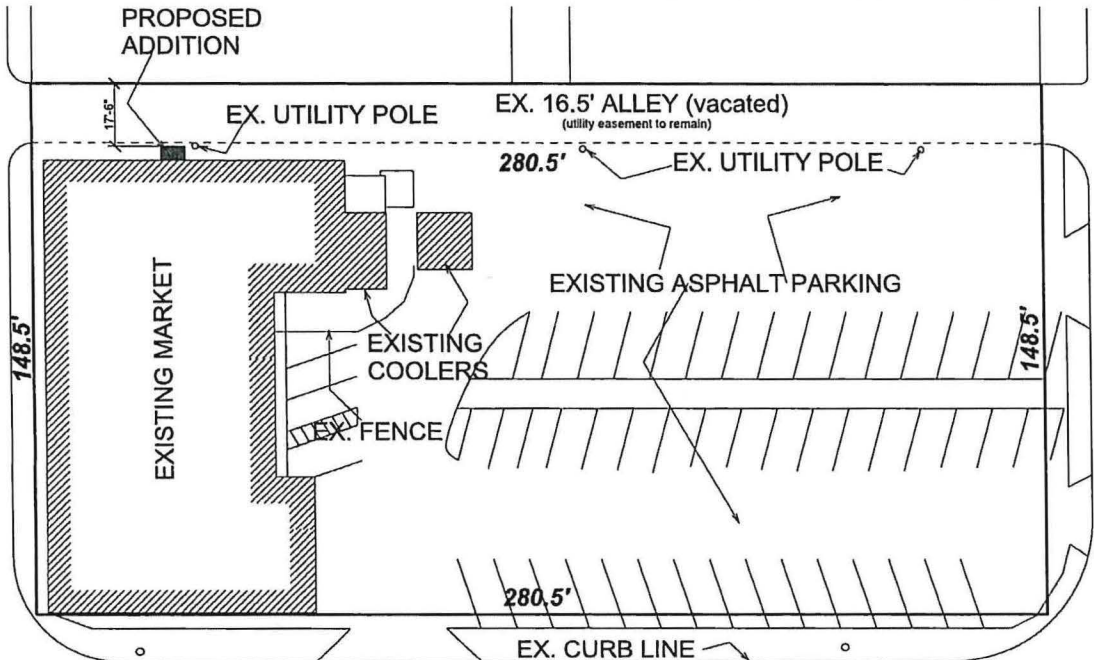
REVISIONS

- 08/24/20
- 09/19/20
- 09/19/20

BUILDING ADDRESS
725 W. LOGAN ST.
CELINA, OH 45822

CUSTOM DESIGNS
5031 MILLER ROAD, CELINA, OH 45822
419-305-4203

REVISION #3 (09/19/20)
Site Plan and Coordination
DRAWN BY: GRH PAGE 1 OF 1 C-1

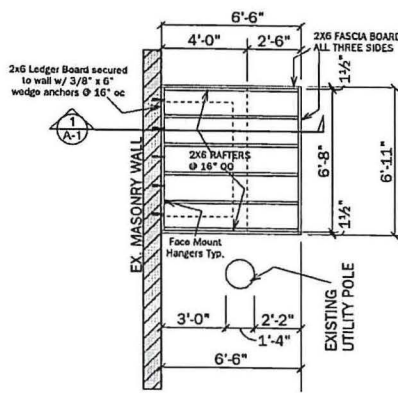
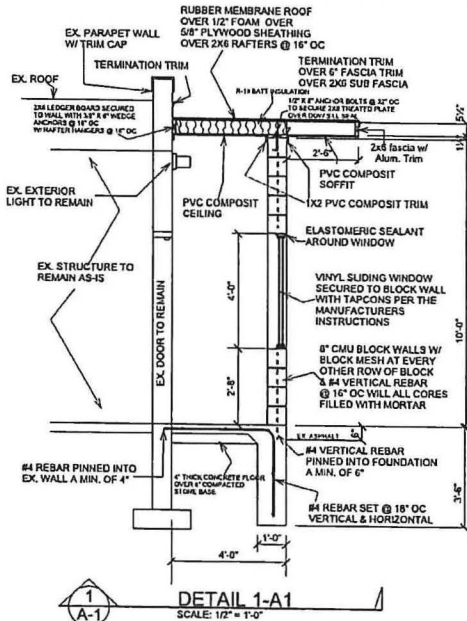
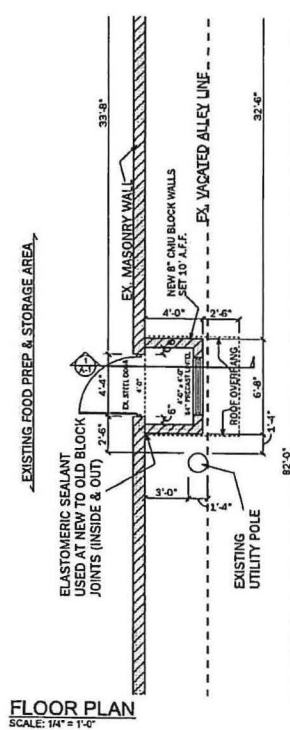
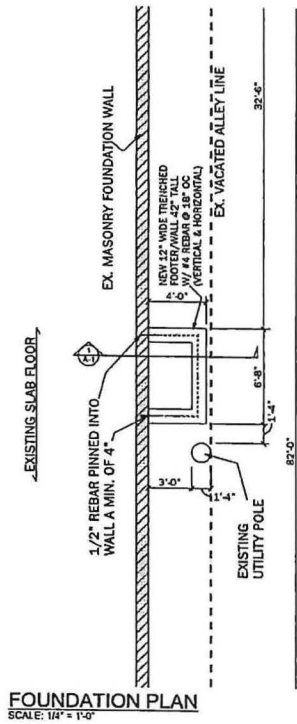


SITE PLAN
SCALE: 1" = 16'-0"
725 W. LOGAN ST.
CELINA, OH 45822

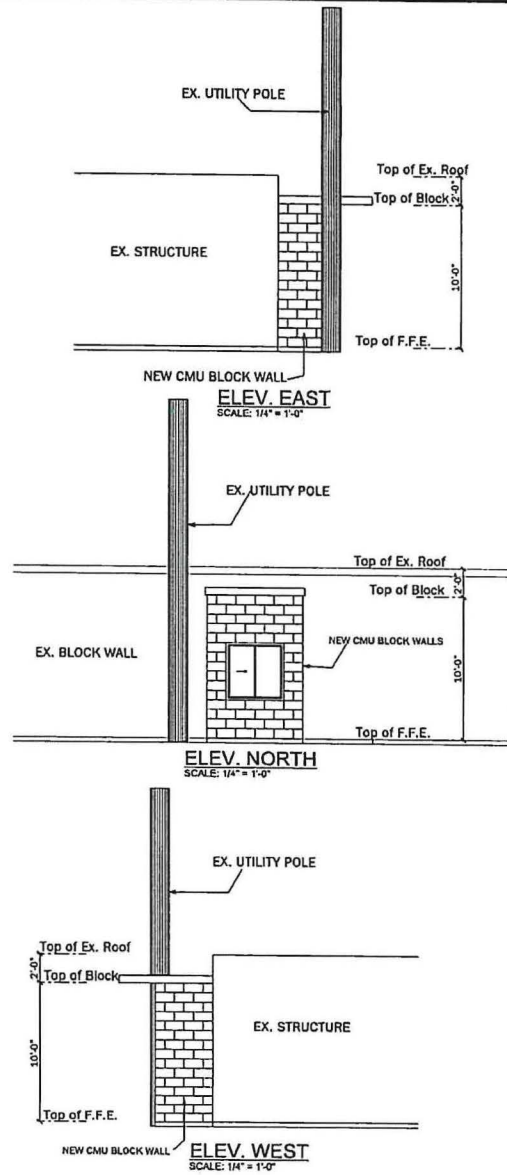
W. LOGAN ST. (SR 29)



LOCATION MAP



ROOF NOTES
 1) NO VENTILATION REQUIRED SINCE THERE IS NO ATTIC SPACE
 2) ALL ROOF FRAMING LUMBER TO BE #1 SPF LUMBER



2017 O.B.C. NOTES	
1) THE EXISTING HDGL. IS US1 GROUP "M" MERCANTILE/FOOD MARKET 2) THE EXISTING STRUCTURE & ADDITION IS O.B.C. TYPE "III" CONSTRUCTION.	
FOUNDATION NOTES	
1) ALL NEW FOUNDATION WALLS TO BE 12" THICK & 42" TALL TRENCHED WALLS WITH #4 HORIZ REBAR @ 18" OC AND #4 VERTICAL REBAR @ 18" OC 2) NEW FLOOR TO BE 4" THICK POURED CONCRETE FLOORS WITH #4 REBAR SET @ 18" OC BOTH DIRECTIONS OVER 4" COMPACTED #57 STONE BASE	
CONSTRUCTION NOTES	
1) ALL NEW EXTERIOR WALLS TO BE 8" CMU BLOCK WALLS SET 10" TALL 2) ALL NEW CEILING ARE TO BE 10" AFF UNLESS OTHERWISE NOTED 3) ALL DIMENSIONS ON NEW EXTERIOR WALLS ARE FROM THE EDGE OF THE BLOCK	
FRIENDLY'S IGA DRIVE THRU WINDOW	
DESIGN START DATE: 08/24/20	
REVISIONS	
1) 08/24/20	
2) 09/04/20	
3) 09/19/20	
BUILDING ADDRESS	
725 W. LOGAN ST. CELINA, OH 45822	
REVISION #3 (09/19/20)	
Floor Plan, Elevations & Schedules	
DRAWN BY: CRH PAGE 2/2 4-1	



City of Celina, Ohio

OFFICES OF:

Mayor
419-586-5823

Safety-Service
Director
419-586-6464

Community
Development
419-586-6464

Municipal Utilities
419-586-2311

Engineering Planning
& Zoning
419-586-1144

Parks & Recreation
419-586-1041

January 8, 2021

Jason King
City Council President
City Hall
Celina, OH 45822

Dear Mr. King,

The Celina City Planning Commission met on August 20, 2020 and reviewed a petition by abutting property owner for a proposed alley vacation. The proposed vacation is for the portion of alley that runs east/west between Stella and Zillah streets. North of 725 W Logan St (Friendly Market) and south of 314 Stella St (Geisige owner). There are public utilities in the platted alley, which requires that there be an easement in place.

The Planning Commission is recommending to Council at this time that the alley be vacated with a utility easement in place for the protection of existing utilities at this location. Documentation and drawing has been given City Law Director George Moore.

A copy of the Planning Commission's minutes is attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Vince Barnhart", is written over a horizontal line.

Vince Barnhart, Secretary
Celina City Planning Commission



Celina Planning Commission

August 20, 2020 Meeting Minutes

Location:	2 nd floor of Administration Building
Time:	7:00 PM
Members Present:	Ralph Stelzer, Tom Hone, Mike Overman, Mayor Hazel and SSD Hitchcock
Members Absent:	none
Others Present:	Vince Barnhart (City of Celina), Drew Charlson, Forest Runnels, Andy Charlson, William Kincaid, Dan Snider, Bruce Miller, Bill Montgomery, Gary Kuess, Sue Kuess, Keith Beyke, Dave Bruns, Brianna Obringer, Mike McKirnan, John Dieringer, Carl Huber, Tom Giesige, Dave Giesige and Chad Lewis

The Planning Commission meeting is called to order at 7:00pm by Tom Hone. Stelzer motioned to accept minutes previous month minutes seconded by Overman. All voted in favor except Mayor Hazel who abstained.

First item on the agenda is a request by Mid-America Properties of Celina, OH. They are proposing to add six structures at The Meadows at Grand Lake Phase III. This would add 28 more units to the development. The parcel is zone R-O and on Meadowview Drive. Hone addressed he felt the plans look pretty straight forward and asked if the city had any issues. Both Barnhart and Hitchcock said the city had met with Access Engineering and all department heads felt everything was in order with the exception about a fence. Hitchcock said he did see a pic of the fence and felt it looked nice. Charlson explained the materials and all felt fence looked very nice. Hone inquired drainage and whether or not any flooding. SSD Hitchcock replied the detention pond was built previously and is handling the storm water. Hone asked what a blanket easement was as it was in the notes. Hitchcock explained it was all private lines. All units are going to be one and two bedroom units with garages. Hitchcock asked about sidewalks and Charlson explained that they will be installed. Dan Snyder of Kensington Ave was present and asked if a traffic light was going to be considered. SSD Hitchcock how the state controls traffic studies and if they warrant a light, yes the city will do just that but not till a traffic count and study is done after project. Mayor Hazel made motion to accept seconded by Stelzer with all in favor.

Second item on the agenda is a request by National Mutual Insurance of Celina, OH. They are requesting to split off a parcel of land at 638 N. Walnut St. The area requested is 0.038 acres and zoning is R-2. Bruce Miller approached the board stating that Celina wants to take care of the whole parking lot but an employee of Celina Insurance is interested buying the house next door (owned by Celina Insurance). Hone mentioned he felt the work performed on the area was top notch and looked very nice. Mayor made motion to approve seconded by Overman and all in favor of lot split. Bill Montgomery thanked the group from Celina Insurance and on behalf of "young employee" who is buying the house.

Third item on the agenda is a request by James Chilimigras of Bay St. Louis, MS. Requesting a lot split(s) for parcel of land at 6301 US 127 (old racquet club) Current zoning is B-1. Keith Beyke of Access Engineering was present to represent party involved. The request is for three parcels be split from one. One would contain the old racquet club. The second one is to the south of building and be turned into agriculture use with the third he wanted for future use but no current plans. SSD Hitchcock inquired how to separate lots are going to work when pump station drains the building area but would be on a separate tract. Beyke agreed and asked if it could be a drainage easement. Stelzer inquired about city limits and was informed this was the last parcel to the south. Hone spoke about flood zones and Hitchcock said it was indeed in the flood zone. Hitchcock spoke briefly about FEMA Forms deal with building and farming would be much better than what is being done with it right now. Mayor said he would like to table with a motion with favor of split and drainage. Board agreed to table until lot split showed an easement for pump station acquisition and who is paying electric for pump. All board members were in favor of this tabled decision.

*Note: An updated survey was drawn and given to City of Celina Engineering Department. SSD Hitchcock gave his approval on survey and board can act upon in September meeting.

Fourth item on the agenda is a request by Summit Locations. They are requesting to put a digital billboard at 1845 E Market St (Store & Lock facility). Current zoning is B-1. A representative for Summit Locations came forward and explained the billboard is for "off premise" advertising. SSD Hitchcock questioned if they were leasing the sign or the ground. The sign will be owned by Summit and they would be leasing ground from Store & Lock and then selling advertisement for the sign. Board discussed whether or not this is considered a business or "what?" There was a discussion as to whether or not any other billboards were in city limits. Hone felt it would be "prudent" to get the opinion of the law director on this matter. Mayor Hazel agreed and made motion to table until law director researched and gave legal opinion which was seconded by Overman with all in agreement.

Fifth item on the agenda is a request by Friendly Markets of 725 W Logan St requesting a drive thru service on the north side of their business. This was heard at a previous meeting but was tabled due to no quorum. Current zoning is B-1. Dave Giesige of Friendly Markets was present to discuss their plans and ideas. He mentioned in light of the recent COV-19 pandemic their business from their deli was hit and they see the need for a drive-thru. The discussion then went to whether or not to vacate alley or city make the alley a one way alley. Giesige pointed he owned the property to the north of the store so he is in favor of vacating. Overman questioned which way traffic flow would be and Giesige responded from east to west. Giesige then said he had spoken with neighbor and he was on board and fully understood the plan. Hone then brought up the fact that Giesige should have the state involved and get a registered architect to draw up plans for approval from state and City of Celina. This could all be taken then to city council and presented for a possible alley vacation. Mayor agreed and said it would be given to street and alley committee then to council. Mayor then made motion to approve contingent upon city council approval vacation of alley of the west side of the alley and have state approved drawings. This motion was seconded by Stelzer and all were in favor.

Sixth item on the agenda is a site plan review and approval of the properties between 725-905 West Bank Road and US 127 (calling it Boardwalk District). Proposing developing area for cottages and condos and businesses. Area is zoned B-1 and are requesting conditional use. Carl Huber of RCS spoke up and showed board drawings and explained the intent is for condos and cottages with West Bank Road to have retail space/office on first and condos above that. Hone asked if city had met with department heads and had a chance to review preliminary drawings. SSD Hitchcock assured they had indeed. Hone referred to parking and Huber read all the city requirements and stated they were meeting all the stipulations for adequate parking and that it is all private drives within condo district so maintenance and plowing will be done in house. Huber explained they are wanting to fill eight (8) retail spots and have enough parking. Huber also said a community pool is planned for their residents as well. Entrance and egress would be West Bank Road. SSD Hitchcock inquired about sidewalks be in place but for a "cleaner image" felt none should be along 127. Huber agreed and then answered about a timeline and stated they plan to break the project up into phases with first phase being cottages and condos with a pool. Phase 2 will include retail space and then added phase one possibly include a town home or two. In all, will be "two maybe three phases".

A concern from Gary Keiss was brought up about traffic along West Bank and how retail is going to add traffic to an already existing congested area. He went on said years ago the city had discussed the possibility of making West Bank a one way street. Mayor Hazel quickly said "that would not be a viable idea". Keiss said he was in favor just wanted to address the traffic. SSD Hitchcock mentioned currently working on signage with RCS that would be in city right of way and go over street in a "canopy" style. Mayor Hazel made motion to accept site plan seconded by SSD Hitchcock and all were in favor.

Seventh item on the agenda is a request from Dave Bruns and John Dieringer to erect a storage building at 107 South Leblond St. Lot is currently zoned R-2/B-1. Bruns approached the board and explained he wants to build a residential garage for personal storage. Hone asked if they was a house on lot. Dieringer said he had it demolished due to its condition and tenants not being "good neighbors". Discussion turned to lot size and building height and size. Bruns said he wasn't sure he could meet the 15' height maximum requirement stating he would need at least 19' because he wants to put a 10' door on building. Board said they could approve a 15' maximum height to peak. Overman made the motion seconded by SSD Hitchcock. As the conversation ensued SSD Hitchcock and Barnhart both questioned the zoning of the property. With the current zoning map showing the lot R-2 or B-1 there is a "huge difference" in setbacks and height requirements.

Overman rescinded his motion to further discuss the case. Mike McKirnan (nearby resident) had previously handed out a list of signatures of residences in the area in opposition to the "rezoning" of the property as they felt businesses were already pushing their "way to the lake". The board discussed how to go about coming up with a decision with a parcel that was zoned with two zoning classifications. Mayor Hazel made motion to table until the city had time to review the parcel and discuss with legal department how to proceed. This table motion was seconded by Stelzer and all in favor.

Eighth item on the agenda is another request from Dave Bruns and John Dieringer requesting to change zoning at 115 S Lake St from R-2 to B-1. Dieringer spoke about the owner of the car wash to the north is interested in lot for parking. McKirnan again spoke up in opposition, stating property values will be affected that he and others do not want to see more business coming towards their properties and the lake. Hone said he feels zoning needs to be cleaned up until city council can come up with a decision. Mayor Hazel addressed Dieringer and Bruns that they are welcome to come to council and explain they want to make the community better with their proposal. Dieringer withdrew his petition until further notice and he hears back from Jason of the car wash and city council. Hone felt the pulse of the community was against and Dieringer reiterated he wasn't sure what future of lot. McKirnan did compliment Dieringer he appreciated what he had done so far to the lots.

Meeting was adjourned by Hone at 9:26 pm.

Minutes Submitted By: Vince Barnhart, Planning Commission Secretary

**PETITION TO THE CITY COUNCIL OF CELINA OHIO TO
VACATE STREET OR ALLEY**

(R.C. 723.04)*

The undersigned owner(s) of lots situated in the City of Celina, Ohio, and in the immediate vicinity of a certain street or alley described as follows:

Alley that runs east/west between Stella St and Zillah St. North of 725 W Logan St (tax number 27-1634.0000 27-1635.0000 27-1636.0000) and south of 314 Stella St. (tax number 27-165700.0000)

The undersigned respectfully petition(s) the Council of the City of Celina that said street or alley, described above, may be vacated between the points named for the reason that it is no longer of use to the public and its vacation will not be detrimental to the public interest.

Owner Sal A. Jirige 27-165700.0000
Lot or Parcel Identification No.

Owner Sal A. Jirige 27163400.0000
Lot or Parcel Identification No.

Owner Sal A. Jirige 27163500.0000
Lot or Parcel Identification No.

Owner Sal A. Jirige 27163600.0000
Lot or Parcel Identification No.

Owner Sal A. Jirige _____
Lot or Parcel Identification No.

Date of Petition Submission: 2-9-2021

* 723.04 Change of name, vacating, or narrowing streets on petition.

The legislative authority of a municipal corporation, on petition by a person owning a lot in the municipal corporation praying that a street or alley in the immediate vicinity of such lot be vacated or narrowed, or the name thereof changed, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation, or narrowing, that it will not be detrimental to the general interest, and that it should be made, may, by ordinance, declare such street or alley vacated, narrowed, or the name thereof changed. The legislative authority may include in one ordinance the change of name, vacation, or narrowing of more than one street, avenue, or alley. The original ordinance or a certified copy thereof shall be recorded in the official records of the county recorder.

ORDINANCE 5-21-O

AN ORDINANCE UPDATING CERTAIN SECTIONS OF THE CELINA CODIFIED ORDINANCES PERTAINING TO "VEHICLE IMPOUNDING FEES", AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Celina finds it necessary to update and clarify the Celina Codified Ordinances pertaining to the fees associated with vehicles impounded and/or stored by the Celina Police Department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio.

SECTION ONE

THAT, the current Chapter 303 of the City of Celina's Codified Ordinances is hereby modified and amended to include Section 303.11, titled "Vehicle Impounding Fees" in a form identical to the language contained in the exhibit attached hereto and labeled as "Exhibit A", which is fully incorporated herein by reference.

SECTION TWO

THAT, the Section 523.10, titled "Duration of Impoundment" is hereby repealed in its entirety and replaced in a form identical to the language contained in the exhibit attached hereto and labeled as "Exhibit B", which is fully incorporated herein by reference.

SECTION THREE

THAT, all legislation or parts thereof inconsistent with this Ordinance are hereby repealed.

SECTION FOUR

THAT, said changes to the Celina Codified Ordinances shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law, namely thirty days following passage of this Ordinance, which Council reasonably-anticipates being April 21, 2021.

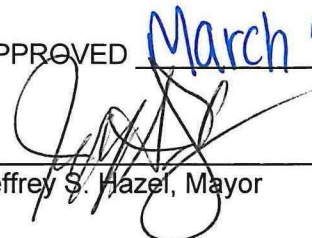
PASSED this 22nd day of March, 2021.

ATTEST:


Joan S. Wurster, Clerk of Council


Jason D. King, President of Council

APPROVED March 22, 2021.


Jeffrey S. Hazel, Mayor

DRAFTED BY:


George E. Moore, Esq., City Law Director

303.11 Vehicle Impounding Fees.

- (a) The charges for all impounded motor vehicles impounded by the Police Department under any section of law shall be as follows:
- (1) \$50 basic administrative fee; and
 - (2) \$15 per day for the time the impounded motor vehicle is in storage, 30 days maximum; and
- (b) In addition to the charges in section (a), the owner may also be required to pay for towing services other than those described above, and for any service performed by the city in order to properly maintain said impounded motor vehicle.
- (cd) An impounded motor vehicle shall be released to the owner or other person authorized by the owner to claim the motor vehicle only upon the payment of all impound and towing charges.
- (de) Impounded motor vehicles which are stolen and abandoned by a thief or which were disabled at the time of impoundment may be released without charge or at a reduced charge at the discretion of the police chief upon evidence establishing that the motor vehicle was stolen or disabled at the time of its impoundment.
- (ef) The owner or person entitled to possession of an impounded motor vehicle which is retained in police custody for law enforcement purposes not related to the original impoundment shall not be responsible for any impounding fees related solely to the continuing possession of the motor vehicle by the city of Celina for law enforcement purposes.
- (fg) After 10 days, if the vehicle has not been retrieved, the Police Chief may cause a filing for an abandoned vehicle title. If the City obtains ownership of the vehicle, the City shall waive all fees relating to the impoundment listed in this section.

523.10 DURATION OF IMPOUNDMENT.

(a) Except as otherwise provided, any vehicle impounded under authority of this chapter shall be stored and held safely until released pursuant to a written order signed by the Police Chief of the City, or an authorized agent of the Police Chief.

(b) The order of release is conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

(c) Daily Storage charges per for each junk motor vehicle shall be in accordance with Celina Codified Ordinance 303.11 as amended from time to time. ~~a minimum of fifteen dollars (\$15.00) per day per vehicle.~~

(Ord. ~~29-12~~_____. Passed ~~8-13-12~~_____.)

ORDINANCE 6-21-O

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH CHARGEPOINT FOR THE PURPOSE OF LEASING TWO (2) "CHARGE POINTS" WITHIN THE CITY OF CELINA FOR THE PURPOSE OF CHARGING ELECTRIC VEHICLES FOR A PERIOD OF FIVE (5) YEARS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina desires to create two (2) "charge points" for electric vehicles installed upon city-owned property for the purpose of the motoring public charging their electric vehicles; and

WHEREAS, to accomplish this, the City desires to enter into a five (5) year lease agreement with ChargePoint for the purpose of installing, monitoring and maintaining two (2) "charge points" within the City of Celina upon city-owned property for the purpose of charging electric vehicles owned by the motoring public under terms and conditions to be established by the City of Celina, as modified from time-to-time, in a form substantially similar to the attached Quote #Q-115405-3 from ChargePoint, which is attached hereto and labeled as **Exhibit "A"** which is fully-incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.

SECTION ONE

THAT, the Mayor is hereby authorized to execute any and all documents necessary to accept the proposed Quote from ChargePoint, **Exhibit "A"**, and to take any and all actions necessary to effectuate the intent of Council in enacting this legislation.

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for promptly providing these "charge points" to the public. Now, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22nd day of March, 2021




Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

APPROVED March 22, 2021


Jeffrey S. Hazel, Mayor

DRAFTED BY:



George Erik Moore, Esq., City Law Director



Quotation

Driving a Better Way™
chargepoint.com

Sales Representative: Jimmy Smith
E-Mail: jimmy.smith@chargepoint.com
Telephone: 614.965.6624

Quote Number: Q-115405-3
Date: 2/11/2021
Expires On: 2/28/2021

Primary Contact:

Bill To Address

City of Celina Ohio
225 N Main St
Celina Ohio 45822-1601
United States

Ship To Address

City of Celina Ohio
225 N Main St
Celina Ohio 45822-1601
United States

ChargePoint as a Service

ChargePoint as a Service™ (CPaaS) is the easiest way to provide electric vehicle (EV) charging solutions without having to purchase and maintain everything yourself. You get the site ready, and for an annual subscription fee ChargePoint takes care of the installation, monitoring and maintenance to provide maximum uptime with minimum effort.

Product Name	Product Description	Term (Years)	Quantity	Annual / Unit Price	Lifetime Amount
CPAAS-DUAL-5	5yr subscription ChargePoint as a Service. Includes full suite of charging services.	5	2	USD 2,400	USD 24,000
				Total	USD 24,000

Hardware Products Shipped with Subscription

Product Name	Product Description	Qty
CT4021-GW1	Dual Output Gateway North America, Bollard Unit - 208/240V @30A with Cord Management	2
Total		2



Annual Billing Summary

Term	Annual Billing
Year 1	USD 4,800.00
Year 2	USD 4,800.00
Year 3	USD 4,800.00
Year 4	USD 4,800.00
Year 5	USD 4,800.00
Grand Total	USD 24,000.00

Quote Acceptance

- All pricing is confidential between Customer and ChargePoint.
- Customer to be invoiced at time of shipment.
- Sales tax in applicable states will be applied to this quote at time of invoicing.
- All invoices are Net 30 days. Credit checks are required for new customers.
- Pricing does not include any electrical make ready work that is required for the installation.
- Additional terms and conditions for this transaction can be found at <http://www.chargepoint.com/legal/cpaas>
- Customer confirms that the shipping and billing information providing in this Quotation is accurate for ChargePoint's shipping and invoicing purposes.
- Customer confirms that it has the power and authority to permit ChargePoint to install the Charging Stations at the Designated Parking Spaces.

By signing this quote I hereby acknowledge that I have the authority to enter into this transaction on behalf of my organization. Furthermore, I agree to the above terms and conditions and that this signed quote shall act as a purchase order.

Signature :

Title :

Name (Print) :

Date :

Company Name :

Accounts Payable Contact Name :

Accounts Payable Contact E-Mail :

Requested Ship Date :

ChargePoint as a service

Description and Ordering Information

A solution for every business model

ChargePoint's subscription solution, ChargePoint as a service, is an easy way for businesses to offer ChargePoint's Electric Vehicle (EV) charging solutions. You're probably familiar with other "as a service" models, such as Software as a Service (SaaS), which offer access to smart solutions at a reduced cost through subscription pricing. Choosing to implement your ChargePoint solution as a service brings all the benefits of this popular model to charging solutions.

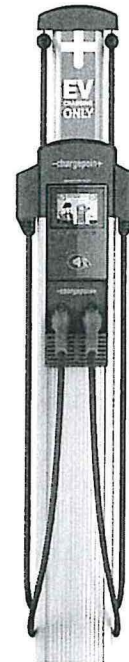
The control you want, with less overhead

Just as when you purchase ChargePoint, with ChargePoint as a service, you have all the control over how you set up your solution, control access, and how much you charge for charging. We implement the right configurations for you. And because we retain ownership, we are able to provide everything you need for a low annual fee once your site is prepared.

Comprehensive ongoing support

Hardware, software, installation, and setup are included to get you up and running as quickly as possible. Ongoing support for businesses, drivers and stations means low overhead and high uptime.

- + Easiest way to add EV Charging
- + Lowest cost of entry
- + Future-proof against technical obsolescence
- + Predictable operation and maintenance costs
- + Conserve CapEx funds and use annual OpEx funds to pay for your charging infrastructure
- + Highest quality, most comprehensive solutions available



Highlights

Feature		Description
Flexible terms of service		1, 3 and 5 year options to fit any business model.
Pre Installation	Site plan and evaluation	We provide site plan and evaluation for you at no additional charge, ensuring that your site setup will support your business objectives.
	Site qualification survey	Ensures a properly designed installation.

During	Delivery, installation and setup included	Once the site is ready, your work is done. ChargePoint takes care of delivery, installation and setup to get you up and running as quickly as possible.
	Station installation and validation services	Ensures that your charging solutions are properly installed and validated.
	Activation and configuration	Ensures you can meet your charging goals with help setting up smart features, including pricing, access controls, administration rights, advertisements and much more.
	Access control	Empowers station managers to specify who can plug into their stations and when.
Ongoing	Unlimited station configuration and policy changes	Our team makes unlimited station configuration and policy changes for you, meaning that our solution can easily adapt to support any changes to your business model over time.
	Software upgrades	All software upgrades are managed for you, ensuring the latest features are always available.
	Proactive 24x7 hardware monitoring and service dispatch	Ensures minimal downtime. Coverage includes parts and labor for repairs (including vandalism, abuse and accidents), so there are no unanticipated costs to worry about.
	Ongoing operator and driver support	24/7 Driver Support: Assists EV drivers with questions about charging. Station Manager Support: Supports station managers over the phone (5 AM – 6 PM PT) or via email.
	Charging data and analytics	Reports on key station metrics, including status, power and energy use, charging session details and more.
	Always on supported hardware	Confidence against technical obsolescence. We will ensure you are always on supported hardware, replacing if necessary.
Features	Flex Billing	Gives station managers the option to set prices that drivers pay to use their stations. Funds collected from drivers are automatically transferred to a designated bank account once a month.
	Waitlist	Lets drivers get in line to use ChargePoint stations.
	Power Management	Manages available power at a circuit, panel or site level so more charging stations can be installed without upgrading existing electrical facilities; also reduces electricity costs by managing the load.
	Valet services	Maximizes the number of vehicles you can charge in a day without increasing your number of ports. Optimized map proactively alerts valets to swap out fully charged vehicles for cars that need charging.
	Automatic station software updates	Downloads software upgrades over the air so the latest features and performance enhancements are always available.

98% annual uptime guarantee	Ensures your stations stay up and running so drivers can charge at your site.
One-business-day response time	Proactively responds to fix the stations, should there be any issues.
Labor cost coverage for repairs	Covers the cost of labor and repairs so you don't have to worry about them.
Dual-Port CT4000 charging station	Delivers 25 miles of range per hour and can charge most electric vehicles in under four hours.
Two 18-foot charging cables	Allows one station to service up to four parking spaces, regardless of parking style or car size.

Sample Ordering Information

Description	Order Code
ChargePoint as a service, Dual-Port Station, 5 years	CPAAS-DUAL-5
ChargePoint as a service, Dual-Port Station, 3 years	CPAAS-DUAL-3
ChargePoint as a service, Dual-Port Station, 1 year	CPAAS-DUAL-1



ChargePoint, Inc.
 240 East Hacienda Avenue
 Campbell, CA 95008-6617 USA
 +1.408.841.4500 or
 +1.877.370.3802 US and Canada toll-free
chargepoint.com

Contact Us

Visit chargepoint.com
 Call +1.408.705.1992
 Email sales@chargepoint.com

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ORDINANCE 7-21-O

AN ORDINANCE ACCEPTING A DONATION FROM MERCER SAVINGS BANK TO THE CELINA FIRE DEPARTMENT FOR THE PURCHASE OF TABLES AND CHAIRS FOR THE TRAINING ROOM AND APPROPRIATING FUNDS.

WHEREAS, Mercer Savings Bank generously offered a monetary donation of One Thousand Dollars (\$1,000.00) to the Celina Fire Department to purchase tables and chairs for the training room.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of One Thousand Dollars (\$1,000.00) to the Celina Fire Department for the purchase of tables and chairs for the training room.


SECTION TWO

THAT, the Celina City Council hereby directs the Auditor to appropriate One Thousand Dollars (\$1,000.00) from the unappropriated balance of the Fire Capital Fund (360.221.5550) for the purchase of tables and chairs.

SECTION THREE

Now, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22nd day of March, 2021




Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

APPROVED March 22, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 8-21-O

AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN ORDINANCE 32-20-0 AS THE SECOND SUPPLEMENT TO THE 2021 ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, when the swimming pool circulation pumps were pulled and inspected there was a great deal of pitting and deterioration on the short section of the column; and

WHEREAS, the swimming pool circulation pumps are in need of replacement and funds must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **General Fund:**

Transfer Park/Recreation (110.410.5910) \$15,750.00

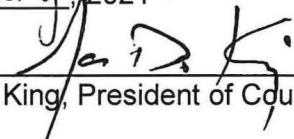
Appropriate from unappropriated balance **Park/Recreation Fund:**

Pool Capital Expense (224.430.5520) \$15,750.00

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22nd day of February, 2021

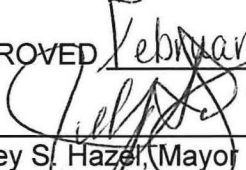


Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

APPROVED February 22, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 9-21-O

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution, and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the ordinances of the City of Celina, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2021 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION TWO

THAT, the following sections and chapters are hereby enacted, amended or repealed as respectively indicated in order to comply with current State law.

TRAFFIC CODE

- 331.44 Wearing Earplugs or Earphones Prohibited. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
- 335.091 Operating Without Dealer or Manufacturer License Plates. (Added)

GENERAL OFFENSES CODE

- 501.99 Penalties for Misdemeanors. (Amended)
- 505.04 Abandoning Animals. (Amended)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 521.08 Littering and Deposit of Garbage, Rubbish, Junk, Etc. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.17 Reserved. (Previously "Criminal Child Enticement")


SECTION THREE

THAT, the complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the 2021 replacement pages to the Codified Ordinances which are hereby attached to this Ordinance as Exhibit A. Any publication of this ordinance shall include the summary of new material in the Traffic and General Offenses Codes as set forth above.

SECTION FOUR

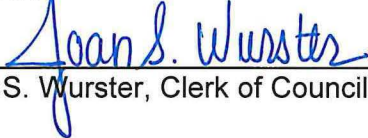
THAT, this Ordinance is hereby declared to be an emergency measure and its immediate passage is necessary in order to preserve, protect and maintain the public health, safety and welfare and for the further reason that it is necessary to bring the Traffic and General Offenses Codes into compliance with current State law as required by Article XVIII, Section 3 of the Ohio Constitution. NOW, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 12th day of April, 2021




Jason D. King, President of Council

ATTEST:



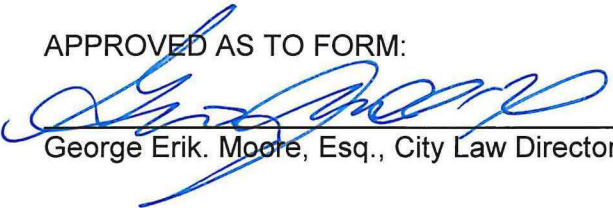
Joan S. Wurster, Clerk of Council

APPROVED April 12, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 10- 21-O

AN ORDINANCE ACCEPTING A DONATION FROM CELINA VFW POST 5713 TO THE CELINA CITY RECREATION DEPARTMENT FOR THE BRYSON POOL PARTY RENT FEE, TO PURCHASE REFEREE SHIRTS, TO SPONSOR A BASEBALL TEAM, FOR THE FALL FESTIVAL, FOR THE PUNT PASS AND KICK, AND ANY MONIES LEFT OVER OF THE DONATION TO BE USED AS THE CELINA CITY RECREATION DEPARTMENT SEES FIT SUCH AS AWARDS AND RECOGNITION AT THE END OF THE SEASON AND APPROPRIATING FUNDS.

WHEREAS, Celina VFW Post 5713 has offered a monetary donation of One Thousand Dollars (\$1,000.00) to the Celina City Recreation Department for the Bryson Pool party rent fee, to purchase referee shirts, to sponsor a baseball team, for the Fall Festival, for the Punt Pass and Kick, and any monies left over of the donation to be used as the Celina City Recreation Department sees fit such as an awards and recognition at the end of the season.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of One Thousand Dollars (\$1,000.00) from the Celina VFW Post 5713 to the Celina City Recreation Department for the Bryson Pool party rent fee, to purchase referee shirts, to sponsor a baseball team, for the Fall Festival, for the Punt Pass and Kick, and any monies left over of the donation to be used as the Celina City Recreation Department sees fit such as an awards and recognition at the end of the season.

SECTION TWO

THAT, the Celina City Council hereby directs the Auditor to appropriate One Thousand Dollars (\$1,000.00) from the unappropriated balance of the Park/Recreation Fund (224.410.5490) for the Bryson Pool party rent fee, to purchase referee shirts, to sponsor a baseball team, for the Fall Festival, for the Punt Pass and Kick, and any monies left over of the donation to be used as the Celina City Recreation Department sees fit such as an awards and recognition at the end of the season.

SECTION THREE

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 12th day of April, 2021.

Jason D. King
Jason D. King, President of Council

ATTEST:

Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED April 12, 2021.
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore
George Erik Moore, Esq., City Law Director

ORDINANCE 11-21-O

**AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN
ORDINANCE 32-20-O AS THE THIRD SUPPLEMENT TO THE 2021
ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.**

WHEREAS, the Celina Administration Building recently had water damage due to an unforeseen restroom problem; and

WHEREAS, the insurance claim funds have been received in the amount of ten thousand two hundred thirty-two dollars and thirty-one cents (\$10,232.31); and

WHEREAS, these insurance claim funds must now be appropriated to pay the expense.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **General Fund:**

CMU/Admin Bldg Incidentals (110.171.5410)	\$5,934.74
Transfer Park/Recreation (110.410.5910)	\$ 306.97

Appropriate from unappropriated balance **Park/Recreation Fund:**

Park CMU/Adm Bldg Incidentals (224.171.5410)	\$ 306.97
--	-----------

Appropriate from unappropriated balance **Electric Fund:**

Elec CMU/Adm Bldg Incidentals (661.171.5410)	\$1,944.14
--	------------

Appropriate from unappropriated balance **Water Fund:**

Water CMU/Adm Bldg Incidentals (663.171.5410)	\$1,023.23
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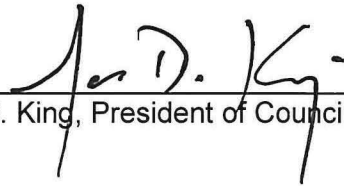
Appropriate from unappropriated balance **Waste Water Fund:**

WW Sys CMU/Adm Bldg Incidentals (666.171.5410)	\$1,023.23
--	------------

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations to pay the expense incurred from the water damage at the Celina Administration Building. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

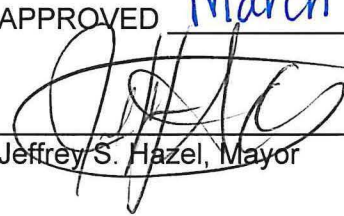
PASSED this 8th day of March, 2021



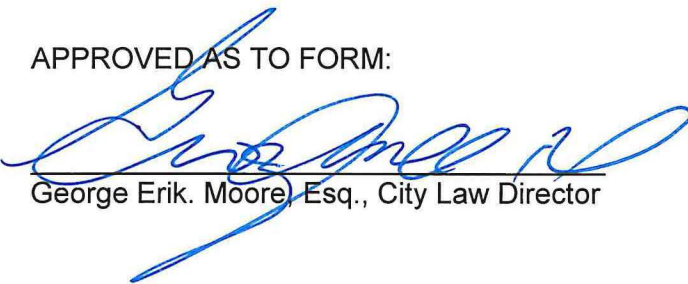
Jason D. King, President of Council

ATTEST: 

Joan S. Wurster, Clerk of Council

APPROVED March 8, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George Erik Moore Esq., City Law Director

ORDINANCE 12-21-O

**AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN
ORDINANCE 32-20-0 AS THE FOURTH SUPPLEMENT TO THE 2021
ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.**

WHEREAS, the North Grove Cemetery is in need of purchasing a new mower; and

WHEREAS, the funds to purchase this mower were budgeted in the Street Fund and must now be unappropriated from Street Fund and appropriated to the Cemetery Fund; and

WHEREAS, the Coronavirus Relief Fund has a balance of Ten Dollars (\$10.00) remaining due to the disinfection lamp shipping charge costing less than expected; and

WHEREAS, the Coronavirus Relief Fund balance of Ten Dollars (\$10.00) must now be appropriated to purchase additional mask.

WHEREAS, it has been determined that the Municipal Parking Lots are in need of replacement and/or repair, and funds must now be appropriated; and

WHEREAS, it has also been determined that there are additional Streets that are in need of repair and funds must now be appropriated; and

WHEREAS, the Office of Community Development (OCD) has approved the request to use Sixty Thousand Dollars (\$60,000.00) from its Community Development Block Grant (CDBG) Economic Development Revolving Loan Fund (RLF) to demolish the old former Stokley Building located at 509 W Fulton Street, the city qualified the project under the Slum & Blight Spot (SBS) CDBG National Objective; and

WHEREAS, the City has received bids to demolish the former Stokley Building located at 509 W Fulton Street and the owner of the Stokley Building must pay the demolition cost over and above the amount awarded in the CDBG Grant, the amount over the Grant amount is Thirteen Thousand Eight Hundred and Fifty Dollars (\$13,850.00) the payment from the owner has been received and must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Unappropriate from **Street Fund:**

Street Building/Equip Capital (221.331.5520)	- \$10,000.00
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Unappropriate from General Fund:

Transfer Street MTC/Rep (110.331.5910)	- \$10,000.00
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Appropriate from unappropriated balance **General Fund:**

Transfer Cemetery Fund (110.450.5910)	\$10,000.00
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Appropriate from unappropriated balance **Cemetery Fund:**

Cemetery – Capital (220.450.5520) \$10,000.00

Appropriate from unappropriated balance **Coronavirus Relief Fund:**

Coronavirus Relief Fund - Expenses (260.110.5550) \$ 10.00

Appropriate from unappropriated balance **Street Cons Maint/Repair Fund:**

Street MTCE/Rep Material (221.331.5330) \$200,000.00

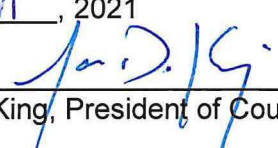
Appropriate from unappropriated balance **General Fund:**

Refunds/Reimbursements/Misc (110.190.5960) \$ 13,850.00

SECTION TWO


THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22nd day of March, 2021




Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

APPROVED March 22, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 13-21-O

AN ORDINANCE AMENDING ORDINANCE 69-01-O TO CHANGE THE ZONING CLASSIFICATION OF A PORTION OF PROPERTY OWNED BY HENRY HOSKINS (WELDTEC LTD) FROM R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT TO M-1 MANUFACTURING DISTRICT.

WHEREAS, Celina City Council passed Ordinance 69-01-O on December 17, 2001, amending the zoning map portion of the Zoning Ordinance, a copy of which is attached hereto as Exhibit A and fully incorporated herein; and

WHEREAS, an application for Zoning Change or Amendment has been received from Henry Hoskins (WeldTec LTD) to change the zoning classification of 325 Leona Street from R-2 Medium Density Residential District to M-1 Manufacturing District; and

WHEREAS, the City Planning Commission met on February 18, 2021 to review this proposed change and hereby recommends the zoning district classification be changed from R-2 Medium Density Residential District to M-1 Manufacturing District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the zoning classification of the property located at 325 Leona Street be changed from R-2 Medium Density Residential District to M-1 Manufacturing District as defined in Ordinance 26-99-O, a copy of which is attached as Exhibit B and fully incorporated herein.

SECTION TWO

THAT, the Clerk of Council did initiate the proper procedures in publishing the date of the public hearing, the notification of hearing date to affected property owner, a copy of the Ordinance was on file for public examination, and that a public hearing was held by City Council in its chambers on the 26th day of April, 2021.

SECTION THREE

THAT, Council, upon considering the application for Zoning Change or Amendment and the recommendation of the City Planning Commission and conducting a public hearing, finds that in order to promote the public health, safety, convenience, comfort, prosperity, and general welfare, it is in the best interests of the City of Celina, Ohio to rezone the property as petitioned and as described in Section One.

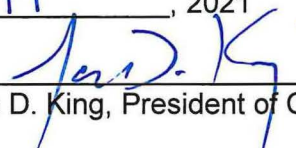
SECTION FOUR

THAT, the official Zoning Map of the City of Celina be amended and that the proper persons be notified to make this classification change to the Map.

SECTION FIVE

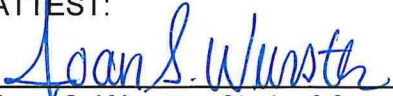
NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 26th day of April, 2021



Jason D. King, President of Council

ATTEST:

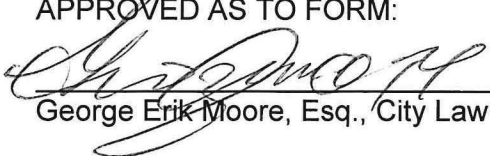


Joan S. Wurster, Clerk of Council

APPROVED  April 26, 2021

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE NO. 69-01-O

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE
ZONING ORDINANCE NO. 26-99-O.

WHEREAS, the City of Celina desires to update its Zoning District Map; and

WHEREAS, the City Planning Commission of Celina, Ohio has recommended changes to the zoning district map at their October 16, 2001 meeting; and

WHEREAS, the City Council of Celina held a public hearing on November 26, 2001, following the required 30-day notice.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT Attachment A is hereby the Zoning District Map for the City of Celina, and made part of this Ordinance.

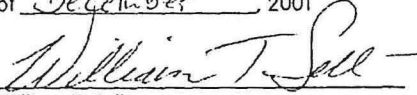
SECTION TWO

THAT any prior versions of the Zoning District Map are hereby repealed.

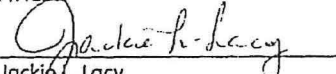
SECTION THREE

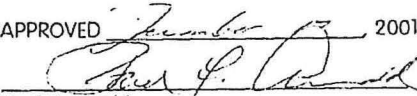
THAT this Ordinance shall become effective upon its passage and approval by Council at the earliest period allowed by law.


PASSED this 17 day of December, 2001


William T. Sell
President of Council

ATTEST:


Jackie L. Lacy
Clerk of Council

APPROVED December 17, 2001

Paul F. Arnold
Mayor

APPROVED AS TO FORM

Kevin M. McKirnan
City Law Director

I, Jackie Lacy, hereby certify that the foregoing is a true and correct copy of Ordinance 69-01-O, passed by Celina City Council on _____ and approved by the Mayor _____ and which was duly published according to law in the Daily Standard on _____ and _____.

Clerk of Council

**ZONING ORDINANCE No. 26-99-0
OF THE CITY OF CELINA, OHIO**

An Ordinance to adopt and enact zoning and related provisions, and to repeal Ordinances in conflict therewith. This Ordinance consolidates all zoning and related provisions for the purpose of regulating, restricting and limiting in the interest of the public health, safety, convenience, comfort, prosperity and general welfare of the City of Celina, Ohio, the uses and location of buildings and other structures and the uses of premises, and divide the City into districts. This Ordinance also provides the method of administration and enforcement, and prescribes the penalties for the violation of the these provisions.

WHEREAS, the City of Celina desires to update its Zoning Code, and

WHEREAS, the City Planning Commission of Celina, Ohio has recommended the following regulations be adopted at their June 24, 1999 meeting, and

WHEREAS, the City Council of Celina held a public hearing on August 9th, 1999 following the required 30 day notice;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CELINA, OHIO:

SECTION ONE

THAT the following is hereby the Zoning Code of the City of Celina along with the attached map.

**CHAPTER 1141
GENERAL PROVISIONS**

- 1141.01 **PURPOSE**
For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements and lessening or avoiding congestion on public streets and highways, this Zoning Ordinance is established.
- 1141.02 **TITLE**
Chapter 1141 through 1199 and the Zoning District Map which accompanies this ordinance shall together be known and cited as the Zoning Ordinance.
- 1141.03 **INTERPRETATION AND CONFLICT**
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Wherever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall govern.
- 1141.04 **COMPLIANCE WITH REGULATIONS**
 - A. No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located except as hereinafter provided.
 - B. No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located, except where such usage was in existence and permitted prior to the passage of current zoning regulations.
 - C. No yard or other open space existing adjacent to any building or structure shall be reduced in area or dimension to less than the minimum required by the Zoning Ordinance.
 - D. No lot at the time of the effective date of the Zoning Ordinance shall be reduced or subdivided in any manner below the minimum area and yard provision as required by the Zoning Ordinance.
 - E. Uses not specifically listed or interpreted to be included categorically under the Uses Sections of the District Chapters shall not be permitted except by Amendment to the Ordinance.
- 1141.05 **SEPARABILITY**
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**CHAPTER 1142
DEFINITIONS**

- 1142.01 **DEFINITIONS**
For the purpose of the Zoning Ordinance certain terms and words are defined as follows. Except where specifically defined, all words used in the Zoning Ordinance shall carry their customary meanings.
 - 1. "Agriculture" means farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and limited processing and sale of agricultural products from land under same ownership.

2. "Alley" means a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
3. "Animal Hospital and Clinic" means a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits, and birds by a veterinarian.
4. "Assisted Living Facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
5. "Automotive Filling Station" means any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
6. "Automotive Services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles and commercial carwashes.
7. "Automotive Sales" means the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
8. "Basement" means a story having part but not more than one-half of its height above grade and used for storage, garages for use of occupants of the building, or other active use for the rest of the building.
9. "Bed and Breakfast Establishment" means any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, are provided for compensation.
10. "Board" means the Board of Zoning Appeals of Celina, Ohio.
11. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
12. "Building and Related Trades" means a building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.
13. "Building, Front Line of" means the line of that face of the building nearest the front line of the lot. This line does not include uncovered steps or handicapped access ramps.
14. "Building Lot" means any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately but shown on the county's tax maps as owned by the same owner.
15. "Building, Height of" means the vertical distance from the average grade level along the front building line to the highest point of the building or structure.
16. "Building, Principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.
17. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including crematories, mausoleums and mortuaries, if operated in connection with, and within the boundaries of, such cemetery.
18. "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with room or board nor kept overnight on the premises.
19. "Club" means a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
20. "Commercial School" means a facility, operating for profit, providing a curriculum of continuing academic instruction including vocational and technical courses.
21. "Commission" means the Celina Planning Commission.
22. "Commercial Entertainment Facilities" means any activity which is generally related to the entertainment field, such as motion picture theaters, night clubs, and similar entertainment activities and excluding taverns.
23. "Community Development Project" means any development of land for industrial, commercial or residential purposes, or a combination of these uses, provided they are functionally integrated, to attain an improved character of development that conforms to the purpose and intent of the Zoning Ordinance.
24. "Council" means the City Council of Celina, Ohio.
25. "Day Care Facility" means a building or structure where daytime care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes Child Care Facilities which address and pertain to the care of children up to and throughout school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.
26. "Days" means calendar days unless stated otherwise.
27. "Design Review District" means a portion of the territory of the City, within which special requirements and regulations established under the Design Review District provisions of this Ordinance are applied. Design Review Districts are established by Council and identified on the Zoning Map.
28. "Design Review Commission" means a commission established under the Design Review District provisions of this Ordinance.
29. "District" means a portion of the territory of the City, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
30. "Drive-In Commercial Uses" means any retail commercial use serving primarily vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks and drive thru convenience stores.

31. "Dwelling" means any building or portion thereof which is designated for or used for residential purposes.
32. "Dwelling, Efficiency Apartment" means a dwelling unit in a multi-family building without a separate distinct room for sleeping.
33. "Dwelling, Multi-Family" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.
34. "Dwelling, Permanently Sited Manufactured Home" means a building manufactured in an off-site facility designated for or occupied exclusively by one family that meets all of the following criteria:
 - a. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
 - b. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
 - c. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
 - d. The structure was manufactured after January 1, 1995;
 - e. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.
35. "Dwelling, Single-Family" means a building designated for or occupied exclusively by one family, including Permanently Sited Manufactured Homes as defined herein.
36. "Dwelling, Three Family" means a building designated for or occupied exclusively by three families.
37. "Dwelling, Two-Family" means a building designated for or occupied exclusively by two families.
38. "Educational Institution" means a facility that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary schools, junior high schools, high schools and technical and collegiate level courses.
39. "Essential Services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of facilities which are necessary for furnishing adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
40. "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a hotel, as herein defined.
41. "Financial Institution" means any building, property or activity of which the principal use or purpose is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.
42. "Food Processing" means the preparation or processing of food products excluding restaurants, for wholesale distribution.
43. "Frontage" means all of the property between a street and the front building line. The front boundary line of a lot is the line that abuts on a street, and includes its length.
44. "Funeral Home" means any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
45. "Grain Elevators and Feed Mill" means a building, structure or premises used for the storage and retail sales of grain and other related agricultural supplies and products.
46. "Group Home" means any licensed residential facility designed to allow not more than eight (8) persons, needing specialized care, counseling, on-going medical treatment or supervision to live in the same building or complex of buildings and engage in some congregative activity in a non-institutional environment.
47. "Home Occupation" means any occupation, profession, activity or use which is accessory to the principal use of the premises and is conducted by a resident occupant which does not alter the interior of the property or affect the residential character of the neighborhood.
48. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
49. "Hotel/Motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and possibly providing as an accessory use additional facilities such as restaurants, meeting rooms and recreational facilities.
50. "Institution" means buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.
51. "Interior Lot Line" means any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.
52. "Junk Storage and/or Sales; Salvage Operation" means any lot, land or structure or part thereof used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof.
53. "Land Use Plan" means the long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.
54. "Loading Space" means a space within the main building or on the same lot therewith providing for the loading or unloading of trucks.
55. "Lock and Store (or Store and Lock) Warehousing" means a building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for the storage of customer goods or wares.

56. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one principal building together with accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a street.
57. "Lot Coverage" means the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.
58. "Lot of Record" means any lot which, individually or as a part of a subdivision, has been recorded in the office of the County Recorder.
59. "Lot, Minimum Area Of" means the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
60. "Lot Width" means the width of a lot at the building setback line measured at right angles to its depth. The lot width of lots on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve describing the required depth of front yard.
61. "Lot - Outlot" means a lot associated with larger development plan where the primary parcel defines the development. The development on outlots must conform, in use type, to the primary site development. Outlots may be deeded separately from the primary parcel, but can be considered part of the overall development. In site plan reviews, these lots shall be considered as part of the overall site development. In a shopping center, or in a B-3 zone, it is a lot that is owned and/or developed separately from the shopping center and has its own access drives, parking, and signage.
62. "Manufacturing" means the mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.
63. "Mineral Extraction, Storage and Processing" means any mining, quarrying or processing of limestone, shale, clay, coal or other minerals.
64. "Mixed Use" means a combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Planning Commission, in the same building or on the same premises.
65. "Mobile Homes or Trailers" means any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
66. "Mobile Home Parks" means an area manifestly designed for rent or lease of mobile home lots in a safe, sanitary and desirable manner as described in Chapter 1180.
67. "Nursing Home" means a building, group of buildings or licensed facility, public or private, which provides full-time personal care or nursing to the ill, physically infirm or aged persons who are not related by blood or marriage to the operator.
68. "Office" means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
69. "Off-Street Parking Space" means any parking space located wholly off any street, alley or sidewalk either in an enclosed building or on an open lot.
70. "Overlay District" means the portion of the territory of the City, within which special requirements and regulations established under the Overlay District provisions of this Ordinance are applied. Overlay Districts are established by Council and identified on the Zoning Map.
71. "Personal Services" means any enterprise conducted for gain which serves primarily personal needs of the general public such as shoe repair, watch repairing, barber shop, beauty parlors, and similar activities.
72. "Petroleum Refining and Storage" means a facility designed to separate and remove impurities from oil or gas and store such fuels for distribution.
73. "Planning Commission" means the Celina Planning Commission.
74. "Public Service Facility" means the erection, construction, alteration, operation or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.
75. "Public uses" means public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.
76. "Public Recreation" means recreational facilities developed, used and/or maintained by public agencies for use by the public.
77. "Recreational facilities, commercial" means recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, boat docks, fishing piers, boat launching, race tracks, amusement parks, carnivals, food concessions as an accessory use, and similar commercial enterprises.
78. "Recreational facilities, noncommercial" means private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
79. "Religious places of worship" means an institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denominations are held.
80. "Restaurant" means an establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers.

81. "Restaurant, fast food" means an establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
82. "Retail Business" means any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.
83. "Retail neighborhood business" means small retail commercial establishments catering primarily to nearby residential areas providing convenience goods and services, including but not limited to, small grocery stores, pharmacies, barber shops, beauty salons and coin-op Laundromats.
84. "Scientific research facility" means a building or buildings in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.
85. "Semi-public buildings" means churches, Sunday schools, private and parochial schools, hospitals and other institutions of a charitable, educational or religious nature.
86. "Shopping center" means a grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking and loading as an integral part of that unit.
87. "Story" means that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters, or if one-half of its volume is above the average level of the adjacent ground.
88. "Street Line, Right-of-Way Line" means a dividing line between a lot, tract or parcel of land and contiguous street.
89. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.
90. "Structural Alterations" means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
91. "Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
92. "Transport Trucking Terminal" means any business, structures or premises which primarily receives or distributes goods by tractor trailer or other similar vehicle.
93. "Use" means the purpose for which land, a building or structure is arranged, designed, or intended, or for which either land, a building or structure is, or may be, occupied or maintained.
94. "Use, Accessory" means a use, building or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
95. "Use, conditional" means a use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission.
96. "Use, Non-Conforming" means any building, structure, or premises legally existing or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
97. "Use, Principally Permitted" means a use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Ordinance.
98. "Variance" means a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Zoning Ordinance would prohibit the reasonable use of the land.
99. "Warehousing" means a building or facility that stores commodities in large quantities for distribution to retail, wholesale or manufacturing businesses.
100. "Wholesale Business" means an establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.
101. "Yard" means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
102. "Yard, Front" means a yard between the front building line and the right-of-way line of the fronting street. In case of a lot that fronts more than one street, the yard abutting the street named in the property address shall be considered the front yard.
103. "Yard, Rear" means a yard extending across the full width of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches. In the case of a lot that fronts more than one street, the yard opposite the front yard shall be considered the rear yard.
104. "Yard, Side" means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereto.

- 105. "Zoning Certificate" means the document issued by the Zoning Inspector authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
- 106. "Zoning Map" means the Zoning District Map or Maps of the City, together with all amendments subsequently adopted.
- 107. "Zoning Inspector" means the Safety Service Director of the City or his designee.
- 108. "Zoning Permit" shall be synonymous with Zoning Certificate, and these two terms shall be considered one and the same where listed within this Ordinance.

**CHAPTER 1143
ADMINISTRATION**

1143.01 PURPOSE

This Ordinance sets both the powers and duties of the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals, and The Design Review Commission with respect to the administration of the provisions of this Ordinance.

1143.02 RESPONSIBILITIES OF THE ZONING INSPECTOR

The Zoning Inspector shall have the following responsibilities and powers:

- A. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- B. Receive, review and make determinations on applications for zoning permits.
- C. Issue zoning certificates and other certificates and permits as provided by this Ordinance, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Ordinance.
- E. Make determinations as to whether violations of this Ordinance exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Ordinance.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Ordinance.
- G. Maintain permanent and current records required by this Ordinance, including, but not limited to, the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the City Council, Planning Commission, the Board of Zoning Appeals and to the public.
- H. Revoke a certificate or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the application.
- I. The Zoning Inspector shall be responsible for the collection and deposit of all fees for credit to the General Revenue Fund of the City.

1143.03 RESPONSIBILITIES OF THE PLANNING COMMISSION

The Planning Commission shall have the following responsibilities and powers as they relate to this Ordinance:

- A. Initiate by recommendation to City Council, Official Zoning Map changes, or changes in the text of the Ordinance where such changes will promote the best interest of the public in general.
- B. Review all proposed amendments to the text of this Ordinance and the Official Zoning Map and make recommendations to the City Council.
- C. Review all conditional uses as identified in the respective zoning districts according to provisions and criteria stated in this Ordinance.
- D. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.
- E. Review and act on site plans pursuant to the provisions and criteria stated in this Ordinance.
- F. Review and act upon requests for substitution or enlargement of nonconforming uses as set forth in Chapter 1150.

The Planning Commission shall also have the responsibilities as set forth in Chapter 145 of the Codified Ordinances of the City.

1143.04 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following responsibilities and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will prohibit reasonable use of the property and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Hear and rule on appeals taken on the basis of a decision rendered by the Planning Commission or Design Review Commission.

The Board of Zoning Appeals may call on the several city departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board of Zoning Appeals as may reasonably be required.

1143.05 RESPONSIBILITIES OF THE DESIGN REVIEW COMMISSION

The Design Review Commission shall have the following responsibilities and duties.

- A. Review and approve, or deny, all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in 1148.04 of this Ordinance.
- B. Work to increase the public awareness of the significance of the District.
- C. Encourage property owners within the District to initiate changes, which will enhance the significance of the District.
- D. Receive, send, and account for any funds, which it may legally receive from any source, for the purpose of carrying out the provisions of this Ordinance.
- E. Contract, as needed and as allowed by funding availability, technical experts to fulfill the provisions of this Ordinance.
- F. Keep minutes and records of all meetings and proceedings, including records of voting, attendance, resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
- G. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.

**CHAPTER 1144
ENFORCEMENT**

1144.01 ZONING INSPECTOR

It shall be the duty of the Zoning Inspector to administer and enforce the Zoning Ordinance. It shall also be the duty of all officials and employees of the Municipality to assist the Zoning Inspector by reporting to him new construction, reconstruction or land uses or apparent violations.

Appeals from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Section 1153.

1144.02 ZONING CERTIFICATES

The following shall relate to Zoning Certificates:

- A. It shall be unlawful for an owner to use or to initiate construction or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform to all the requirements of the Zoning Ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of the Zoning Ordinance. All Zoning Certificates shall expire one year after their issuance unless construction has reached fifty percent (50%) of completion.
- B. Upon written request from the owner, or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of the Zoning Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of the Zoning Ordinance. No charge shall be made for issuing a Zoning Certificate in accordance with this subsection.
- C. The Zoning Inspector must refer to the requirements of O.R.C. Section 5511.01 before any zoning action is approved near a proposed new state highway or a state highway for which changes are proposed. Any land within 300 feet of such highway, or within 500 feet of any proposed state highway intersection work, is affected. Notice is to be sent to the Director of the Ohio Department of Transportation.

1144.03 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED

A Zoning Certificate shall be required for any of the following, except as herein provided:

- A. Construction, or structural alteration increasing the square footage of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a nonconforming use.
- F. A Zoning Certificate may be required for all lawful nonconforming uses of land or buildings created by adoption of the Zoning Ordinance or any amendments thereto.

1144.04 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES

The following shall apply to the issuance of Zoning Certificates:

- A. A complete written application shall be made for a Zoning Certificate for the construction of a new building or the alteration of an existing building. Such Certificate shall be issued within ten (10) business days after a written request for the same has been made to the Zoning Inspector or his agent, provided the construction or alteration is in conformity with the provisions of the Zoning Ordinance.
- B. Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of the Zoning Ordinance, the certificate shall be issued within ten business days after the application for same has been made.
- C. Every application for a Zoning Certificate shall be accompanied by a plot plan, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be

erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

1. Each plan shall show:
 - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - b. The name of the subdivision, if any, and the lot numbers of the subject property and abutting properties.
 - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - d. The location and size of the proposed structures, and/or the proposed enlargement of the existing structure.
 - e. Any other information which, in the judgment of the Zoning Inspector, may be necessary to provide for the enforcement of the Zoning Ordinance.
 2. The plan shall include statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 3. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
 4. Each application shall bear a statement acknowledging that all construction will be done in compliance with the Construction Standards of the City of Celina and any applicable building codes.
 5. Each property owner, or authorized agent, shall be required to attest to the correctness of the statements and data furnished with the application.
 6. A file of such applications and plans shall be kept in the office of the Zoning Inspector.
- D. The Zoning Inspector shall not issue a Zoning Certificate for any application requiring any of the following:
1. A Conditional Use Approval as established in Chapter 1145;
 2. Site plan review as required in Chapter 1146;
 3. An Overlay District Site Development Plan as required under Chapter 1147;
 4. A Certificate of Approval as required under Chapter 1148, Design Review District.
 5. A permit for the enlargement or substitution of a nonconforming use, as required in Chapter 1150.
- Unless the application has been returned to the Zoning Inspector from the primary review bodies with instructions to issue.
- In cases where more than one of the additional approvals listed above are required for a project, the order of submissions shall be:
- a) Design Review District Certificate of approval
 - b) All Planning Commission action (Conditional Uses, Overlay District Site Development Plan Review, Site Plan Review and Nonconforming Uses)
 - c) Board of Zoning Appeals (Variances and Appeals).
- E. Fees: The City Council shall by Ordinance, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use approvals, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the City Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

1144.05 **NONCOMPLIANCE**
Situations of noncompliance with the provisions of this Ordinance shall be remedied as outlined in Chapter 1199, "Violations, Remedies and Fees".

CHAPTER 1145 CONDITIONAL USES

1145.01 **CONDITIONAL USES**
The Planning Commission may authorize, upon application, conditional uses as delineated in this Chapter. Such conditional use requests shall conform to the procedures and requirements of this Chapter.

1145.02 **APPLICATION FOR CONDITIONAL USE APPROVAL**
An Application for Conditional Use Approval shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such conditional use is proposed. The application shall be signed by the owner or applicant attesting to the accuracy of all information supplied in the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of the owner of record and applicant;
- B. A boundary survey of the said property;
- C. Description of existing use;
- D. Present zoning district;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such information as the Zoning Inspector may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;

- G. A statement and supporting documentation describing how the applicant believes the request conforms to the standards for conditional uses listed in Section 1145.03; and
- H. An application filing fee as established by Council;
- I. The Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable.

1145.03 GENERAL STANDARDS FOR CONDITIONAL USES

In addition to specific requirements for conditionally permitted uses that may be specified in the district use regulations, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Shall be in accordance with the general objectives of this Ordinance;
- B. Shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- C. Shall not be hazardous or disturbing to neighboring uses;
- D. Shall be served adequately by essential public facilities and services;
- E. Shall not be detrimental to the economic welfare of the community;
- F. Shall not involve uses, activities, processes, material, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- G. When reviewing public service facilities, the adequacy and availability of existing services shall be considered.

The Planning Commission shall have the authority to modify the requirements of a conditional use.

1145.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1145.05 NOTICE TO PARTIES OF INTEREST

Written notice shall be mailed by the Planning Commission by first class mail at least seven days before the date of the hearing to the members of Planning Commission and all property owners within 150 feet in any direction of the property upon which an application for a conditional use approval has been filed. The notice shall contain the location of the property, nature of the proposed conditional use, and the time and place of the meeting. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission.

1145.06 ACTION BY THE PLANNING COMMISSION

Within thirty (30) days after their original consideration of a conditional use application, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1145.04, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions specified by the Planning Commission for approval.

1145.07 APPEALS

Appeals from the Planning Commission for conditional uses shall be made to the Board of Zoning Appeals pursuant to Section 1153.

1145.08 EXPIRATION OF CONDITIONAL USE APPROVAL

A conditional use approval shall be deemed to authorize only one particular conditional use and such approval shall automatically expire if, for any reason, the conditional use has ceased by discontinuance or abandonment for a period of more than one year.

**CHAPTER 1146
SITE PLAN GUIDELINES STANDARDS**

1146.01 APPLICABILITY

In order to administer the provisions of this Zoning Ordinance and to evaluate site plans in the interest of the public health, safety and general welfare, this Chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

When Existing Structure is....	A Substantial Expansion is....
--------------------------------	--------------------------------

0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

Furthermore, no building shall be erected or structurally altered on any lot or parcel in cases where a site plan review is required, except in accordance with the regulations of this section and an approved site plan. No Zoning Certificate shall be issued prior to the approval of a site plan.

1146.02

CONTENTS OF SITE PLAN

Before a permit is issued for construction, one copy of the site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Zoning Inspector setting forth, identifying and locating the following:

- A. The total area in the development.
- B. The existing zoning of the subject property and all adjacent properties.
- C. All public and private right-of-way and easement lines located on or adjacent to the property.
- D. Existing topography with a maximum of five (5) foot contour intervals.
- E. The proposed finished grade of the development shown by contours not larger than one (1) foot.
- F. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
- G. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
- H. All sidewalks and other open areas.
- I. Location of all walls, fences, and buffer yards.
- J. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
- K. Location of all existing streets, highways and alleys.
- L. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
- M. The schedule of phasing of the project.

Such other information as required by the Planning Commission to determine the conformance with this Ordinance.

1146.03

SITE PLAN REVIEW GUIDELINES

The following principles shall guide the exercise of site planning review by the Planning Commission:

- A. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
- B. Buildings and open spaces shall be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
- C. A site that has an appearance of being congested, over built or cluttered can evolve into a blighting influence and therefore such shall not be congested, over built or cluttered.
- D. Open spaces shall be linked together.
- E. Natural separation shall be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal shall be kept to a minimum.
- F. Screening of intensive uses shall be provided by utilizing landscaping, fences or walls to enclose internal areas.
- G. Buildings shall be sited in an orderly, non-random fashion. Long, unbroken building facades shall be avoided.
- H. Short loop streets, cul-de-sacs and residential streets shall be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- I. Pedestrian circulation in nonresidential areas shall be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking shall be located as near as possible to the entrance of the structure. Pedestrian and vehicular circulation shall be separated as much as possible through crosswalks designated by pavement markings, signage, or grade separation.
- J. Path and sidewalk street crossings shall be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
- K. Parking lots and garages shall be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there shall be a sharing of curb cuts by more than one facility. Parking areas shall be screened and landscaped and traffic islands shall be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
- L. Drive through establishments, such as restaurants and banks, shall be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations, or overflow onto streets.

1146.04

ACTION BY PLANNING COMMISSION FOR SITE PLAN REVIEW

Upon submission of the complete application for site plan review to the Zoning Inspector, the application shall be transmitted to the Planning Commission for review pursuant to Section 1146.03, "Site Plan Review Guidelines". Notice of all public meetings shall be given as required by State law, and the Planning Commission may hold a public hearing on any site plan review application.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Zoning Inspector. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of

the Planning Commission present at a meeting thereof may vote to extend the review period up to an additional sixty (60) days.

- 1146.05 **APPEALS**
Appeals of determinations by the Planning Commission regarding site plans shall be made to the Board of Zoning Appeals.

**CHAPTER 1147
OVERLAY DISTRICTS**

- 1147.01 **PURPOSE**
An Overlay District is intended to provide for and promote orderly growth in certain areas in the City designated as having distinctive, scenic, or unique characteristics and importance. Within these Districts, localized actions are implemented for the protection, preservation and enhancement of these unique and natural assets to the community.

- 1147.02 **APPLICABILITY**
- A. An Overlay District is established by City Council, superimposed in specific areas over the existing Zoning Map, where:
 - 1. Zoning districts indicate incompatibility of use; and
 - 2. Any plans adopted by the City for that area are furthered by the use of this type of district.In establishing these Districts, Council shall outline the various ways in which the general regulations of this Ordinance are to be supplemented and/or modified within the described district.
 - B. All regulations in the Code for the underlying district shall apply until a site development plan is approved.
 - C. Upon approval of a site development plan, development and use of the property shall be in accordance with the plan.

- 1147.03 **PERMITTED BUILDINGS, USES AND OTHER REGULATIONS**
- A. **Principally Permitted Buildings and Uses**
Those buildings and uses principally permitted in the underlying district shall be permitted in accordance with all applicable regulations of that underlying district, and subject to the additional specific restrictions on development and use the Overlay District imposes.
 - B. **Accessory Buildings and Uses**
Accessory buildings and uses shall be permitted if approved by the Planning Commission as being consistent with the purposes and provisions of this Chapter.
 - C. **Access Management**
As parcels within the Overlay Districts are purchased, consolidated and redeveloped, access management must be implemented to control the number of curb cuts to improve vehicular and pedestrian circulation and safety.
 - 1. All new nonresidential development within an Overlay District shall require a Traffic Impact Study to determine any thoroughfare improvements which may be required from the impact of the new development.
 - 2. Where deemed necessary by the City Engineering Department, from the review of the Traffic Impact Study, a frontage road may be required for certain developments/redevelopments.
 - 3. When two or more parcels are developed or redeveloped under the same owner or as part of the same development, all curb cuts shall be consolidated into one ingress/egress as indicated on the site plan and as approved by the City Engineering Department.
 - D. **Building and Use Requirements**
The main and accessory buildings shall meet the regulations of any district in which such buildings or uses would be permitted. If the main and accessory buildings are not permitted in the underlying district, they shall conform to the regulations of the nearest district to the site within which they are allowed. Additionally they shall meet the following:
 - 1. All the requirements established by the Planning Commission and Council pursuant to the purposes and provisions of this Chapter;
 - 2. The conditions and demands of any adopted plan affecting the district; and
 - 3. The details of the site development plan.
 - E. **Landscaping and Streetscaping**
Plans shall include landscaping and buffering as part of the plan review process.

- 1147.04 **STANDARDS FOR REVIEW AND APPROVAL**
- A. The use of property in the Overlay District, in accordance with a site plan (pursuant to the requirements of Chapter 1146 of this Ordinance), shall be permitted only if the proposed site development plan, by its nature, or by reason of the controls imposed by the Planning Commission and Council:
 - 1. Is not an adverse influence on any abutting or surrounding properties;
 - 2. Provides for an orderly transition and promotes compatibility between districts;
 - 3. Is in full compliance with the purposes of this Zoning Ordinance and this Chapter;
 - 4. Furthers and conforms to the goals of the Celina Land Use Plan as adopted by the City; and
 - 5. Is designed to maximize the public interest and private benefit in a balanced manner.It is the responsibility of the developer to demonstrate compliance with each of the above stated standards.

- B. The following factors or characteristics, along with other requirements imposed by the Planning Commission for such use, consistent with the provisions of this Chapter shall be considered in assessing a proposed site development plan:
 - 1. Permitted types of use(s);
 - 2. Intensity of use in terms of:
 - a. Density, floor area or impervious surface ratio (I.S.R.);
 - b. Traffic impacts; or
 - c. Other environmental impacts such as noise, light, pollution, etc.;
 - 3. Functional and aesthetic compatibility with existing or proposed development:
 - a. Landscaping and buffering of the site; and
 - b. Compliance with the development goals of an adopted plan for the City or that area of the City.
- C. To secure the application of all relevant standards to the development of the Overlay District, the Planning Commission shall recommend:
 - 1. Front, side and rear yard requirements, density requirements, height and bulk of building requirements and intensity of use;
 - 2. The use of materials or designs in the erection of structures which shall minimize the adverse impact of the uses proposed by the development plan on neighboring properties;
 - 3. Permits or variances for docks, business signs, outdoor storage, parking spaces, loading docks and driveways;
 - 4. The screening or setting aside areas of land to serve as a buffer of the proposed use in the Overlay District from adjacent properties by walls, fences, landscaping or open spaces; and
 - 5. Such additional conditions and limitations on use, building dimensions, open spaces and the like as may be deemed necessary to carry out the intent of this Chapter and this Zoning Ordinance.
- D. All the powers exercised pursuant to 1147.01 through 1147.05 shall serve the objectives to create orderly transitions between districts, to minimize adverse impacts of one district upon the other, and to promote the development of property in the Overlay District.

1147.05 SUBMISSION AND REVIEW OF SITE DEVELOPMENT PLANS

- A. **Site Development Plans Required**
Site Development Plans shall be required for all new development within the Overlay Districts and for substantial redevelopment where 35% or more of the site is altered or reconstructed.
- B. **Site Development Plan Review Fees**
Fees and deposits shall be paid according to the provisions of Chapter 1199, Violations, Remedies, and Fees. The appropriate deposit shall be made at the time of submission of plans.
- C. **Submission of Site Development Plans**
Site plans shall be submitted to the Planning Commission by the applicant at least two (2) weeks prior to its meeting. Plans incomplete or filed late may not be accepted for review by the Commission at its meeting.
- D. **Site Development Plan Reviews**
Upon receipt of the development plans, copies shall be distributed to the following for their review: the Zoning Inspector, the Law Director, the Engineering Department, and any planner or consultant the Commission feels is necessary for technical input.
The respective individuals or agents should report back to the Commission with their notations and recommendations within the two (2) weeks. The Planning Commission may hold the plan for thirty (30) days after receipt of the plan, to receive any of the above reports. This period may be extended by written notice to the applicant by the Commission.
- E. **Site Development Plan Evaluation by Planning Commission**
After the site development plan has been filed with the Commission, it shall be evaluated in accordance with the standards set forth in this Chapter and the requirements of the Overlay District. If the plan corresponds to the requirements set forth in this Chapter and those of the Overlay District, the Commission shall incorporate it as part of the zoning permit and endorse the permit for approval.
- F. **Plan Changes Following Approval**
Once approved, no changes are to be made to an approved plan without the plan approval being forfeited unless the following procedure is followed:
The holder of any approved plan may request an amendment to their plans, and such request shall be submitted to the Planning Commission. The Commission may approve minor departures to the plan through written notice to the applicant. If the Commission believes the amendment represents a departure from the intent of, or a major departure from the substance of the site development plan, then such amendment shall be subject to the same conditions and procedures of approval as the original application. For the purpose of this Section, a "major departure from the substance of a site development plan" shall include, but not be limited to, the addition of a use not included in the approved site development plan.
- G. **Board of Zoning Appeals Review**
If the site development plan is not approved, the applicant shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner as rejection of any zoning permit application.
- H. **Following Final Approval**
Following the final approval of a site development plan, the Zoning Inspector shall be notified, and once all fee payments are satisfied a permit or permits shall be issued based on the plan and amendments.

CHAPTER 1148

DESIGN REVIEW

- 1148.01 PURPOSE**
Due to the unique, natural, architectural, and historical characteristics exhibited within the City of Celina and the desire to provide a sense of cohesiveness in certain areas, a Design Review District may be established to aid in this pursuit. The Design Review District will permit the City to provide additional standards and regulations, through review of development and redevelopment projects within these districts, to accomplish the aforementioned purposes.
- 1148.02 ESTABLISHMENT OF DISTRICT BOUNDARIES AND DESIGN REVIEW COMMISSION**
The establishment of district boundaries and the Design Review Commission shall be as follows:
- A. Council may establish districts as part of the official zoning map where design review is required as per Chapter 1148. The procedures established under Chapter 1157 shall be followed for the establishment of these districts.
 - B. A Design Review Commission shall be established for each Design Review District. It shall consist of five (5) members, all residents of the Municipality appointed by the Mayor and subject to approval of Council. The terms shall be for four (4) years with two of the initial members being appointed to two (2) year terms. Members may be reappointed. One member shall be a property owner or resident of the design review area. All members shall have, to the highest extent possible, a recognized knowledge of, or known interest in, historic preservation, architectural, or design disciplines. At least one member shall have a professional background in architectural, engineering, contracting, or other similar construction/design profession. The Commission shall adopt its own rules of procedure consistent with this Ordinance.
 - C. The duties of the Design Review Commission are to:
 1. Review and approve or deny all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in Section 1148.04 of this Chapter.
 2. Work to increase the public awareness of the significance of the district.
 3. Encourage property owners within the district to initiate changes which will enhance the significance of the district.
 4. Receive, send and account for any funds which it may legally receive from any source for the purpose of carrying out the provisions of this Ordinance.
 5. Contract, as needed and as allowed for by funding availability, technical experts to fulfill the provisions of this Ordinance.
 6. Keep minutes and records of all meetings and proceedings, including records of voting, attendance resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
 7. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.
- 1148.03 CERTIFICATE OF DESIGN REQUIRED**
No new construction or exterior alteration shall be made to any property within the Design Review District until a Certificate of Design Approval has been issued by the Design Review Board. No Zoning Certificate shall be issued for any site improvement, signs, construction, reconstruction, alteration or demolition of any structure new or hereafter in a Design Review District, unless a Certificate of Design Approval has been issued.
- 1148.04 PROCEDURE FOR CERTIFICATE OF DESIGN APPROVAL**
- A. The application for a Certificate of Design Approval shall be made on such forms as prescribed by the Zoning Inspector not less than eleven (11) days prior to the meeting of the Design Review Commission and shall include the following data:
 1. Two (2) complete sets of drawings and supplemental specifications, indicating the building or structure exactly as it is proposed to be built. Additional sets may be requested. Such documents shall be accurately drawn to scale and dimensioned.
 2. A site plan, drawn to scale, showing the plot configuration and its perimeter dimensions, all structures on the site with locating dimensions, the location of all structures adjacent to the site within fifty (50) feet of the property line, and all vehicular drives, roads, related parking areas, main walks, walls, fences and major existing landscaping including trees of 6" caliper as measured 18" from top of ground in area affected by construction. In addition, a vicinity map, a north arrow, the first floor level and existing and finished grade elevations at each corner of new construction and at each corner of the site shall be indicated.
 3. Four elevation drawings including front, rear and two side elevations together with additional view or cross sections, if necessary, to indicate completely the exterior appearance of the structures. All elevations shall be drawn to the same scale, which shall be not less than one-quarter inch per foot. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, and an accurate finish grade line.
 4. Additional details to show unusual construction.
 5. Material and color samples of all major finish materials, which shall be presented at the Design Review Commission's meeting.
 6. Drawings or photographs of existing structures that are to remain on the site where new structure are to be constructed. Where additions are to be constructed to existing structures, elevation drawings or photographs showing the location of the addition shall be included.

- B. The Design Review Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the Design Review District pursuant to the general and specific criteria. In determining the appropriateness of the change, the Design Review Commission may conduct public hearings on the project or solicit input from City staff or consultants to the City. The criteria contained in Section 1148.05 and the Design Review District Guidebook shall be used by the Design Review Commission to guide their decision.
- C. The City shall not issue a Zoning Certificate or Demolition permit until the Certificate of Design Approval has been approved by the Design Review Commission.
- D. The Design Review Commission shall consider all applications that have been properly submitted to it and approve, approve with conditions, or disapprove the application within forty-five (45) days of such item's first appearance on its agenda unless a time extension is mutually agreed to by the applicant and the Design Review Commission.
- E. Approvals by the Design Review Commission shall be valid for one year from the date of final action. The Zoning Certificate must be obtained and construction must begin prior to the expiration of one year from the date of final action. An approval may be extended once for one year. Applications for extension must be made in writing to the Design Review Commission prior to the expiration date of initial approval.
- F. The Design Review Commission, may at its discretion, designate an authorized representative to approve or disapprove applications for Certificates of Appropriateness for minor site improvements, construction, reconstruction, exterior alterations, or demolition of structures.

1148.05 GENERAL CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATES OF DESIGN APPROVAL

In determining whether the plan qualifies for a Certificate of Design Approval, the Design Review Commission shall consider those factors listed below which are relevant to the work. In applying the factors listed below, the Design Review Commission shall be guided by the Design Review District Guidelines, as adopted or amended by City Council. The Design Review Commission shall issue a Certificate of Design Approval if the proposed plan is in compliance with these Design Review District Guidelines. The plan shall be approved subject to conditions as necessary to assure the work is in compliance with the Design Review District Guidelines.

- A. Consistency and compatibility with any plans for the Design Review District which have been adopted by City Council.
- B. Compatibility with the building and structural patterns in the surrounding Design Review District.
- C. The quality of design and site planning being promoted by the proposed improvements.
- D. The avoidance of visual clutter created by unnecessarily large amounts and sizes of signage, and the encouragement of signage that reflects the scale and materials of a development's structure.
- E. Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from, and for, adjoining properties; traffic conditions; or the development, usefulness, or value of neighboring land and buildings.
- F. The elimination or avoidance of blight.

1148.06 DEMOLITION

- A. In cases where an applicant applies for a Certificate of Design Approval to demolish a structure within the Design Review District, the Design Review Commission shall grant the demolition and issue a Certificate of Design Approval to demolish when at least one of the following conditions prevail:
 1. The structure contains no features of architectural and historic significance which add to the character of the Design Review District.
 2. There is no reasonable economic use for the structure as it exists or as it might be restored, and there is no feasible and prudent alternative to demolition.
 3. Deterioration has progressed to the point where it is not economically feasible to restore the structure.
- B. If the Design Review Commission disapproves an application for Certificate of Design Approval involving a demolition or removal of an historically and architecturally significant structure within the District, the Design Review Commission shall have the power to impose a waiting period not to exceed six months. During such period, the applicant shall make every reasonable effort to find a demolition alternative for the structure. During the waiting period the owner of such structure shall maintain and preserve the structure to prevent further deterioration. If the Design Review Commission and the applicant do not agree on a means of preserving the structure within the specified waiting period, and if evidence is produced documenting the existence of at least one of the conditions set forth above in subsection (A), the Certificate of Design Approval to demolish shall be issued as a matter of law upon expiration of the waiting period.

1148.07 MAINTENANCE

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any property within Design Review District, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Chapter be construed to prevent any repair of structural deficiency which is required for the public safety because of an unsafe, insecure or dangerous condition.

1148.08 APPEALS

Any applicant aggrieved by any decision of the Design Review Commission may appeal the decision to the Board of Zoning Appeals. Such appeal shall be taken in accordance with the procedures set forth in Chapter 1153. The Board of Zoning Appeals shall affirm the decision of the Design Review Commission unless it finds that the decision

is contrary to law. In the event that the Board of Zoning Appeals does not affirm the decision of the Design Review Commission, it may reverse, remand or modify such decision of the Design Review Commission and shall state the reasons therefore in the minutes of its meeting and shall forward a copy of such minutes to the Design Review Commission.

**CHAPTER 1150
NONCONFORMING USES**

- 1150.01 CONTINUATION OF EXISTING NONCONFORMING USES**
Except as hereinafter specified, the lawful use of a building or premises existing at the time of the effective date of this Ordinance which is 26-99-0 which would render the use nonconforming, may be continued although such use, building, or structure does not conform with the provisions of this Chapter for the district in which it is located. It is not the intension herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of the Zoning Ordinance.
- 1150.02 ENLARGEMENT OR SUBSTITUTION OF NONCONFORMING USES**
No existing building or premises devoted to a use not permitted by this Chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered to increase its nonconformity unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:
- A. Enlargement or Substitution: When authorized by the Planning Commission, in accordance with Section 1150.02 thru 1150.05, a nonconforming use, that has not been discontinued as specified in Section 1150.06, may be enlarged and/or replaced by another nonconforming use.
 - B. Enlargement: When authorized by the Planning Commission, nonconforming buildings may be enlarged as long as the building meets all minimal yard requirements in the district in which it is located. Additionally, all such extensions shall not exceed 100% of the floor area of the structure existing at the time it became nonconforming. All such extensions on structures nonconforming because of use shall be made within five (5) years of becoming nonconforming. Extensions may be made on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming.
- 1150.03 REPLACING DAMAGED NONCONFORMING USES**
A nonconforming use, which has been damaged to the extent of sixty percent(60%) or more of the County Auditors value as listed in the Mercer County Auditor's records at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged less than sixty percent (60%) of its County Auditors value, a nonconforming use may be repaired or reconstructed within the dimensions prior to the damage, and used as before the time of damage. Such repairs or reconstruction are to be complete within one year of the date of such damage.
- 1150.04 NONCONFORMING TRAILERS AND MOBILE HOMES**
Non-conforming trailers or mobile homes located on a lot in any district other than in an approved Mobile Home Park in an "R-3" District, once removed shall not be relocated on such lot.
- 1150.05 REPAIRS AND ALTERATIONS**
Such repairs, alterations and maintenance work as required to keep said nonconforming use in sound condition may be made to a nonconforming building or structure.
- 1150.06 DISCONTINUANCE OF USE**
No building, structure or premises where a nonconforming use has discontinued, for a period of 12 continuous months or more, shall again be put to a nonconforming use. Discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred.
- 1150.07 ZONING CERTIFICATES FOR NONCONFORMING USES**
A Zoning Certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of the Zoning Ordinance in accordance with the provisions of Section 1144.02 B.
- 1150.08 APPLICATION FOR A PERMIT FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE**
An application shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such enlargement or substitution is proposed. The application shall be signed by the applicant. At a minimum, the application shall contain the following information, provided however, that the Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable:
- A. Name, address and telephone number of the owner of record and applicant.
 - B. A boundary survey of said property.
 - C. Description of existing use.
 - D. Present zoning district.
 - E. Description of proposed enlargement or substitution.

- F. A plan of the site showing the location of all existing buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and any enlargement thereof proposed.
- G. A complete written description of the new use in the case of a proposed substitution, and for an enlargement the reasons for enlarging rather than relocation in an appropriate zone.
- H. A statement and supporting documentation describing how the applicant believes the request conforms to the standards listed in Section 1150.09; and
- I. Any other such information as the Zoning Inspector may require.
- J. An application filing fee as established by Council.

1150.09 GENERAL STANDARDS FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE
The Planning Commission shall review the particular facts and circumstances of each proposed use or expansion in terms of the following standards, and shall find adequate evidence showing that such use or expansion at the proposed location:

- A. Is better suited for the site than would be a permitted or conditional use.
- B. Shall not create a significant financial or structural hindrance to eventual conversion to a permitted or conditional use.
- C. Shall not be hazardous or disturbing to neighboring uses.
- D. Shall be served adequately by essential public facilities and services.
- E. Shall not be detrimental to the economic welfare of the community.
- F. Shall not involve uses, activities, processes, material, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Planning Commission shall have the authority to place additional requirements and/or conditions.

1150.10 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS
In granting any enlargement or substitution of a nonconforming use, the Planning Commission shall prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1150.11 PUBLIC HEARING BY THE PLANNING COMMISSION
A public hearing on any enlargement or substitution of a nonconforming use request shall be held by the Planning Commission within forty-five (45) days of the acceptance of the application by the Zoning Inspector as complete.

1150.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER
Before holding the public hearing required in Section 1150.11, notice of such hearing shall be given by publication in a newspaper of general circulation in the City at least seven (7) days prior to the hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed use.

1150.13 NOTICE TO PARTIES OF INTEREST
Before holding the public hearing required in Section 1150.11, written notice of such hearing shall be mailed by the Planning Commission by first class mail at least seven (7) days before the date of the hearing to the Planning Commission, and all property owners within 150 feet in any direction of the property upon which an application for an enlargement or substitution of a nonconforming use permit has been filed. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission. The notices shall contain the same information as required of notices published in newspapers as specified in Section 1150.12.

1150.14 ACTION BY THE PLANNING COMMISSION
Within thirty (30) days after the public hearing required in Section 1150.11, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1150.10, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a permit listing the specific conditions specified by the Planning Commission for approval.

1150.15 APPEALS
Appeals of the decisions the Planning Commission shall be made to the Board of Zoning Appeals pursuant to Chapter 1153.

1150.16 EXPIRATION OF A PERMIT FOR THE SUBSTITUTION OF A NONCONFORMING USE
A permit for the substitution of a nonconforming use shall be deemed to authorize only one particular use, and such permit shall automatically expire if, for any reason, the use has ceased by discontinuance or abandonment for a period of more than six (6) months.

**CHAPTER 1153
BOARD OF ZONING APPEALS**

1153.01

ESTABLISHMENT AND PROCEDURE

The establishment and procedures of the Board of Zoning Appeals shall be as follows:

A. APPOINTMENT

A Board of Zoning Appeals is hereby established, which shall consist of five members. The five members shall be appointed by the Mayor and approved by Council and shall serve for overlapping terms of four years; provided, however, that those first appointed shall serve for terms as follows: one for one year, one for two years, one for three years, and two for four years. Subsequent appointments shall be for a full term of four years. Vacancies shall be filled by appointment for the unexpired term of the member affected. No one shall be appointed to the Board of Zoning Appeals who holds any elective or appointive office or position with the City. All Board members shall be residents of the City of Celina.

B. PROCEEDINGS

1. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Three members shall constitute a quorum; however, at least three affirmative votes shall be required on any official action.
2. In any matter brought before the Board of Zoning Appeals that affects, directly or indirectly, the personal affairs of a member of the Board, or any business or profession with which he may be associated, such member shall absent himself from the meeting as long as such matter is before the Board.

C. MINUTES AND RECORDS

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact; and shall keep records of its examinations, and other official actions, all of which shall be a public record.

D. APPEALS, HEARINGS

All meetings of the Board of Zoning Appeals shall be open to the public. Appeals to the Board concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved, or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Inspector. Such appeals shall be taken within thirty days, by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers consisting of the record upon which the action appealed from was taken. A fee as established by City Council shall be paid to the Zoning Inspector at the time notice of appeal is filed.

E. NOTICE OF MEETING

The Board of Zoning Appeals shall fix a reasonable time for the hearing of all appeals and give notice of such hearing in a newspaper of general circulation at least seven days in advance. The same written notice shall be sent to owners of property within 150 feet of all properties in question as shown on the County Auditor's tax list, and to the parties of interest. At the hearing, any party may appear in person or by agent or attorney.

F. DEPARTMENT ASSISTANCE

The Board of Zoning Appeals may call upon the various departments of the City for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

1153.02

POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in the Zoning Ordinance for the district in which it is located, provided however that the use is of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, but not for a period of more than twelve (12) months and subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- D. Appeals taken on the basis of a decision rendered by the Planning Commission as specified in Section 1145.09, "Conditional Uses", and Section 1146.05, "Site Plan Review".
- E. Appeals taken on the basis of a decision rendered by the City Council as specified in Section 1147.05H, "Overlay Districts".
- F. Appeals taken on the basis of a decision rendered by the Design Review Commission as specified in Section 1148.08.

1153.03

DECISIONS OF THE BOARD

- A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.
- B. A copy of the Board's decision, certified by the Chairman and Secretary, shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him; and he shall

incorporate such terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.

- C. The Board may reverse, affirm or modify any order, requirement, decision or determination heard on appeal. Every appeal granted or denied must be accompanied by a written finding of fact based on testimony and evidence and specifying the reason for such decision on the appeal.
- D. There shall be no further appeals to a City body to the decisions of the Board of Zoning Appeals. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Mercer County on the grounds that the decision was unreasonable or unlawful.

1153.04 VARIANCES

The Board of Zoning Appeals shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of the Zoning Ordinance as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of the Zoning Ordinance. On appeal the Board may grant a variance in the application of the provisions of the Zoning Ordinance only if all of the following findings are made:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical, or other physical conditions present on the subject property;
- B. That because of such physical circumstances or conditions, the property cannot be reasonably be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- C. That the circumstances and conditions have not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1153.05 APPLICATION FOR VARIANCE

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of applicant;
- B. A survey by a person licensed in the State of Ohio to perform land surveys (If deemed appropriate, this requirement may be waived by the Zoning Inspector);
- C. Description of the nature of the variance requested;
- D. A statement demonstrating that the requested variance conforms to the standards set forth in Section 1153.04(A-E); and
- E. A fee as established by Council.

1153.06 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any appeal or variance the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the appeal or variance is granted shall be deemed a violation of this Ordinance and punishable under Section 1199. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use prohibited by the terms of this Ordinance in such district.

1153.07 ENVIRONMENTAL PERFORMANCE STANDARDS

The Board of Zoning Appeals shall have the following responsibilities with Environmental Performance Standards:

- A. The Board of Zoning Appeals shall have the power to authorize issuance of a Zoning Certificate for uses that are subject to Environmental Performance Standards as set forth in Section 1180.14.
- B. The application for a Zoning Certificate for a use subject to Environmental Performance Standards shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Environmental Performance Standards.
- C. The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the Environmental Performance Standards. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
- D. The Board of Zoning Appeals shall hear complaints, not resolved by the Zoning Inspector, on uses or facilities that meet the requirements of Section 1180.14 of this Ordinance.

1153.08 INTERPRETATION OF DISTRICT MAP

On an appeal from the decision of the Zoning Inspector where the street or lot layout as constructed, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of the Zoning Ordinance.

In the case of any appeal or questions as to the location of any boundary line between zoning districts regarding a decision by the Zoning Inspector, a request for interpretation of the Zoning Map may be made to the Board, and a determination shall be made by the Board.

**CHAPTER 1157
DISTRICT CHANGES AND REGULATION AMENDMENTS**

- 1157.01 AMENDMENTS OR DISTRICT CHANGES**
The Ordinance text or map may be amended by utilizing the procedures specified in this Chapter.
- 1157.02 CHANGES BY COUNCIL**
Whenever the public necessity, or general welfare require, Council may, by Ordinance (only upon receipt of a recommendation from the Planning Commission and subject to procedures provided below), amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property.
- 1157.03 INITIATION OF ZONING AMENDMENTS**
Amendments may be initiated in one of the following ways:
A. By adoption of a motion by the Planning Commission;
B. By adoption of a motion by Council for the Planning Commission to develop a recommendation;
C. By application by a property owner of record to the Secretary of the Planning Commission.
- 1157.04 CONTENTS OF APPLICATIONS FOR ZONING MAP AMENDMENTS**
The application shall be signed by the applicant or the applicant's agent attesting to the truth and exactness of all information supplied in the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. At a minimum the application shall contain the following information:
A. Name, address and phone number of applicant;
B. A survey and legal description of the property proposed to be rezoned;
C. Present use;
D. Present zoning district;
E. Proposed use including any plans that the applicant has developed;
F. Proposed zoning district;
G. A vicinity map at a scale of not less than 1" = 100' showing property lines, streets, existing and proposed zoning, existing use of all buildings and the principal use of all properties within 300 feet of such land and such other items as the Zoning Inspector may require and;
H. A fee as established by Council.
- 1157.05 TRANSMITTAL TO PLANNING COMMISSION**
Following the request for consideration of a zoning ordinance text or map amendment by Council, or following the filing of a zoning map amendment application by at least one owner of property, such motion or application shall be transmitted to the Planning Commission for their recommendation.
- 1157.06 STANDARDS FOR ZONING MAP AMENDMENTS**
All recommendations by the Planning Commission for Zoning Map amendments shall be consistent with the City's adopted plans, goals, policies and intent of this Ordinance.
A. Prior to making a recommendation on a proposed rezoning, the Planning Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to specific documentation finding at least one (1) of the following:
1. There has been a change in demand for land which alters the information upon which the Zoning Map is based.
2. A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within said zoning district is inadequate to meet the demands for such development.
3. Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
4. There is an error in the Zoning Map as enacted.
B. No residentially zoned land of less than five (5) acres in size shall be rezoned to a non-residential district unless it is contiguous to land in the proposed zoning district classification.
C. In addition to the findings required to be made by subsections (A) and (B), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
1. The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
2. The suitability of the property in question for the uses permitted under the proposed zoning.
3. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
4. The effect of the proposed rezoning on surrounding uses.
5. The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely in the interest of the applicant.

- 1157.07 **RECOMMENDATION BY THE PLANNING COMMISSION**
The Planning Commission shall recommend to Council, within thirty-five (35) days of receipt of the complete application, one of the following:
A. That the amendment be granted as requested;
B. That the amendment be granted with modification; or
C. That the amendment be denied.
If the Planning Commission does not do one of the above within the allotted time period, then the amendment proposal shall be considered denied. The Planning Commission shall transmit its recommendation to Council.
- 1157.08 **PUBLIC HEARING BY COUNCIL.**
Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing. The hearing shall occur within forty-five (45) days of the Council's receipt of the Planning Commission's recommendation.
- 1157.09 **NOTICE OF PUBLIC HEARING IN NEWSPAPER**
Notice of the public hearing required in Section 1157.08 shall be given by publication of a notice in a newspaper of general circulation in the City. Such notice shall be published at least thirty (30) days before the date of the public hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- 1157.10 **NOTICE TO PROPERTY OWNERS BY COUNCIL**
Written notice of the hearing shall be mailed by the Clerk of Council by first class mail or hand delivery at least twenty (20) days before the day of the hearing to all owners of property within such area proposed to be rezoned or redistricted and to the owners of property located contiguous to and directly across the street from the area to be rezoned. Such notice shall be sent to the addresses of such owners appearing on the County Auditor's current tax list. The failure to mail or deliver the notification as provided in this Ordinance shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1157.09.
- 1157.11 **PUBLIC EXAMINATION OF DOCUMENTS**
Prior to the public hearing, all documents relating to the proposed amendment shall be on file, for public examination, in the office of the Secretary of the Planning Commission.
- 1157.12 **ACTION BY COUNCIL**
Council may approve the recommendation of the Planning Commission by a simple majority. Council may modify or disapprove the recommendation of the Planning Commission by a vote of not less than three-quarters (¾) majority of the full membership of Council. Final action on the amendment must be taken within forty-five (45) days of the close of Council's public hearing; failure to take action within such forty-five (45) day period shall constitute disapproval of the amendment.

**CHAPTER 1161
S-1 SPECIAL DISTRICT**

- 1161.01 **PURPOSE**
The purpose of the S-1, Special, District is to protect large public and semi-public land holdings for various municipal uses.
- 1161.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Agriculture
B. Public Recreation: Recreational facilities developed, used, and/or maintained by public agencies for use by the public.
- 1161.03 **PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any S-1 District permitted use.
- 1161.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Airports
B. Cemeteries
C. Non-Commercial Recreation
D. Public Service Facilities
E. Commercial Recreation
F. Educational Institutions
G. Religious Places of Worship
- 1161.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the S-1 District shall not be less than 125,000 square feet and a width of not less than 300 feet.

- 1161.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the S-1 District shall be 60 feet.
- 1161.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the S-1 District shall be 50 feet.
- 1161.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the S-1 District shall be 60 feet.
- 1161.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the S-1 District shall be as follows:
 - A. No principal structure shall exceed 45 feet in height.
 - B. No accessory structure shall exceed 15 feet in height.
- 1161.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1161.11 **LAND USE INTENSITY**
In the S-1, Special, District the maximum lot coverage shall be 20%.

**CHAPTER 1162
R-1 LOW DENSITY RESIDENTIAL DISTRICT**

- 1162.01 **PURPOSE**
The purpose of the R-1, Low Density Residential, District is to provide for relatively low density residential development.
- 1162.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
Single Family Dwellings
- 1162.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any R-1 District permitted use.
- 1162.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
 - A. Public Recreation
 - B. Public Service Facilities
 - C. Non-Commercial Recreation
 - D. Educational Institutions
 - E. Religious Places of Worship
 - F. Bed and Breakfast Establishments
 - G. Day Care Facilities
 - H. Home Occupations
- 1162.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
 - B. Other uses shall have a minimum lot area of not less than 85,000 square feet and a width of not less than 200 feet.
- 1162.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum front yard setback of 30 feet.
 - B. Other uses shall have a minimum front yard setback of 50 feet.
 - C. No accessory buildings shall be located in the front yard area.
- 1162.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum side yard setback of 10 feet.
 - B. Other uses shall have a minimum side yard setback of 25 feet.
 - C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1162.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum rear yard setback of 30 feet.
 - B. Other uses shall have a minimum rear yard setback of 50 feet.
 - C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted for platted easement areas.

- 1162.09 **MAXIMUM HEIGHT REGULATION**
 The maximum height for structures in the R-1 District is as follows:
 A. No principal structure shall exceed 35 feet in height.
 B. No accessory structure shall exceed 15 feet in height.
- 1162.10 **OFF-STREET PARKING AND LOADING**
 Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1162.11 **LAND USE INTENSITY**
 In the R-1, Low Density Residential, District the maximum lot coverage shall be 25%.

**CHAPTER 1163
 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

- 1163.01 **PURPOSE**
 The purpose of the R-2, Medium Density Residential, District is to provide for medium density residential developments.
- 1163.02 **PRINCIPALLY PERMITTED USES**
 Principally permitted uses are as follows:
 A. Single Family Dwellings
 B. Two Family Dwellings
- 1163.03 **PERMITTED ACCESSORY USES**
 Permitted accessory uses are as follows:
 Any use or structure customarily accessory to any R-2 District permitted use.
- 1163.04 **CONDITIONALLY PERMITTED USES**
 Conditionally permitted uses are as follows:
 A. Public Recreation
 B. Public Service Facilities
 C. Non-Commercial Recreation
 D. Educational Institutions
 E. Religious Places of Worship
 F. Bed and Breakfast Establishments
 G. Three family Dwellings
 H. Day Care Facilities
 I. Group Homes
 J. Nursing Homes
 K. Retail Neighborhood Business
 L. Assisted Living Facility
 M. Home Occupations
- 1163.05 **MINIMUM LOT AREA AND WIDTH**
 The minimum lot area and width for properties in the R-2 District is as follows:
 A. Single family dwellings shall have a minimum lot area of not less than 8,000 square feet and a width of not less than 80 feet.
 B. Two family dwellings shall have a minimum lot area of not less than 5,000 square feet per unit and a width of not less than 100 feet.
 C. Three family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 100 feet.
 D. Other uses shall have a minimum lot area of not less than 45,000 square feet and a width of not less than 150 feet.
- 1163.06 **MINIMUM FRONT YARD SETBACK**
 The minimum front yard setback for properties in the R-2 District is as follows:
 A. Residential uses shall have a minimum front yard setback of 25 feet.
 B. Other uses shall have a minimum front yard setback of 40 feet.
 C. No accessory buildings shall be located in the front yard area.
- 1163.07 **MINIMUM SIDE YARD SETBACK**
 The minimum side yard setback for properties in the R-2 District is as follows:
 A. Residential uses shall have a minimum side yard setback of 8 feet.
 B. Other uses shall have a minimum side yard setback of 15 feet.
 C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1163.08 **MINIMUM REAR YARD SETBACK**
 The minimum rear yard setback for properties in the R-2 District is as follows:
 A. Residential uses shall have a minimum rear yard setback of 25 feet.

- B. Other uses shall have a minimum rear yard setback of 40 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from platted easement areas.

1163.09 MAXIMUM HEIGHT REGULATION

The maximum height for structures in the R-2 District is as follows:

- A. No principal structure shall exceed 35 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

1163.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1163.11 LAND USE INTENSITY

In the R-2, Medium Density Residential, District the maximum lot coverage shall be 30%.

**CHAPTER 1164
R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

1164.01 PURPOSE

The purpose of the R-3, High Density Residential, District is to provide for relatively high density residential developments.

1164.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Single Family Dwellings
- B. Two Family Dwellings
- C. Multi-Family Dwellings (Up to six units)
- D. Efficiency Apartment Dwelling

1164.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

Any use or structure customarily accessory to any R-3 District permitted use.

1164.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Public Recreation
- B. Public Service Facilities
- C. Non-Commercial Recreation
- D. Educational Institutions
- E. Religious Places of Worship
- F. Bed and Breakfast Establishments
- G. Day Care Facilities
- H. Nursing Homes
- I. Mobile Home Parks
- J. Retail Neighborhood Business
- K. Group Homes
- L. Assisted Living Facility
- M. Multi-Family (7 units or larger)
- N. Home Occupations

1164.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area and width for properties in the R-3 District is as follows:

- A. Single family dwellings shall have a minimum lot area of not less than 6,000 square feet and a width of not less than 60 feet.
- B. Two family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 80 feet.
- C. Multi-family dwellings shall have a minimum lot area of not less than 2,500 square feet per unit and a width of not less than 100 feet.
- D. Other uses shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet.

1164.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the R-3 District is as follows:

- A. Residential uses shall have a minimum front yard setback of 25 feet.
- B. Other uses shall have a minimum front yard setback of 30 feet.
- C. No accessory buildings shall be located in the front yard area.

1164.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the R-3 District is as follows:

- A. Single-family residential uses shall have a minimum side yard setback of 6 feet and Two-family residential uses shall have a minimum side yard setback of 8 feet.
- B. Other uses shall have a minimum side yard setback of 10 feet.
- C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.

1164.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the R-3 District is as follows:

- A. Residential uses shall have a minimum rear yard setback of 25 feet.
- B. Other uses shall have a minimum rear yard setback of 30 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from platted easement areas.

1164.09 MAXIMUM HEIGHT REGULATION

The maximum height for structures in the R-3 District is as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

1164.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1164.11 LAND USE INTENSITY

In the R-3, High Density Residential, District the maximum lot coverage shall be 35%.

**CHAPTER 1165
R-O RESIDENCE OFFICE DISTRICT**

1165.01 PURPOSE

The purpose of the R-O, Residence Office, District is to accommodate low intensity office, residential and other similar uses.

1165.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Multi-Family Dwellings
- B. Efficiency Apartment Dwellings
- C. Personal Services
- D. Offices

1165.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

Any use or structure customarily accessory to any R-O District permitted use.

1165.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Public Recreation
- B. Public Service Facilities
- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Day Care Facilities
- K. Nursing Homes
- L. Retail Business
- M. Commercial Schools
- N. Financial Institutions
- O. Restaurants
- P. Clubs
- Q. Drive-in Commercial Uses
- R. Animal Hospitals and Clinics
- S. Clinics
- T. Scientific Research Facilities
- U. Laboratories
- V. Group Homes
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1165.05 MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-O District is as follows:
A. Residences shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
B. Other uses shall have a minimum lot area of not less than 16,000 square feet and a width of not less than 100 feet.
- 1165.06 MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the R-O District shall be 40 feet.
B. No accessory buildings shall be located in the front yard area.
- 1165.07 MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the R-O District shall be 15 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.
- 1165.08 MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the R-O District shall be 30 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1165.09 MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the R-O District is as follows:
A. No principal structure shall exceed 45 feet in height, except as noted in Section 1180.03.
C. No accessory structure shall exceed 15 feet in height, except as noted in Section 1180.03.
- 1165.10 OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1165.11 LAND USE INTENSITY**
In the R-O, Residence Office, District the maximum lot coverage shall be 35%.

**CHAPTER 1166
B-1 GENERAL BUSINESS DISTRICT**

- 1166.01 PURPOSE**
The purpose of the B-1, General Business, District is to provide for convenience and other shopping, and personal and professional services.
- 1166.02 PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Offices
D. Financial Institutions
E. Restaurants
F. Fast Food Restaurants
G. Taverns
H. Hotels/Motels
I. Clubs
J. Automotive Services
K. Automotive Filling Stations
L. Drive-In Commercial Uses
M. Funeral Homes
- 1166.03 PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any B-1 District permitted use.
- 1166.04 CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Service Facilities
B. Non-Commercial Recreation
C. Commercial Recreation
D. Educational Institutions
E. Religious Places of Worship
F. Bed and Breakfast Establishments
G. Single Family Dwellings
H. Two Family Dwellings
I. Multi-Family Dwellings
J. Public Recreation
K. Nursing Homes

- L. Commercial Schools
- M. Automotive Sales
- N. Commercial Entertainment
- O. Animal Hospitals and Clinics
- P. Clinics
- Q. Day Care Facilities
- R. Wholesale Business
- S. Building and Related Trades
- T. Lock and Store Warehousing
- U. Farm and Heavy Equipment Sales and Service
- V. Hospitals
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1166.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-1 District shall not be less than 20,000 square feet and a width of not less than 100 feet.
- 1166.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-1 District shall be 40 feet.
B. No accessory buildings shall be located in the front yard area.
- 1166.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-1 District shall be 15 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the side yard property line. They are also restricted from platted easement areas.
- 1166.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-1 District shall be 20 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1166.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-1 District is as follows:
No principal or accessory structure shall exceed 45 feet in height.
- 1166.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 118J, Off-Street Parking and Loading.
- 1166.11 **LAND USE INTENSITY**
In the B-1, General Business, District the maximum lot coverage shall be 40%.

**CHAPTER 1167
B-2 CENTRAL BUSINESS DISTRICT**

- 1167.01 **PURPOSE**
The purpose of the B-2, Central Business, District is to encourage the functional grouping of those commercial, residential and accessory establishments supporting the preservation of the historic character of this district.
- 1167.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Commercial Schools
D. Offices
E. Financial Institutions
F. Restaurants
G. Taverns
H. Hotels/Motels
I. Clubs
J. Mixed Uses
- 1167.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any B-2 District permitted use.
- 1167.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities

- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Multi-Family Dwellings
- K. Efficiency Apartment Dwellings
- L. Day Care Facilities
- M. Nursing Homes
- N. Fast Food Restaurants
- O. Automotive Services
- P. Automotive Filling Stations
- Q. Automotive Sales
- R. Drive-In Commercial Uses
- S. Commercial Entertainment
- T. Funeral Homes
- U. Animal Hospitals and Clinics
- V. Clinics
- W. Group Homes
- X. Hospitals
- Y. Assisted Living Facilities
- Z. Home Occupations

- 1167.05 MINIMUM LOT AREA AND WIDTH**
There shall be no minimum lot area or width for properties in the B-2 District.
- 1167.06 MINIMUM FRONT YARD SETBACK**
A. There shall be no minimum front yard setback for properties in the B-2 District.
B. No accessory buildings shall be located in the front yard area.
- 1167.07 MINIMUM SIDE YARD SETBACK**
There shall be no minimum side yard setback for properties in the B-2 District. This includes accessory buildings.
- 1167.08 MINIMUM REAR YARD SETBACK**
A. There shall be no minimum rear yard setback for properties in the B-2 District unless abutting a residential district; then the minimum rear yard setback shall be 20 feet.
B. Accessory buildings have a zero (0) foot minimum rear yard setback.
- 1167.09 MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-2 District is as follows:
A. No principal structure shall exceed 72 feet in height.
B. No accessory structure shall exceed 25 feet in height.
- 1167.10 OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1167.11 LAND USE INTENSITY**
In the B-2, Central Business, District the maximum lot coverage may be 100%. Exception, if site is adjacent to residential district, see Section 1167.08

**CHAPTER 1168
B-3 COMMUNITY SHOPPING DISTRICT**

- 1168.01 PURPOSE**
The purpose of the B-3, Community Shopping, District is to provide for shopping centers and related outlots of an integrated design which provide for adequate parking and servicing areas.
- 1168.02 PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Offices
D. Financial Institutions
E. Restaurants
F. Taverns
G. Automotive Services
H. Automotive Filling Stations
I. Drive-In Commercial Uses
J. Commercial Entertainment
K. Shopping Centers

- 1168.03 **PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any B-3 District permitted use.
- 1168.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Commercial Recreation
E. Educational Institutions
F. Religious Places of Worship
G. Day Care Facilities
H. Commercial Schools
I. Fast Food Restaurants
J. Hotels / Motels
K. Clubs
L. Automotive Sales
M. Funeral Homes
N. Animal Hospitals and Clinics
O. Clinics
P. Mixed Uses
- 1168.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-3 District is as follows:
A. The primary development shall have a minimum lot area of not less than 200,000 square feet and a width of not less than 400 feet.
B. Outlots shall have minimum lot area of not less than 20,000 square feet and a width of not less than 150 feet.
- 1168.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-3 District shall be 60 feet.
B. No accessory buildings shall be located in the front yard area.
- 1168.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-3 District shall be 30 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to any side yard property line. They are also restricted from platted easement areas.
- 1168.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-3 District shall be 40 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to the rear property line. They are also restricted from platted easement areas.
- 1168.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-3 District is as follows:
No principal or accessory structure shall exceed 35 feet in height.
- 1168.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1168.11 **LAND USE INTENSITY**
In the B-3, Community Shopping, District the maximum lot coverage shall be 30%.

**CHAPTER 1169
M MANUFACTURING DISTRICT**

- 1169.01 **PURPOSE**
The purpose of the M, Manufacturing, District is to accommodate industrial, manufacturing, warehousing, office, research and development, and related uses.
- 1169.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Scientific Research Facilities
B. Wholesale Businesses
C. Manufacturing
D. Laboratories
E. Warehousing
F. Food Processing
G. Mixed Uses
- 1169.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any M District permitted use.

- 1169.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Grain Elevators and Feed Mills
D. Offices
E. Day Care Facilities
F. Building and Related Trades
G. Petroleum Refining and Storage
H. Oil and Gas Wells
I. Junk Storage and Sales
J. Transport Trucking Terminals
K. Farm and Heavy Equipment Sales and Service
L. Stockyards
M. Mining
N. Home Occupations
- 1169.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the M District shall not be less than 45,000 square feet and a width of not less than 200 feet.
- 1169.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the M District shall be 50 feet.
B. No accessory buildings shall be located in the front yard area.
- 1169.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the M District shall be 30 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.
- 1169.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the M District shall be 40 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1169.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the M District is as follows:
No principal or accessory structure shall exceed 45 feet in height.
- 1169.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1169.11 **LAND USE INTENSITY**
In the M, Manufacturing, District the maximum lot coverage shall be 50%.

**CHAPTER 1180
SUPPLEMENTAL REGULATIONS**

- 1180.01 **FLOOR AREA REQUIREMENTS FOR DWELLINGS**
The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Common areas such as utility rooms, laundry areas, mechanical rooms, halls, and stairways are to be excluded. Also excluded are garages, carports, porches, and basements.

MINIMUM FLOOR AREA PER EACH FAMILY UNIT

(Expressed in square feet)

District	Single and Two Family Dwellings	Apartment of Multiple Dwellings		
		Efficiencies	1 Bedroom Unit	2 or More Bedrooms
"R-1"	1100	N/A	N/A	N/A
"R-2"	900	N/A	575	820
"R-3"	750	285	575	750
"R-O"	N/A	285	575	750

In other districts where residences are allowed as conditional uses, R-3 standards apply.

- 1180.02 **SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING "R" DISTRICTS**
A. **Minimum Yard Requirements.** Nonresidential buildings or uses shall not be located nor conducted closer to any lot line of "R-1", "R-2" or "R-3" District than the distance specified in the following schedule, except as provided in subsection (B) hereof.
Minimum Side or Rear Yard Modification

Abutting any "R" District (ft.)	Use
25	Off-street parking and loading spaces and access drives for nonresidential uses.
50	Churches, schools and public or semipublic buildings.
60	Recreation facilities, entertainment facilities, motels, trailers and mobile home parks, all commercial uses and billboards.
100	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed herein.
500	Auto and metal salvage operations; mineral extraction or processing.

B. Landscaping or Screening Provisions. For nonresidential uses abutting "R" Districts the minimum yards may be reduced to fifty percent (50%) of the requirements stated in subsection (B) hereof if landscaping or screening, approved by the Zoning Inspector, is provided.

1180.03 HEIGHT REGULATIONS FOR INSTITUTIONAL, OFFICE, INDUSTRIAL AND APARTMENT BUILDINGS AND STRUCTURES

- A. Institutional, industrial and apartment buildings with a height in excess of the maximum height specified in the respective district for such buildings shall be permitted provided the required front, side and rear yards are increased by one foot for each foot of additional building height above the maximum specified in the respective district.
- B. The height regulations prescribed herein shall not apply to television and radio towers, church spires, bellfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to a safe landing and take-off of aircraft at an established airport.
- C. No building shall exceed a maximum height of 100 feet without prior approval of the Planning Commission.

1180.04 EXISTING LOTS OF RECORD

The following applies to all lots of record at the effective date of this Zoning Ordinance.

- A. Any existing lot of record forty feet or wider in districts allowing single family residences as permitted uses may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein.
- B. On lots of record setbacks for new, altered or expanded residences and their accessory structures shall be determined according to the following:
 - 1. The minimum side yard setback shall be determined by the proportional reduction of the requirements specified in the district up to a maximum of 50% of the minimum setback stated in the district.
 - 2. The front and rear setbacks shall be established by the corresponding prevailing setbacks for the front and rear yards on the same side of the block on which the structure is located up to a maximum of 50% of the minimum setback stated in the district.
- B. On existing single-family structures and their accessory structures, an existing wall may be extended parallel to the side yard property line if the following conditions are met:
 - 1. No buildings on the adjacent lot are within 10 feet of the wall extension.
 - 2. Extension is no longer than 50% of the length of the wall at the time of the adoption of the Ordinance.
 - 3. Limited to a minimum setback of three (3) feet in all cases.

1180.05 ARCHITECTURAL PROJECTIONS

Certain architectural features may project into required minimum yard setbacks as follows:

- A. Front, side and rear yards. The following architectural features may project into the minimum yard setback of any front, rear or side yard adjoining a side street:
 - 1. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two feet, six inches.
 - 2. Fire escapes may project a distance not exceeding four feet, six inches.
 - 3. An uncovered stair, including landings, may project a distance not to exceed six (6) feet. Such stair and landing shall not extend above the entrance floor with the exception of handrailings. Handrailings may extend an additional three (3) feet above the floor level.
 - 4. Bay windows, balconies, uncovered porches or decks, and chimneys may project a distance not to exceed three (3) feet. These features shall not occupy more than one-third (1/3) the width of the building toward the yard in question.
- B. Interior side yards. The structures or features as listed in (A) above, may project into an interior side yard (those side yards not facing a side street) a distance up to one-fifth (1/5) the required setback distance.

However, such projection shall not exceed three (3) feet. Structures or features which extend into more than one minimum side yard setback are subject to all combined limitations.

- 1180.06 SPECIAL YARD REQUIREMENTS**
- A. Lots having frontage on more than one street shall provide the required front yard on the principal street and the minimum side yard required in that district, but not less than fifteen feet on the side street.
 - B. In the case of lots having frontage on more than one street, accessory structures in that side yard shall meet the prevailing front yard setback on the street on which it is located.
 - C. Where a building lot is comprised of more than one lot of record, building setbacks for all interior lot lines shall be as for any property line. However, a building may overlap an interior lot line.
- 1180.07 TRAFFIC VISIBILITY ACROSS CORNER LOTS**
- In any district, except in the B-2 district, on any corner lot, no fence, structure or planting shall be erected or maintained within a triangle 20 feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.
- 1180.08 CONVERSION OF DWELLINGS**
- In "R-2" and "R-3" Districts, an existing residence may be converted to accommodate an increased number of dwelling units provided:
- A. The yard dimensions meet the yard dimensions required by the zoning regulations for new structures in that district.
 - B. The lot area per family is equal to the lot area requirements for new multi-family structures in that district.
 - C. The number of square feet of living area per family unit is not less than that which is required for new construction in that district.
- 1180.09 MOBILE HOME PARKS**
- All mobile home parks shall conform to and be pursuant to the conditional use provisions set forth in Chapter 1145. Furthermore, all site, utility and construction plans are to be approved by the Ohio Department of Health and the City prior to the permitting of a mobile home park.
- Mobile home parks shall be subject to the following conditions in addition to various district regulations:
- A. No mobile home shall be permitted to locate in the Municipality except in a mobile home park in the "R-3" High Density Residence District.
 - B. The mobile home park shall conform to the following requirements:
 - 1. It shall contain at least five acres.
 - 2. It shall provide a clearly defined minimum area of 3,000 square feet including a minimum width of forty feet for each mobile home or trailer.
 - 3. It shall have a minimum of 800 square feet of floor area per family in each mobile home.
 - 4. It shall provide a minimum of twenty-foot clearance between individual mobile homes or trailers and a thirty-foot setback from any property line bounding the mobile home park.
 - 5. All mobile home spaces shall abut upon a concrete or asphalt driveway of not less than twenty feet in width, which shall have unobstructed access to a private or public street.
 - 6. The developer shall provide a recreational area equal to a minimum of 10% of the gross land area of the mobile home park development. In lieu of providing this recreational area the developer can pay a fee to the city of comparable value for utilization at the nearest public recreational area.
 - 7. It shall conform to all City, County and State Health Department requirements.
- 1180.10 RESIDENTIAL PARKING RESTRICTIONS**
- The following restrictions shall apply to residential districts:
- A. Parking mobile home units in any area outside of mobile home parks or sales areas for more than forty-eight (48) hours is prohibited.
 - B. Parking of commercial vehicles, motor homes and all trailers, including utility, boat, recreational and commercial, on residential streets or in the front yard of any residential lots for more than forty-eight (48) hours is prohibited.
 - C. Unoccupied motor homes and camping trailers, boats and noncommercial utility trailers may be parked in rear and side yards.
- 1180.11 SWIMMING POOLS**
- Swimming pools shall be subject to the following conditions:
- A. Private Swimming Pool: No swimming pool, exclusive of portable swimming pools with a diameter less than twelve feet or with an area of less than 100 square feet, shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements.
 - 1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - 2. It shall not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located.
 - 3. The swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall be constructed not less than five feet in height and maintained in good condition, with a gate and lock.
 - B. Community or Club Swimming Pools: Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:
 - 1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

2. The pool and accessory structures, including the area used by bathers, shall not be closer than the distances listed as the principal building setbacks for the zoning classification within which the pool is located.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition.

1180.12 COMMUNITY DEVELOPMENT PROJECTS

- A. An authorized agency of the Municipality, State or Federal government or the owners of any tract of land in an "R" District comprising an area of not less than ten acres may submit to Council a plan for the use and development of all of the tract of land for residential and associated non-residential purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Chapter 1157 for hearings on changes and amendments. If the Commission approves the plans, these shall be submitted to Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence showing that the proposed community development project meets with the following conditions:
1. The property adjacent to the area included in the plan will not be adversely affected.
 2. The plan is consistent with the intents and purpose of the Zoning Ordinance to promote public health, safety, morals and general welfare.
 3. The use of the land shall be similar to the uses permitted in the district in which the plan is located.
 4. That the average lot area per family contained in the site exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is to be located.
- B. If the Planning Commission and Council approve the plans, a Zoning Certificate shall be issued, even though the use of the land, the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plans do not conform in all respects to the district regulations of the district in which the project is located.

1180.13 RESIDENTIAL ACCESSORY BUILDINGS AND FENCES

- A. Accessory Buildings:
1. Single family residences are limited to one (1) accessory building except for properties with detached garages, which may also have a small storage building not exceeding 150 square feet in area. Properties with more than one dwelling unit may have one accessory building for each dwelling unit.
 2. The ground floor area of all accessory buildings shall not exceed the ground floor area of the dwelling.
- B. Fences and planting screens shall be subject to the following regulations:
1. Fences, plant material, and similar screening devices up to three (3) feet high are permitted in the front yard areas. Fences up to six (6) feet in height are permitted in the remaining yard areas.
 2. Injurious materials such as barbed wire, electrically charged fences, or spike fences are not permitted in any case.
 3. No fencing, or other similar structures, are permitted in easement areas.
 4. No fence or planting screen shall violate the visibility requirements of Section 1180.07.

1180.14 ENVIRONMENTAL PERFORMANCE STANDARDS

Environmental performance standards are regulations which are intended to promote a peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable or other undesirable effect on persons or properties outside of the subject property. These restrictions apply to a uses' construction as well as its operation. Materials and/or products of a use shall be maintained in a method so that the health, safety and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

- A. **Applicability and Compliance**
The Environmental Performance Standards are applicable to all land uses in all zoning districts in the City, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this code at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.
- B. **Noise**
No activity on private property shall emit noise in excess of sound levels indicated in the table below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

MAXIMUM PERMITTED SOUND LEVELS

SOURCE PROPERTY		RECEIVING PROPERTY		
NOISE SOURCE	TIME	RESIDENTIAL	COMMERCIAL	INDUSTRIAL

Residential	Daytime ¹	55 dBA	55 dBA	55 dBA
	Nighttime ²	50	50	50
Commercial	Daytime ¹	55	60	60
	Nighttime ²	50	50	50
Industrial	Daytime ¹	55	60	70
	Nighttime ²	50	50	60

¹ Daytime shall be considered as the hours between 7:00 AM and 10:00 PM.

² Nighttime shall be considered as the hours between 10:00 PM and 7:00 AM.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Firearms on authorized ranges.
2. Legal blasting.
3. Temporary construction activity and equipment.
4. Installation of utilities.
5. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

1. Aircraft.
2. Railroads.
3. Emergency vehicles and equipment.
4. Warning devices operating continuously for not more than five (5) minutes.
5. Bells, chimes or carillons operating continuously for not more than five (5) minutes per hour.
6. The repair of essential utility services.
7. Officially sanctioned parades or other events.

D. Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point outside the property line of the property on which the use is located.

E. Glare

Any process producing intense light or heat, which may cause physical harm, including high temperature processes such as combustion or welding, shall not be visible beyond any lot line bounding the property wherein the use is conducted.

All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or rights-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

F. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

G. Hazardous Materials

The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

H. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

I. Fire Hazards

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire suppression equipment and by safety devices. Such potentially hazardous activities shall be kept from adjacent activities at a distance determined by the National Fire Protection Code.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state and federal erosion control regulations or standards.

CHAPTER 1181 OFF-STREET PARKING AND LOADING

1181.01 OFF-STREET PARKING GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for motor vehicles in accordance with the provisions of this Chapter. A parking plan shall be required for all uses except single family detached dwellings and two family dwellings. The parking plan shall be submitted to the City as part of the application for the Zoning Certificate. The plan shall show the boundaries of the property, parking

spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

1181.02

OFF-STREET PARKING AND DESIGN STANDARDS

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

- A. **Parking space dimensions.** Each off-street parking space shall be no less than nine (9) feet in width and shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of useable shape and condition.
- B. **Access.** There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:
 1. For single family detached dwellings or two family dwellings, the access drive shall be a minimum of eight (8) feet in width.
 2. For all other uses, the access drive shall be a minimum of sixteen (16) feet in width.
 3. All parking spaces, except those required for single family detached dwellings and two and three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward direction.
 4. Parking areas shall be considered extensions of the principal use with which they are associated. Only parking associated with uses permitted in the residential district are allowed in that residential district. In addition, residential district property shall not be used as an access for a nonresidential parking use.
 5. Where possible, shared drives shall be utilized by businesses to access properties and limit curb cuts on thoroughfares.
- C. **Screening.** In addition to the setback requirements specified in this Chapter for off-street parking for more than five (5) vehicles, screening shall be provided on each side of the parking area that abuts any residential district, R-O District, or S-1 District. Screening plans shall be approved by the Zoning Inspector.
- D. **Paving.** Any off-street parking area for more than five (5) vehicles, and its driveway, shall have a durable, dustless surface.
- E. **Drainage.** Any off-street parking area for more than five (5) vehicles shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City.
- F. **Barriers.** Wherever a parking lot extends to a property line, fencing, wheelstops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line or from destroying the screening materials.
- G. **Visibility.** Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
- H. **Marking.** All parking areas for more than five (5) vehicles shall be marked with paint lines, curb stones or in some other manner approved by the City and shall be maintained in a clearly visible condition.
- I. **Signage.** Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Chapter 1185 of this Ordinance.
- J. **Lighting.** Any lights used to illuminate a parking area shall be so arranged as to direct the light away from the adjacent properties and street rights-of-way.

1181.03

DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Ordinance, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, the floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or, indicated for each twenty (20) linear inches of bench type seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this Ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Planning Commission.
- E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

- F. If two or more uses occur on one property, off-street parking requirements for all uses shall be computed and added together to obtain the total required spaces for the property.

1181.04

PARKING SPACE REQUIREMENTS

With the exception of the B-2 District, the number of off-street parking spaces to be provided shall not be less than the following:

A.	Airport	One space per four aircraft tie downs plus one space per four aircraft storage areas.
B.	Animal Hospital and Clinic	Four spaces for each examination room.
C.	Automotive Filling Stations	One space per fuel pump. Plus two spaces for each service bay.
D.	Automotive Services	Plus one space for each 100 square feet of convenience type retail. Two spaces for each service bay. Drive through automotive services such as car washes and quick lubes shall provide sufficient stacking spaces for three vehicles per bay.
E.	Automotive Sales	Three spaces minimum, or one space for each 5,000 square feet of lot sales area, whichever is greater.
F.	Bed and Breakfast	One space for each guest room plus two spaces for the permanent residence.
G.	Building and Related Trades	One space per each 500 square feet of floor area, plus one space for each 1,000 square feet of warehouse space.
II.	Cemetery	One space per each employee.
I.	Clinics	One space for each 100 square feet of floor area.
J.	Club	One space for each 100 square feet of floor area.
K.	Commercial Entertainment	One space per five seats or one space for each 100 square feet of floor area.
L.	Day Care Facility	One space for each three children per licensed design capacity.
M.	Educational Institution	Two spaces for each classroom, plus one space for each four seats in the places of assembly. High schools, colleges, and vocational schools shall also include one space for each five students at design capacity.
N.	Farm and Heavy Equipment Sales and Service	One space for each service bay, plus one space for each 4,000 square feet of lot area used for product display.
O.	Financial Institution	One space for each 200 square feet of floor area, plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of drive-up teller windows or drive-up ATM machines.
P.	Food Processing	One space for each 1,000 square feet of floor area.
Q.	Funeral Home	One space for each 50 square feet of floor area.
R.	Grain Elevators and Feed Mills	One space for each 400 square feet of floor area plus a minimum of 200 feet of stacking space for each loading and unloading bay.
S.	Group Home	One space for each four beds.
T.	Hospitals	One space for each bed.
U.	Hotel/Motels	One space for each sleeping room, plus one space for each 100 square feet of public meeting area and/or restaurant space.
V.	Lock and Store Warehousing	One space for each 1,000 square feet of net leasable floor area.
W.	Manufacturing	One space for each 1,000 square feet of floor area.
X.	Mixed Uses	Spaces shall be determined by the application of all use requirements.
Y.	Nursing Home	One space for each three beds.
Z.	Office	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
AA.	Personal Services	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
BB.	Public Service Facility	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
CC.	Recreational, Non-Commercial	One space for each participant at maximum utilization.
DD.	Recreational, Commercial	One space for each three seats, one space for each 100 square feet of floor area, or one per each participant at maximum utilization, whichever is greater.
EE.	Religious Places of Worship	One space for each four seats in the place of assembly.
FF.	Residential, Mobile Home	Two spaces for each unit, plus one space for each five units for guest parking.
GG.	Residential, Multi-Family	Two spaces for each dwelling unit.
III.	Residential, Single Family	Two spaces for each dwelling unit.
II.	Residential, Two Family	Two spaces for each dwelling unit.
JJ.	Scientific Research Facilities and Laboratories	One space for each 200 square feet of floor area.
KK.	Restaurants	One space for each 100 square feet of floor area with a minimum of six (6) spaces required.

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| LL. | Restaurants, Fast Food | One space for each 100 square feet of floor area, plus sufficient stacking space for five vehicles at each drive through window with a minimum of four (4) spaces required. |
| MM. | Retail Business | One space for each 150 square feet of floor area with a minimum of four (4) spaces required. |
| NN. | Shopping Center | Five spaces for each 1,000 square feet of floor area. |
| OO. | Stockyards | One space for each 1,000 square feet of floor area. |
| PP. | Taverns | One space for each 100 square feet of floor area with a minimum of six (6) spaces required. |
| QQ. | Transport Trucking Terminals | One space for each 1,000 square feet of floor area. |
| RR. | Warehousing | One space for each 2,000 square feet of floor area. |
| SS. | Wholesale Business | One space for each 250 square feet of floor area. |
- 1181.05 **JOINT USE**
Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Law Director and accepted by the Planning Commission shall be filed with the application for a Zoning Certificate.
- 1181.06 **OTHER LOCATIONS**
Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Commission, provided a written agreement, approved by the Law Director and accepted by the Planning Commission, shall be filed with the application for a Zoning Certificate.
- 1181.07 **HANDICAPPED PARKING REQUIREMENTS**
Parking spaces for the physically handicapped shall be as provided in and marked as per the Ohio Basic Building Code.
- 1181.08 **OFF-STREET LOADING REQUIREMENTS**
In any district, in connection with every building, or part thereof, hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by storage, warehouse, retail store, wholesale store, hotel, hospital, funeral home, or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet.
- 1181.09 **OFF-STREET LOADING DESIGN STANDARDS**
All off-street loading spaces shall be in accordance with the following standards and specifications:
- A. **Dimensions** - Each loading space shall have a minimum dimension not less than 12 feet in width, 28 feet in length and a vertical clearance of not less than 14 feet in height.
 - B. **Setbacks** - Notwithstanding other provisions of this regulation and other setback requirements, off-street loading spaces may be located in the required rear or side yard of any B-1 or M District provided that not more than 80% of the required rear yard or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet from any right-of-way or residential district unless wholly within a completely enclosed building.
 - C. **Screening** - In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any residential district. Screening plans shall be approved by the Zoning Inspector.
 - D. **Access** - All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward direction.
 - E. **Paving** - Any required off-street loading spaces, together with its driveways, aisles and other circulation areas, shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.
 - F. **Drainage** - All loading spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City.
 - G. **Lighting** - Any lights used to illuminate a loading area shall be arranged so as to reflect the light away from any adjacent properties or rights-of-way.
- 1181.10 **SUBMISSION TO PLANNING COMMISSION**
Detailed drawings as indicated in Chapter 1146, Site Plan Guideline Standards, indicating necessary parking and off-street loading facilities shall be submitted to the Planning Commission with the exception of single family detached dwellings and duplexes, for approval prior to the granting of any certificate. Such drawing shall show the number of spaces and locations, dimensions and descriptions of all features enumerated in this Section or as required elsewhere in this Zoning Code. The Planning Commission may require, in addition to those enumerated, further structural or landscaping features such as bumper guards, curbs, walls, fences, shrubs, trees, ground cover or hedges to further the intent and purposes of this Zoning Code. The Planning Commission, in addition, may recommend such changes in location, width and number of driveways as it shall determine are necessary to eliminate any potential traffic hazards.
- 1181.11 **MODIFICATIONS**

The Planning Commission may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that the peculiar nature of the residential, business, trade, industrial, other use, exceptional situation or condition would justify such action.

**CHAPTER 1183
ADDITIONAL PROVISIONS FOR INTEGRATED APARTMENT, OFFICE, RESEARCH AND INDUSTRIAL
USES**

- 1183.01 INTEGRATED APARTMENT, OFFICE, AND INDUSTRIAL CENTERS**
The development of groups of properties for apartment, office, research and industrial centers in "R-O" and "M" Districts shall be subject to the following requirements:
A preliminary review process shall be followed to ensure compliance with location, size, and character aspects of the proposed development, and
A final development plan review process shall be followed to ensure compliance to design requirements of the development.
- A. Preliminary Review**
1. The owner of a tract located in any "R-O" or "M" District, and containing not less than four acres, shall submit to the Planning Commission for its review a preliminary plan showing the use and development of such tract of land for an apartment, office, research or industrial center. The proposed uses may be mixed, but shall be consistent with those allowed in the district within which the tract of land is located. If the proposed uses are not consistent with those in the existing zoning district, the owner can proceed with a concurrent request to change the zoning classification to the appropriate classification.
 2. In accepting such plans for review, the Planning Commission must be satisfied that the proponents of the apartment, office, research or industrial center are capable to undertake and complete the proposed development, both financially and operationally. A reasonable timetable of development must be committed to by the proponents of the center and approved by the Planning Commission.
- B. Preliminary Plan Requirements**
1. The Preliminary Plan shall show a development consisting of one or more groups of establishments in buildings of an integrated and harmonious design, together with adequate and properly arranged utilities, traffic and parking facilities and landscaping, which will complement the general character of the adjoining development and surrounding area.
 2. The applicant shall submit a traffic circulation plan which should present:
 - a. the location of the proposed development in relation to the City Thoroughfare Plan;
 - b. the anticipated levels of vehicular and pedestrian traffic to be generated by the development;
 - c. the arrangement of on-site traffic circulation and parking facilities and landscaping elements;
 - d. any physical and/or other traffic improvements required, requested, or proposed to alleviate anticipated congestion being created by the proposed development; and
 - e. such other information as the Planning Commission shall require.
 3. The applicant shall submit utility and drainage plans for the proposed development which shall show the following:
 - a. The connection points to the City's water and wastewater utilities;
 - b. The connection points and locations of the electric, telephone, gas, telecommunications, and any other utility services;
 - c. The size, depth and location of required water and wastewater utility facilities;
 - d. Water detention plan and calculations based on two and ten year events, emergency storm water plan for hundred year events; and
 - e. The location of storm sewer lines and related facilities.
- C. Design Regulations**
The following additional regulations shall apply to apartment, office, research and industrial centers:
1. **Yards.** No building shall be less than thirty feet distant from any zoning district boundary. Loading and storage shall be permanently screened from all adjoining properties located in an "R" District by building walls, or a free standing wall, fence or hedge at least six feet in height. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
 2. **Tract Coverage.** Where parking spaces are provided within the main buildings of the development, the ground area occupied by all buildings may be expanded by 10% beyond the stated maximum lot coverages listed for the zoning district.
 3. **Access Drives.** Access drives shall be located at a minimum interval of 300 feet.
 4. **Loading Space.** There shall be provided one off-street loading or unloading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor trailer type.
 5. **Signs.** Signs for apartment, office, research or industrial centers shall be limited to wall-type signs on the principal building, except that a free standing identification and directional sign not larger than 15 square feet in area may be erected at entrances to the center. Illuminated signs shall not have the light source visible from off-site.
- D. Submission and Approval of Final Development Plan**
Upon approval of the preliminary plan by the Planning Commission, the following procedure shall be followed to achieve final approval of an apartment, office, research or industrial center.

1. The proponents shall prepare and submit a final development plan which will comply with the design requirements, and will incorporate all changes or modifications required by the Planning Commission in the preliminary review stage.
2. If the final development plan complies with the requirements set forth in this Chapter, and other pertinent sections of the Zoning Ordinance, the Planning Commission shall submit the plan with its report and recommendations to City Council for its review. Council shall set a public hearing, following the required 30 day public notification process, to review the plan. If a zoning classification change is being sought concurrently, this public hearing could incorporate both issues.
3. Following the public hearing, Council may modify the plan, provided such modification is consistent with the intent and meaning of the Zoning Ordinance. Any plan approval, in situations where a zoning classification change is required, will not be effective until such zoning classification change occurs.
4. After the final development plan is approved by Council, any minor changes in carrying out this plan, such as adjustments to or rearrangements of buildings, parking areas, drive entrances, heights or yards, must be approved by the Planning Commission. These changes must conform to the standards established by the final development plan and the Zoning Ordinance. Any other changes must follow the final development plan procedure and receive authorization by Council.

**CHAPTER 1184
SPECIAL PROVISIONS FOR ADULT ENTERTAINMENT FACILITIES**

1184.01

DEFINITIONS

- A. **Adult Entertainment Facility:** A commercial entertainment facility having a significant portion of its function as adult entertainment which includes "Adult book/video store", "Adult entertainment theater", or "Adult entertainment business".
- B. **Adult Book/Video Store:** A facility, in which at least ten (10%) percent of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under "Specified Sexual Activities" or "Specified Anatomical Areas". A facility meeting this definition shall meet the requirements of a commercial entertainment facility.
- C. **Adult Entertainment Theater:** A commercial entertainment facility which devotes at least 10% of its presentation time to the display of material distinguished or characterized by all items listed in "Specified Sexual Activities" or "Specified Anatomical Areas."
- D. **Adult Entertainment Business:** Any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation or participation in, by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "Specified Sexual Activities".
- E. **Specified Sexual Activities:** Activities such as:
 1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- F. **Specified Anatomical areas:** Areas of the human body as follows:
 1. Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered;
 2. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

1184.02

LOCATION STANDARDS

Adult commercial entertainment facilities, as defined in Section 1184.01, are subject to the following standards regulating their location.

- A. No adult entertainment facility shall be established within one thousand (1,000') feet of any R-1, R-2, R-3, and R-O district.
- B. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any school, library, or teaching facility that is attended by persons under the age of eighteen (18) years of age. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any permanently established place of religious services.
- D. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any day care center or type A or B family day care home as established by the Ohio Revised Code.
- E. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any other adult entertainment facility.
- F. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any two of the following:
 1. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 3. Pool or billiard halls.
 4. Pinball palaces or halls.
 5. Dance halls or discotheques.
 6. Massage parlors.

7. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated in by persons under eighteen (18) years of age.

1184.03 MEASUREMENT STANDARDS
Distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in Section 1184.02.

1184.04 ADVERTISEMENT DISPLAY STANDARDS
No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas.
No screens, speakers, or sound equipment shall be used for adult motion picture theater, or other adult entertainment facility, that can be seen or discerned by the public from any public, semi-public, or quasi-public areas.

**CHAPTER 1185
SIGNS**

1185.01 PURPOSE
It is the purpose of these sign regulations to promote the public health, safety, and general welfare by permitting the use of signs as a means of communication in the City of Celina:

- A. To maintain and enhance the City's natural and manmade environment;
- B. To implement community design standards to encourage an attractive and healthy economic environment;
- C. To reduce possible safety hazards to vehicle and pedestrian traffic through good signage;
- D. To minimize the possible adverse effects of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign regulations.

The purpose, as stated above, is based on the following findings or conditions concerning signs:

- A. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the City, and as such are detrimental to the public health, safety, and general welfare of the City; and
- B. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

1185.02 DEFINITIONS
The following terms are defined for use under this section.

- A. **Abandoned Sign:** Any sign remaining in place which no longer advertises or identifies an ongoing or active business, product, or service available; or a sign which is no longer maintained in a serviceable condition. The serviceability of a sign ceases when deterioration becomes as visibly recognizable as the image of the subject of the sign.
- B. **Address Marker:** A numeric reference of a structure or site not included as part of a wall or monument sign. These are not normally considered a sign under this section.
- C. **A-Frame Card Sign:** A free standing sign usually hinged at the top. Such signs are considered portable and temporary.
- D. **Animated or Moving Sign:** Any sign, other than a time and temperature display, which uses motion, lighting, or special materials to depict action or create a special effect or scene.
- E. **Awaiting, Canopy, or Marquee Sign:** A non-electric sign that is printed on, painted on, attached to an awning, canopy, or marquee and is only permitted on the vertical surface.
- F. **Banner, Flag, Pennant or Balloon:** Any cloth, bunting, plastic, paper, or similar material, used for advertising purposes attached to, pinned on, or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs, but not including official flags of local, state, national or foreign governmental organizations.
- G. **Billboard or Off-Site Sign:** A sign, including supporting structure, advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.
- H. **Building Face:** The length of the single front building elevation in which the primary entrance to the business is located. Where more than one business occupies a building, the frontage for sign purposes for each business is determined by multiplying the building front elevation width by the percentage of total floor space occupied by each business or potential business space.
- I. **Changeable Copy Sign:** A sign designed to allow the changing of copy through manual, mechanical, or electrical means. Time and temperature displays are not considered against the allowable advertising sign footage as long as no business identification or advertising is presented as part of the display.
- J. **Civic Event Sign:** A temporary sign posted to advertise a civic event sponsored by a public agency, school, church, civic/fraternal organization, or similar non-profit organization.
- K. **Construction Sign:** A temporary sign erected on the parcel on which construction is taking place. The sign may list the project name, owners, developers, professional services and contractors involved and any other major sponsors of the development.
- L. **Development or Subdivision Sign:** A temporary sign promoting a new development or subdivision which has received City Planning Commission review.
- M. **Directional Signs:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entry" or "exit". These signs giving direction are not considered part of the advertising

- signage and do not require permitting. If additional advertising display is posted on the directional signs the Zoning Inspector may consider them as part of the square footage restrictions.
- N. **Double-Faced Sign:** A post, pedestal, or monument display where the sign's faces are back to back and the sign copy is similar on both sides. The area of double-faced signs is considered based on dimensions of one side.
 - O. **Garage or Yard Sale Sign:** A temporary sign advertising the sale of personal items at a residential property.
 - P. **Incidental Signs:** Incidental signs are signs no larger than 3 square feet in size that display notices required by law, or show affiliations or services provided. Items displayed may be credit cards accepted, trade affiliations, business hours, or other similar information necessary to identify limits of or qualifications of service or product.
 - Q. **Institutional Sign:** A permanent sign identifying the premises of a church, school, governmental office, or non-profit institutional facility.
 - R. **Kiosk:** A three dimensional structure designed and constructed with the explicit purpose of displaying information and advertising. This structure must supply a public service and can only receive a permit following review and approval of the Planning Commission.
 - S. **Logo Sign:** A sign consisting of a symbol or mark associated with a business, service or product entity.
 - T. **Monument Sign:** A sign displayed on a pedestal or base that has a footprint 50% or more than the sign's horizontal dimensions.
 - U. **Nonconforming Sign:** A legally established sign existing prior to the establishment of this Ordinance which fails to conform to the regulations of this Ordinance.
 - V. **Political Sign:** A temporary sign directly associated with a local, state, or national political election or issue.
 - W. **Portable Sign:** A sign designed and constructed to be easily set up and removed or relocated.
 - X. **Promotional Sign:** A temporary commercial sign posted to promote the sale of new products, new management, new hours, new service or to promote a special sale.
 - Y. **Projecting Sign:** Any sign which is attached to the face of a building and projects more than eighteen (18) inches from the face.
 - Z. **Real Estate Sign:** An on-site temporary sign pertaining to the sale, lease or rental of a building or premises. These signs include Open House signs which indicate when salespersons are available to represent the property subject to sale, lease or rent.
 - AA. **Roof Sign:** A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof, and which is wholly or partly supported by the building.
 - BB. **Sign:** Any display that shows any product, service, business, name, or other enterprise in a promotional manner. A sign may consist of wording, logos or images.
 - CC. **Sign Program:** A coordinated program of signs as allowed under the "Commercial Shopping Center" and "Apartment, Office, Research, and Industrial Center" developments.
 - DD. **Temporary Sign:** Any sign that is approved to be displayed for a limited time period as set forth in this Ordinance or by the Planning Commission.
 - EE. **Wall Sign:** A sign painted on, printed on, or attached to a wall which has its face substantially perpendicular to the building face.
 - FF. **Window Sign:** Any sign that is applied, painted, or attached to a wall which is not a projecting sign.

1185.03

ADMINISTRATION

These sign regulations shall be administered as stated under the conditions as listed in Chapter 1143 of this Ordinance.

- A. **Permit Required**
No sign, unless exempted by this Chapter, shall be constructed, displayed, or altered without an approved permit. The permits shall be issued by the Zoning Inspector when the conditions of this Ordinance are met. Each permit application shall be accompanied by the following:
 1. A drawing showing the design proposed.
 2. Dimensioned site plan showing the sign location in relation to property lines, buildings, walks, and drives.
 3. Dimensioned elevation drawing showing the size, sign type, height, illumination method, support or mounting method, and construction materials.
 A sign for which a permit has been issued shall not be modified, relocated, altered or replaced unless a new permit or an amended permit is issued by the Zoning Inspector.
- B. **Signs Requiring a Permit**
Any sign erected, painted, posted or placed in any district within the City shall require an approved permit from the Zoning Inspector in conformance with Sections 1144.02-1144.05, except those signs identified as exempt from such permit. Sign structure, size, height, setback, location and number shall be determined by the requirements set forth in this Chapter. Changes or relocation of nonconforming signs require permits and any alterations must also meet the requirements set forth in this Chapter. See Section 1185.04 D. for nonconforming signs.
- C. **Signs Not Requiring a Permit**
The following signs are exempt and do not require a permit from the Zoning Inspector. To maintain an exempt status these signs must comply with restrictions as established in this Chapter.
 1. Political signs, Real Estate signs, and Civic Event signs when conforming to the requirements established under this Ordinance.
 2. Temporary signs painted on the outside of the windows for display on holiday or special occasions.
 3. Signs located inside a building or behind a window and not exceeding the prohibitions set forth in Section 1185.03 D.8., do not require a permit.
 4. Memorial signs and plaques installed by recognized civic organizations.
 5. Official and legal notices and signs issued by governmental agencies.

9. Official flags of all governmental and civic/fraternal organizations.
7. Construction signs when conforming to the conditions set forth under Section 1185.04 F.2.
8. Incidental signs for businesses like automobile services, gasoline service stations, automobile dealers with service repairs, motels and hotels provided that all of the following conditions exist: the signs are attached to a structure or building; the signs number no more than four (4) per street frontage, and no sign shall exceed an area per face of three (3) square feet. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law are permitted and not counted against the number allowed.
9. Directional signs provided that such signs are located on-site, have a maximum area which does not exceed three (3) square feet per sign, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained.
10. Garage and yard sale signs provided they conform to the regulations set forth in this Ordinance.

D. Prohibited Signs

The following signs are inconsistent with the sign standards established in this Chapter and are therefore prohibited. Permits cannot be issued for:

1. Abandoned signs after 90 days of meeting the abandoned sign definition. The property owner will be responsible for removal.
2. Animated, moving, flashing, blinking, reflecting, revolving or other similar signs, with the exception of permanently mounted Changeable Copy Signs and time and temperature displays as allowed in this Chapter.
3. Portable or A-Frame signs. For exceptions see Section 1185.04 F.7.
4. Roof signs
5. Signs placed in, or overhanging, the public right-of-way. Signs with exception are: governmental signs and informational signs authorized by the Planning Commission and in conformance with state or federal regulations. Such informational signs shall not exceed two and a half (2½) square feet in area and shall not be illuminated.
6. Signs designed or constructed to resemble or imitate highway or traffic control signs or signals.
7. Temporary signs, found not in conformance to the regulations set forth in this Ordinance. These signs may be confiscated by the Zoning Inspector, or his representatives, in addition to being subject to the conditions of Chapter 1199.
8. Windows signs when they are located in a residentially zoned district are larger than the allowable signage for that district or are illuminated.

E. Measurement Standards

The area of the sign is determined by the dimensions of the background structure, unifying background area, or by the maximum dimensions of the display area if posted on a common background. The following standards shall be used to determine the area and height measurements for all signs erected or posted within the City:

1. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign, but not including the supporting frame or bracing.
2. The area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
3. In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.
4. The height of a sign shall be determined by measuring the vertical distance between the highest point of the sign to the ground elevation at the base of the sign. If mounding was used at the sign base, the ground elevation shall be determined as the average ground elevation of the developed site at the sign base prior to mounding.
5. The setback of a sign shall be measured from the vertical projection of the property line or street right-of-way line to the closest part of the sign.
6. Lots in R or M zones having frontage on more than one street shall have a maximum allowable sign area equal to twice that of its shortest frontage, not to exceed twice the maximum number of square feet otherwise allowed in the zone. These lots shall also be permitted twice the number of signs otherwise allowed in their zone; however, there shall be no increase in the number of free-standing signs allowed.

F. Fees

A schedule of fees for permits shall be established and amended from time to time by City Council.

1185.04

GENERAL REGULATIONS

A. Cross-corner Sight Restrictions:

No sign, or part of a sign structure wider than one (1) foot, shall be erected in the cross-corner line of sight between the heights of three (3) feet and eight (8) feet, as measured from the center lines of the relevant pavements, in the following locations:

1. At street intersections, within a triangle, two sides of which are measured from the point of intersection of the street rights-of-way, a distance of 40' parallel to the through street and a distance of 15 feet parallel to the stop street. At 4-way stops the distance shall be 40 feet parallel to each street.
2. At drives - within a triangle, two sides of which are measured from the point of intersection of the street right-of-way and the centerline of the drive, a distance of 50 feet parallel to the street, and a distance of 15 feet parallel to the centerline of the drive.

B. Distracting Signs:

Signs which have moving parts, replaceable letters, or changing illumination shall conform to the conditions listed within this Ordinance. See section 1185.03 D for restrictions on signs which use animation, flashing lights, shapes reserved for traffic control, and motion.

- C. **Sign Illumination:**
All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light; provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises; and provided that such illumination shall not lead to confusion, or create a hazard to traffic, or conflict with traffic control signs or lights. An exception to the above is that signs illuminated with neon lighting are also allowed even though the light source is visible. See Section 1185.05 for districts where sign illumination is prohibited.
- D. **Non-conforming Signs:**
All signs which are in existence on the effective date of this Ordinance shall be considered nonconforming uses and shall be subject to the following provisions:
1. No nonconforming sign shall have any changes made in the words, symbols or message displayed on the sign unless the sign is specifically designed for periodic change of message.
 2. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated until it meets the requirements of this Chapter and receives a permit.
- E. **Development or Subdivision Entry Signs:**
The conditions for the placement of permanent signs identifying a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.
- F. **Temporary Signs:**
Temporary signs require a permit unless they are identified as not requiring a permit under Section 1185.03 C. All temporary signs, unless specifically identified under 1185.02, Definitions, shall be considered temporary commercial signs. The following regulations shall apply to temporary signs:
1. **Civic Event Signs:**
These signs shall be registered with the Zoning Inspector listing the organization responsible, a contact person, dates of posting, sign size, and location of sign. All posting periods and placements must receive approval of the Zoning Inspector. Any signs not receiving this approval shall be considered in violation of this Ordinance.
 2. **Construction Signs:**
These signs shall be shown as part of the development's site plan. The number of signs, their location and sizes, shall be approved by the Zoning Inspector before installation. If conditions warrant, the Zoning Inspector may allow placement of the construction sign off-site. The posting of the sign(s) shall be limited to the construction period which begins one week before the actual work begins or with the ground breaking, whichever ever is first, to the conditional final acceptance by the owner.
 3. **Development or Subdivision Signs:**
The conditions for the placement of these signs at a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.
 4. **Real Estate Signs:**
Real estate signs are not allowed in public right-of-way areas. They are allowed a maximum area of 6 square feet in residential districts and 32 square feet in all other districts. One sales sign is allowed per property frontage. In addition, an open house sign is allowed for a week period prior to the open house date. Sales signs shall be removed from a property within one week of closing.
 5. **Garage and Yard Sale Signs:**
These signs are to be posted only on private property. The signs shall not exceed 6 square feet in area. They shall be posted only the day of the sales. No signs shall be posted on any public utility or light poles.
 6. **Temporary Commercial Signs:**
The Zoning Inspector, in accordance with the provisions herein, is authorized to issue permits for the erection and maintenance of temporary commercial signs. Such permit shall be issued for a period not to exceed fourteen (14) days, nor more frequently than once in each three month period for the same premises. Temporary commercial signs shall not be illuminated. No temporary signs containing commercial messages shall be permitted in residential districts. No permit shall be issued for aerial signs, or signs designed to be moved on trailer wheels, skids, or on other similar devices. The area, height and number of temporary commercial signs shall be determined by the requirements established in the regulations for each zoning district.
 7. **In the B-2 district, if a property has a 12 feet or wider sidewalk, each business may have one (1) A-Frame sign, or similar type portable sign, provided all the following conditions are met:**
 - a. The sign shall only be on display during business hours of the business if advertises.
 - b. The sign shall not exceed 30 inches in width and 48 inches in height.
 - c. The sign shall be placed on the sidewalk only with the approval of the owner of the front property, and
 - d. Its nearest edge must be placed either a maximum of one (1) foot from the right-of-way line or between one (1) and one and a half (1.5) feet from the curb.
 - e. Signs should be of a design that resists being moved or blown over by the wind. However, they shall not be attached to publicly owned sign

1185.05

DISTRICT REGULATIONS

The following regulations shall apply to all signs, permitted and otherwise, according to each Zoning District.

A. S-1, R-1, R-2, R-3 and R-O DISTRICTS:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed six (6) square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be four (4) feet.
 - d. The maximum number of signs allowed shall be two (2), only one of which may be a freestanding sign.
 - e. Signs shall not be illuminated.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to one (1) square foot of sign area for each four (4) feet of lot width, not to exceed a maximum of 50 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 25 feet from all side property lines, and
 - 25 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be eight (8) feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be two (2), only one of which may be a freestanding sign.
3. Signs identifying or marking subdivision developments shall be reviewed and approved by the Planning Commission as part of the subdivision review process. The Planning Commission shall set the number, size and location of these non-temporary development or subdivision signs.

B. B-1 GENERAL BUSINESS DISTRICT:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall be equal to 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 6 feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1) foot of lot width, not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

C. B-2 CENTRAL BUSINESS DISTRICT

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines, except as provided in Section 1185.03 D. 5.
 - c. The maximum height of any freestanding sign shall be six (6) feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1) foot of lot width, not to exceed a maximum of 100 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.

- d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

D. B-3 COMMUNITY SHOPPING DISTRICT

- 1. **Integrated Commercial Centers**
 - a. The maximum total area of all wall signs for any one business shall be equal to two (2) square feet of sign area for each one (1') foot of building width, not to exceed a maximum of 200 square feet.
 - b. The total area of any freestanding sign shall be 200 square feet.
 - c. The minimum freestanding sign setbacks shall be as follows:
0 feet from all street right-of-way lines,
50 feet from all side property lines, and
50 feet from all rear property lines.
 - d. The maximum height of any freestanding sign shall be 35 feet.
 - e. The maximum number of wall signs for any one business shall be two (2).
 - f. The maximum number of freestanding signs shall not exceed the number of abutting streets.
- 2. Other lots in the B-3 district, including outlots of integrated commercial centers having their own street frontage and separate ownership:
 - a. The maximum total area of all signs shall be equal to four (4) square feet of sign area for each one (1') foot of lot width not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be four (4), with only one freestanding sign.

E. M MANUFACTURING DISTRICT

- 1. The maximum total area of all signs shall be equal to two (2) square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 200 square feet.
- 2. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
20 feet from all side property lines, and
20 feet from all rear property lines.
- 3. The maximum height of any freestanding sign shall be 15 feet.
- 4. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

**CHAPTER 1199
VIOLATION, REMEDIES AND FEES**

1199.01 VIOLATION

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint to the Zoning Inspector. Such complaint shall state the cause or basis of the violation. The Zoning Inspector shall record the complaint, promptly investigate it and take the necessary action to resolve the complaint.

In addition, any person can pursue the other remedies by law to initiate appropriate action or proceedings to prevent, restrain, correct or abate such violation.

1199.02 NOTICE OF VIOLATION

The notice of any violation of the Zoning Ordinance shall be as follows:

- A. Whenever the Zoning Inspector determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:
 - 1. Be in writing;
 - 2. Identify the violation;
 - 3. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Ordinance being violated; and
 - 4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
 - 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person aged sixteen (16) years or older; or
 - 2. By Certified Mail, addressed to the property owner of record on the County Auditor's records. Service shall be deemed complete when the fact of the mailing is recorded.
 - 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1199.03 REMEDIES

The following remedies shall apply to violations of the Zoning Ordinance:

A. Prohibitions

1. No person shall fail or refuse to comply with an order issued by the Zoning Inspector. A separate offense shall be deemed committed each day upon which a violation occurs or continues.
2. No person shall construct, modify, alter, use or occupy any structure or property in violation of the Celina Zoning Ordinance. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

B. Penalties

1. Whosoever violates this section is guilty of a minor misdemeanor for each offense.
2. If, within one year of the date of the offense, the offender has been convicted of or pleads guilty to another violation of Section 1199.03(A) the offender is guilty of a misdemeanor of the third degree.

C. Civil Remedies For Violations

In case any building is located or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used or is proposed to be used in violation of the Zoning Ordinance or any amendment or supplement thereto, the Zoning Inspector, shall institute or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

1199.04

FEES

The fees for all applicant costs incurred in this Chapter shall be established by City Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the City.

The applicant shall be responsible for the expenses incurred by the City in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services, including expenses and legal fees in connection with reviewing the plan, prepared reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.


SECTION TWO

THAT, any city legislation such as, Ordinance 26-74-0, and all the amendments to it and its map, which are inconsistent with this Ordinance be hereby repealed.

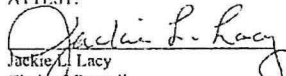
SECTION THREE

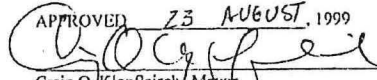
THAT, this ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

Passed this 23 day of August, 1999.


 William T. Sell, Council President

ATTEST:


 Jackie L. Lacy
 Clerk of Council

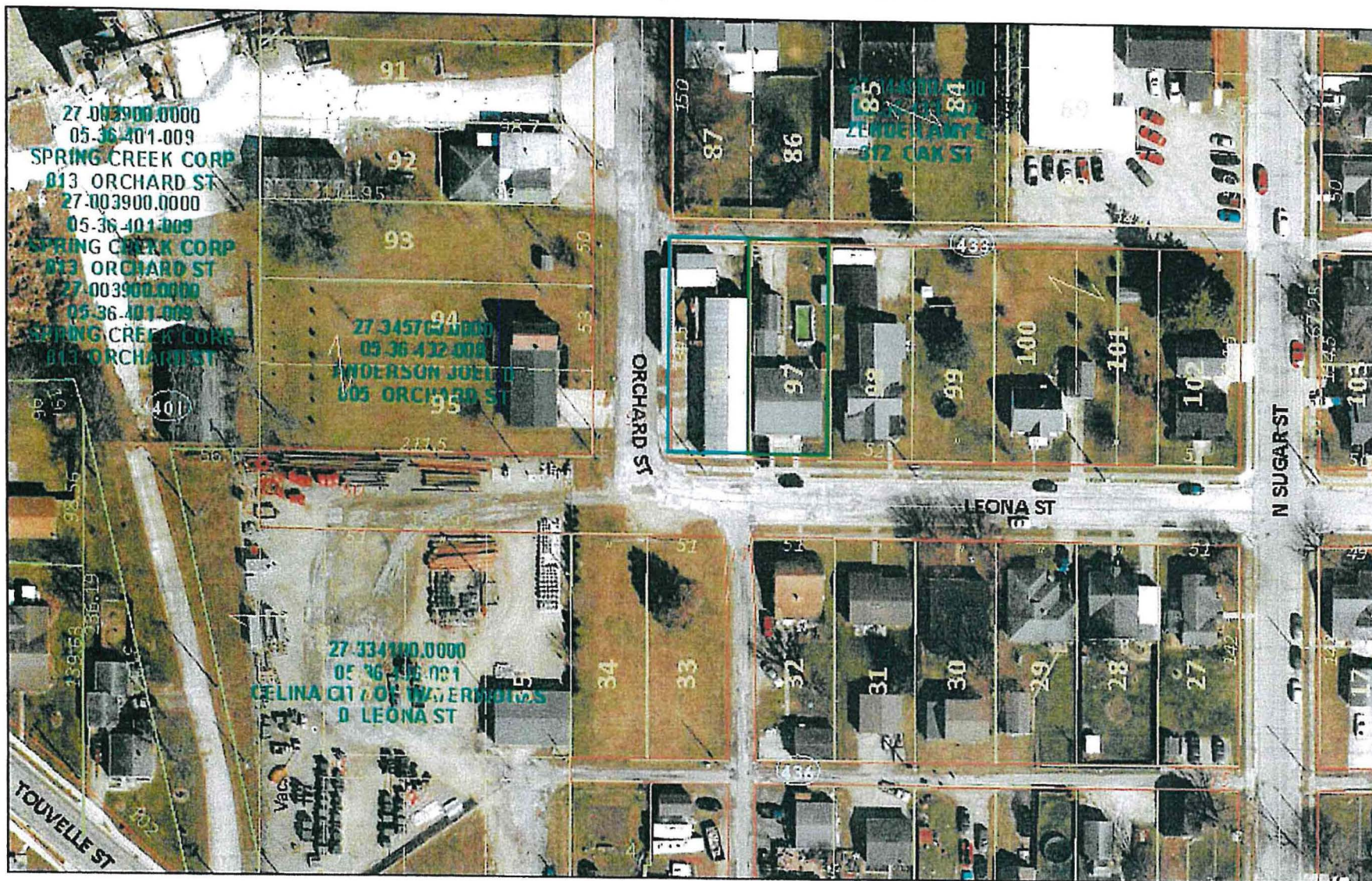
APPROVED 23 AUGUST, 1999

 Craig O. Klopfleisch Mayor

Approved as to Form:

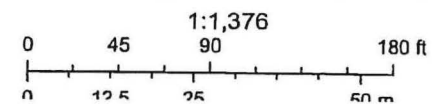

 Kevin M. McKirnan
 City Law Director

Mercer County, Ohio - GIS 2019

13-21-O
Map



January 15, 2021



M

L

ORCHARD

801	805	809	813	817	821

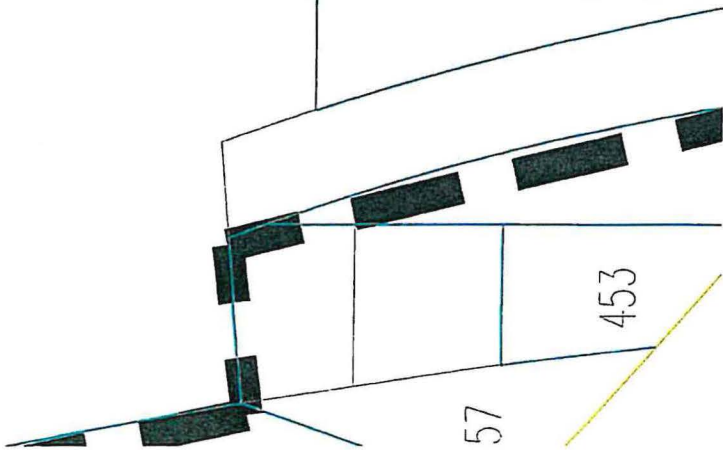
SUGAR

325	321	319	311	305	301

LEONA

338		

334	316	312	304	717



ORDINANCE 14-21-O

AN ORDINANCE APPROPRIATING MONEY FROM THE GENERAL FUND FOR DEPOSIT IN THE POLICE CAPITAL FUND, FIRE CAPITAL FUND, STREET IMPROVEMENT CAPITAL FUND, PARK CAPITAL FUND, AND MONTGOMERY FIELD INVESTMENT FUND, AND TO TRANSFER FUNDS.

WHEREAS, it is desired to transfer One Hundred Thousand Dollars (\$100,000) from the General Fund to the Police Capital Fund (361.000.4910); and

WHEREAS, it is desired to transfer Two Hundred Thousand Dollars (\$200,000) from the General Fund to the Fire Capital Fund (360.000.4910); and

WHEREAS, it is desired to transfer One Million Six Hundred Twenty-Five Thousand Dollars (\$1,625,000) from the General Fund to the Street Improvement Capital Fund (321.000.4910); and

WHEREAS, it is desired to transfer Fifty Thousand Dollars (\$50,000.00) from the General Fund to the Park Capital Fund (362.000.4910); and

WHEREAS, it is desired to transfer Twenty-Five Thousand Dollars (\$25,000.00) from the General Fund to the Montgomery Field Investment Fund (324.000.4910).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio.

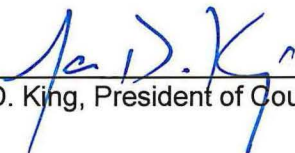
SECTION ONE

THAT, Two Million Dollars (\$2,000,000.00) be appropriated from the unappropriated balance of the General Fund to the Transfer Capital Projects (110.651.5910).

SECTION TWO

NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed.


PASSED this 26th day of April, 2021



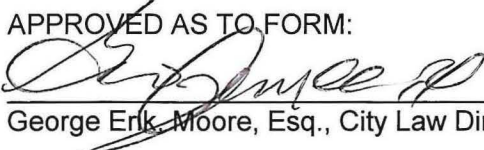
Jason D. King, President of Council

ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED April 26, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George Erik Moore, Esq., City Law Director

ORDINANCE 15-21-O

AN ORDINANCE ACCEPTING A DONATION FROM THE CELINA LIONS CLUB TO THE CELINA PARK AND RECREATION DEPARTMENT FOR THE BRYSON DISTRICT PARK TO ADD RESTROOM FACILITIES.

WHEREAS, Celina Lions Club has offered a monetary donation of Sixty-Four Thousand Four Hundred Fifty-Nine Dollars and two cents (\$64,459.02) to the Celina Park and Recreation Department for its share of investment for construction of the proposed Lions Club facility with a concession area and restroom facilities in the Bryson District Park; and

WHEREAS, the Concession/Restroom Facilities will be bid this spring and completed this year and the Funds must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of Sixty-Four Thousand Four Hundred Fifty-Nine Dollars and two cents (\$64,459.02) from the Celina Lions Club to the Celina Park and Recreation Department for the Bryson District Park concession/restroom facilities as a part of the match for the Land and Water Conservation Fund Grant awarded to the City in May 2020.

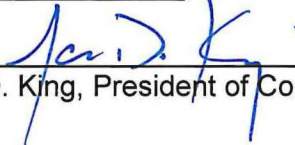
SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate Sixty-Four Thousand Four Hundred Fifty-Nine Dollars and two cents (\$64,459.02) from the unappropriated balance of the Park and Recreation Fund into the Bryson Park Donations Capital (224.410.5530) account for the restroom facilities.

SECTION THREE

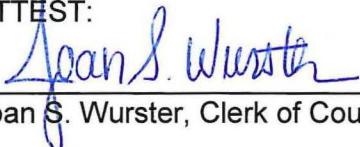
NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 26th day of April, 2021.

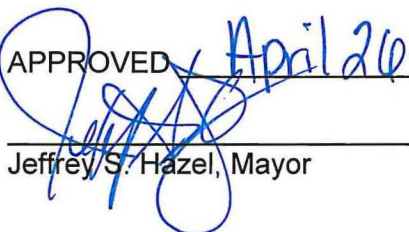


Jason D. King, President of Council

ATTEST:

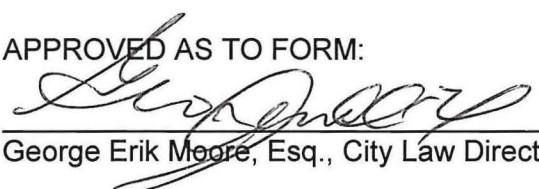


Joan S. Wurster, Clerk of Council

APPROVED April 26, 2021.


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 16-21-O

AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH CELINA SOLAR PROJECT #1, LLC TO TRANSFER OWNERSHIP OF THAT CERTAIN 4.99 MEGAWATT SOLAR ELECTRIC GENERATION PROJECT LOCATED AT 600 MEYER ROAD WITHIN THE CITY'S BOUNDARIES TO MEYER ROAD SOLAR, LLC (A SUBSIDIARY OF CARVAL INVESTORS), AND DECLARING AN EMERGENCY.

WHEREAS, Celina Solar Project #1, LLC, an Ohio Limited Liability Company (the "seller"), assignee in interest of project developer Solar Vision, LLC, an Ohio Limited Liability Company, owns and operates that certain 4.99 megawatt solar electric generation project located at 600 Meyer Road within the City's boundaries (the "Project"); and

WHEREAS, seller desires to transfer its ownership interest in the Project to Meyer Road Solar, LLC (a subsidiary of Carval Investors), a Delaware limited liability company (the "buyer"), with the buyer assuming all rights, obligations, and duties under the originally signed Solar Power Purchase Agreement in 2012; and

WHEREAS, seller has submitted a "Consent and Estoppel Agreement" (the "Agreement") to the City of Celina requesting the City of Celina sign the same authorizing the proposed transfer; and

WHEREAS, during the Utility Committee Meeting on March 8, 2021, the Utility Committee recommended to Council that this transfer occur.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.

SECTION ONE

THAT, Council hereby approves of the transfer described above, and further authorizes and directs the Safety Service Director to execute any and all documents necessary to authorize and facilitate said transfer, including but not limited to the attached Agreement, labeled as "Exhibit A" and incorporated herein.

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to allow the transfer to occur at the earliest date possible. NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22nd day of March, 2021

Jason D. King
Jason D. King, President of Council

ATTEST
Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED March 22, 2021
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

DRAFTED BY
George Erik Moore
George Erik Moore, Esq., City Law Director

CONSENT AND ESTOPPEL AGREEMENT
(Meyer Road Solar Project)

This **CONSENT AND ESTOPPEL AGREEMENT** (this “Consent and Estoppel”) is made and entered into on and as of _____, 2021 (the “Effective Date”), by and between **CELINA SOLAR PROJECT #1, LLC**, an Ohio limited liability company (“Seller”), **CITY OF CELINA, OHIO**, a body corporate and politic organized under the laws of the State of Ohio (“City”), and **MEYER ROAD SOLAR, LLC**, a Delaware limited liability company (“Buyer”). Seller, City and Buyer may be referred to hereinafter collectively as the “Parties” and individually as a “Party.”

RECITALS

A. Seller and City are party to those certain agreements set forth on Attachment A hereto (the “Relevant Agreements”), each made with respect to that certain 4.99 megawatt solar electric generation project located at 600 Meyer Road within the City’s boundaries (the “Project”).

B. In connection with a sale of the Project to Buyer, Seller wishes to assign its rights and obligations under the Relevant Agreements to Buyer, and Buyer wishes to accept such rights and obligations, subject to obtaining certain consents and assurances from City.

C. Seller has requested that City agree to such assignments and provide certain consents and assurances concerning the status of the Relevant Agreements to be relied upon by Buyer in connection with the assignment of the Relevant Agreements from Seller to Buyer.

D. City is willing to agree to Seller’s request on the terms and conditions contained herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby acknowledge and agree as follows:

1. The Parties hereby confirm that the Relevant Agreements are in full force and effect and are hereby ratified and confirmed in all respects.
2. City hereby consents to Seller’s assignment of its right, title and interest in and to the Relevant Agreements to Buyer and agrees that the applicable assignment provisions of the Relevant Agreements have been satisfied in full.
3. Pursuant to Section 6.8 of the SLA (as defined in Attachment A hereto), City hereby consents to the repair and replacement of the Project System as Seller and Buyer deem necessary in order to correct any damage incurred by the Project System to date or from time to time.
4. City represents and warrants to Seller and Buyer that:

- a. The copy of each Relevant Agreement attached hereto as Attachment A, constitutes a true, correct and complete copy of each Relevant Agreement.
 - b. (i) the individual executing and delivering this Consent and Estoppel on City's behalf has been duly authorized to do so, (ii) this Consent and Estoppel has been duly executed and delivered by City, and (iii) this Consent and Estoppel constitutes a valid, legal, binding and enforceable obligation of City that does not require any approvals, filings with or consents of any entity or person which have not previously been made or obtained.
 - c. As of the effective date of this Consent and Estoppel, (i) the Relevant Agreements are in full force and effect and have not been modified; (ii) none of the City's right, title or interest in the Relevant Agreements has been pledged or assigned, in whole or in part; (iii) no defaults exist under any Relevant Agreement; and (iv) no party has elected to exercise any right, if any, of purchase option or termination.
 - d. (i) No default by City or, to City's knowledge, Seller exists under the Relevant Agreements and there exists no event or condition which would, with the giving of notice or lapse of time, or both, constitute a default, under any of the Relevant Agreements; (ii) no dispute exists between the City and Seller; and (iii) all obligations, representations, warranties and covenants under the Relevant Agreements to be performed or observed by City or Seller to date have been fully performed, observed and/or satisfied.
 - e. (i) Seller has not received or, to City's knowledge, claimed any amounts under any applicable indemnification obligations of City set forth in the Relevant Agreements and (ii) Seller does not owe an known indemnity payments or liquidated damages to City; and
 - f. City has not filed and City is not the subject of any filing for bankruptcy or reorganization under federal or state bankruptcy or insolvency laws.
5. City agrees that notwithstanding Section 19 of the SPPA (as defined in Attachment A hereto), Seller may sell the Project Systems to Buyer, and HOST (as the City is defined in the SPPA) shall be deemed to have effectively declined any Seller offer to sell the Project Systems to HOST. HOST further agrees that so long as any such sale to Buyer takes place within six (6) months from the date hereof, such sale will be deemed to have complied in all respects with the SPPA, regardless of the purchase price to Buyer. As provided in Section 19 of the SPPA, any such sale to Buyer will not invalidate any of the rights of HOST under the SPPA, which will continue in full force and effect as provided herein.
 6. City agrees that Seller, Buyer, each assignee and their direct and indirect customers, investors, affiliates, subsidiaries and financing parties (collectively, the "Relying Parties") may rely on this Consent and Estoppel and the representations and warranties

of City set forth herein in connection with the assignment, financing, management, ownership and operation of the Project.

7. This Consent and Estoppel shall be governed by and construed in accordance with laws of the State of Ohio, without giving effect to the conflict of law principles thereof. No amendment, modification, waiver or discharge of this Consent and Estoppel or of the Relevant Agreements, or any provision hereof (including, without limitation, this sentence) or thereof shall be valid or effective unless in writing and signed by the Party against whom enforcement of such amendment, modification, waiver or discharge is sought and then only to the extent set forth in such writing. This Consent and Estoppel, together with the Relevant Agreements, contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes any and all prior and contemporaneous negotiations, representations, understandings and agreements, whether written or oral, all of which are merged into the Relevant Agreements. This Consent and Estoppel shall not be construed more strictly against one (1) Party than against the other merely by virtue of the fact that this Consent and Estoppel may have been physically prepared by one (1) of the Parties, or such party's counsel, it being agreed that all parties and their respective counsel have mutually participated in the negotiation and preparation of this Consent and Estoppel.
8. This Consent and Estoppel may be executed in one or more counterparts, each of which shall constitute an original and all of which when taken together shall constitute one binding agreement. At the request of any Party, the other Parties will take all reasonable action necessary to file a proper record of the assignment of any Relevant Agreement(s) in the Recorder's Office for Mercer County, Ohio.
9. The provisions of this Consent and Estoppel are severable, and if any one clause or provision hereof shall be held invalid or unenforceable in whole or in part, then such invalidity or unenforceability shall affect only such clause or provision, or part thereof, and not any other clause or provision of this Consent and Estoppel.

[Signature Page Follows]

IN WITNESS WHEREOF, each Party hereto has executed this Amendment, Consent and Estoppel as of the Effective Date set forth above.

CITY: CITY OF CELINA, OHIO
By: _____
Name: _____
Title: _____
Attest: _____

SELLER: CELINA SOLAR PROJECT #1, LLC
By: _____
Name: _____
Title: _____

BUYER: MEYER ROAD SOLAR, LLC
By: _____
Name: _____
Title: _____

Attachment A

**LIST OF RELEVANT AGREEMENTS
TO BE ASSIGNED**

Amended and Restated Solar Power Purchase Agreement (“SPPA”) between City of Celina and SolarVision, LLC (“SV”) dated May 4, 2012 [Includes Amended and Restated SLA as an Exhibit], as assigned pursuant to that Assignment of SPPA by SV to Celina Solar Project #1, LLC dated May 30, 2012.

Amended and Restated Solar License Agreement (“SLA”) between City of Celina and SolarVision, LLC (“SV”), dated May 4, 2012 and recorded in the Mercer County (OH) Recorder’s Office on June 14, 2012 as Instrument No. 201200003392, as assigned pursuant to that Assignment and Assumption of Solar License Agreement, by SV to Celina Solar Project #1, LLC, dated May 30, 2012, and recorded in the Mercer County (OH) Recorder’s Office on June 14, 2012 as Instrument No. 201200003393.

Grant and Agreement of Interconnection Easement, from Celina Solar Project #1, LLC to City of Celina, dated July 30, 2012 and recorded in the Mercer County (OH) Recorder’s Office on July 30, 2012 as Instrument No. 201200004277.

City of Celina, City Planning Commission, approving Conditional Use, January 19, 2012.

Pole Attachment License Agreement, from Celina Solar Project #1, LLC to City of Celina, dated May 22, 2015 and recorded in the Mercer County (OH) Recorder’s office on June 3, 2015 as Instrument No. 20150002580.

ORDINANCE 17-21-O

AN ORDINANCE AMENDING ORDINANCE 69-01-O TO CHANGE THE ZONING CLASSIFICATION OF A PORTION OF PROPERTY OWNED BY GRIESHOP PROPERTIES LLC FROM S-1 SPECIAL DISTRICT TO B-1 GENERAL BUSINESS DISTRICT.

WHEREAS, Celina City Council passed Ordinance 69-01-O on December 17, 2001, amending the zoning map portion of the Zoning Ordinance, a copy of which is attached hereto as Exhibit A and fully incorporated herein; and

WHEREAS, an application for Zoning Change or Amendment has been received from Grieshop Properties LLC to change the zoning classification of 5428 State Route 29 (18.2130 acres) from S-1 Special District to B-1 General Business District; and

WHEREAS, the City Planning Commission met on March 18, 2021 to review this proposed change and hereby recommends the zoning district classification be changed from S-1 Special District to B-1 General Business District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the zoning classification of the property located at 5428 State Route 29 (18.2130 acres) be changed from S-1 Special District to B-1 General Business District as defined in Ordinance 26-99-O, a copy of which is attached as Exhibit B and fully incorporated herein.

SECTION TWO

THAT, the Clerk of Council did initiate the proper procedures in publishing the date of the public hearing, the notification of hearing date to affected property owner, a copy of the Ordinance was on file for public examination, and that a public hearing was held by City Council in its chambers on the 10th day of May, 2021.

SECTION THREE

THAT, Council, upon considering the application for Zoning Change or Amendment and the recommendation of the City Planning Commission and conducting a public hearing, finds that in order to promote the public health, safety, convenience, comfort, prosperity, and general welfare, it is in the best interests of the City of Celina, Ohio to rezone the property as petitioned and as described in Section One.

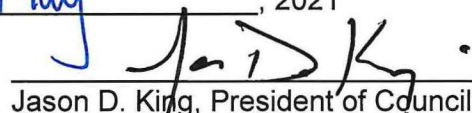
SECTION FOUR

THAT, the official Zoning Map of the City of Celina be amended and that the proper persons be notified to make this classification change to the Map.

SECTION FIVE

NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 24th day of May, 2021



Jason D. King, President of Council

ATTEST:

Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED May 24, 2021
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:
George Erik Moore
George Erik Moore, Esq., City Law Director

ORDINANCE NO. 69-01-O

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE
ZONING ORDINANCE NO. 26-99-O.

WHEREAS, the City of Celina desires to update its Zoning District Map; and

WHEREAS, the City Planning Commission of Celina, Ohio has recommended changes to the zoning district map at their October 16, 2001 meeting; and

WHEREAS, the City Council of Celina held a public hearing on November 26, 2001, following the required 30-day notice.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT Attachment A is hereby the Zoning District Map for the City of Celina, and made part of this Ordinance.

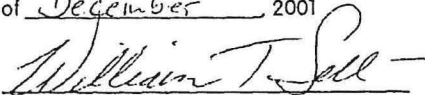
SECTION TWO

THAT any prior versions of the Zoning District Map are hereby repealed.

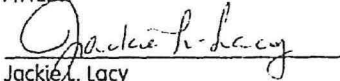
SECTION THREE

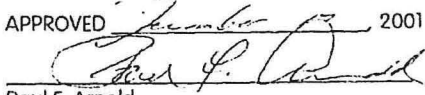
THAT this Ordinance shall become effective upon its passage and approval by Council at the earliest period allowed by law.


PASSED this 17 day of December, 2001


William T. Sell
President of Council

ATTEST:


Jackie L. Lacy
Clerk of Council

APPROVED December 17, 2001

Paul F. Arnold
Mayor

APPROVED AS TO FORM

Kevin M. McKirnan
City Law Director

I, Jackie Lacy, hereby certify that the foregoing is a true and correct copy of Ordinance 69-01-O, passed by Celina City Council on _____ and approved by the Mayor _____ and which was duly published according to law in the Daily Standard on _____ and _____.

Clerk of Council

**ZONING ORDINANCE No. 26-99-0
OF THE CITY OF CELINA, OHIO**

An Ordinance to adopt and enact zoning and related provisions, and to repeal Ordinances in conflict therewith. This Ordinance consolidates all zoning and related provisions for the purpose of regulating, restricting and limiting in the interest of the public health, safety, convenience, comfort, prosperity and general welfare of the City of Celina, Ohio, the uses and location of buildings and other structures and the uses of premises, and divide the City into districts. This Ordinance also provides the method of administration and enforcement, and prescribes the penalties for the violation of these provisions.

WHEREAS, the City of Celina desires to update its Zoning Code, and

WHEREAS, the City Planning Commission of Celina, Ohio has recommended the following regulations be adopted at their June 24, 1999 meeting, and

WHEREAS, the City Council of Celina held a public hearing on August 9th, 1999 following the required 30 day notice;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CELINA, OHIO:

SECTION ONE

THAT the following is hereby the Zoning Code of the City of Celina along with the attached map.

**CHAPTER 1141
GENERAL PROVISIONS**

- 1141.01 **PURPOSE**
For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements and lessening or avoiding congestion on public streets and highways, this Zoning Ordinance is established.
- 1141.02 **TITLE**
Chapter 1141 through 1199 and the Zoning District Map which accompanies this ordinance shall together be known and cited as the Zoning Ordinance.
- 1141.03 **INTERPRETATION AND CONFLICT**
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Wherever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall govern.
- 1141.04 **COMPLIANCE WITH REGULATIONS**
 - A. No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located except as hereinafter provided.
 - B. No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located, except where such usage was in existence and permitted prior to the passage of current zoning regulations.
 - C. No yard or other open space existing adjacent to any building or structure shall be reduced in area or dimension to less than the minimum required by the Zoning Ordinance.
 - D. No lot at the time of the effective date of the Zoning Ordinance shall be reduced or subdivided in any manner below the minimum area and yard provision as required by the Zoning Ordinance.
 - E. Uses not specifically listed or interpreted to be included categorically under the Uses Sections of the District Chapters shall not be permitted except by Amendment to the Ordinance.
- 1141.05 **SEPARABILITY**
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**CHAPTER 1142
DEFINITIONS**

- 1142.01 **DEFINITIONS**
For the purpose of the Zoning Ordinance certain terms and words are defined as follows. Except where specifically defined, all words used in the Zoning Ordinance shall carry their customary meanings.
 1. "Agriculture" means farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and limited processing and sale of agricultural products from land under same ownership.

2. "Alley" means a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
3. "Animal Hospital and Clinic" means a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits, and birds by a veterinarian.
4. "Assisted Living Facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
5. "Automotive Filling Station" means any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
6. "Automotive Services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles and commercial carwashes.
7. "Automotive Sales" means the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
8. "Basement" means a story having part but not more than one-half of its height above grade and used for storage, garages for use of occupants of the building, or other active use for the rest of the building.
9. "Bed and Breakfast Establishment" means any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, are provided for compensation.
10. "Board" means the Board of Zoning Appeals of Celina, Ohio.
11. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
12. "Building and Related Trades" means a building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.
13. "Building, Front Line of" means the line of that face of the building nearest the front line of the lot. This line does not include uncovered steps or handicapped access ramps.
14. "Building Lot" means any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately but shown on the county's tax maps as owned by the same owner.
15. "Building, Height of" means the vertical distance from the average grade level along the front building line to the highest point of the building or structure.
16. "Building, Principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.
17. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including crematories, mausoleums and mortuaries, if operated in connection with, and within the boundaries of, such cemetery.
18. "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with room or board nor kept overnight on the premises.
19. "Club" means a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
20. "Commercial School" means a facility, operating for profit, providing a curriculum of continuing academic instruction including vocational and technical courses.
21. "Commission" means the Celina Planning Commission.
22. "Commercial Entertainment Facilities" means any activity which is generally related to the entertainment field, such as motion picture theaters, night clubs, and similar entertainment activities and excluding taverns.
23. "Community Development Project" means any development of land for industrial, commercial or residential purposes, or a combination of these uses, provided they are functionally integrated, to attain an improved character of development that conforms to the purpose and intent of the Zoning Ordinance.
24. "Council" means the City Council of Celina, Ohio.
25. "Day Care Facility" means a building or structure where daytime care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes Child Care Facilities which address and pertain to the care of children up to and throughout school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.
26. "Days" means calendar days unless stated otherwise.
27. "Design Review District" means a portion of the territory of the City, within which special requirements and regulations established under the Design Review District provisions of this Ordinance are applied. Design Review Districts are established by Council and identified on the Zoning Map.
28. "Design Review Commission" means a commission established under the Design Review District provisions of this Ordinance.
29. "District" means a portion of the territory of the City, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
30. "Drive-In Commercial Uses" means any retail commercial use serving primarily vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks and drive thru convenience stores.

31. "Dwelling" means any building or portion thereof which is designated for or used for residential purposes.
32. "Dwelling, Efficiency Apartment" means a dwelling unit in a multi-family building without a separate distinct room for sleeping.
33. "Dwelling, Multi-Family" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.
34. "Dwelling, Permanently Sited Manufactured Home" means a building manufactured in an off-site facility designated for or occupied exclusively by one family that meets all of the following criteria:
 - a. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
 - b. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
 - c. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
 - d. The structure was manufactured after January 1, 1995;
 - e. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.
35. "Dwelling, Single-Family" means a building designated for or occupied exclusively by one family, including Permanently Sited Manufactured Homes as defined herein.
36. "Dwelling, Three Family" means a building designated for or occupied exclusively by three families.
37. "Dwelling, Two-Family" means a building designated for or occupied exclusively by two families.
38. "Educational Institution" means a facility that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary schools, junior high schools, high schools and technical and collegiate level courses.
39. "Essential Services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of facilities which are necessary for furnishing adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
40. "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a hotel, as herein defined.
41. "Financial Institution" means any building, property or activity of which the principal use or purpose is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.
42. "Food Processing" means the preparation or processing of food products excluding restaurants, for wholesale distribution.
43. "Frontage" means all of the property between a street and the front building line. The front boundary line of a lot is the line that abuts on a street, and includes its length.
44. "Funeral Home" means any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
45. "Grain Elevators and Feed Mill" means a building, structure or premises used for the storage and retail sales of grain and other related agricultural supplies and products.
46. "Group Home" means any licensed residential facility designed to allow not more than eight (8) persons, needing specialized care, counseling, on-going medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.
47. "Home Occupation" means any occupation, profession, activity or use which is accessory to the principal use of the premises and is conducted by a resident occupant which does not alter the interior of the property or affect the residential character of the neighborhood.
48. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
49. "Hotel/Motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and possibly providing as an accessory use additional facilities such as restaurants, meeting rooms and recreational facilities.
50. "Institution" means buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.
51. "Interior Lot Line" means any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.
52. "Junk Storage and/or Sales; Salvage Operation" means any lot, land or structure or part thereof used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof.
53. "Land Use Plan" means the long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.
54. "Loading Space" means a space within the main building or on the same lot therewith providing for the loading or unloading of trucks.
55. "Lock and Store (or Store and Lock) Warehousing" means a building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for the storage of customer goods or wares.

56. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one principal building together with accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a street.
57. "Lot Coverage" means the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.
58. "Lot of Record" means any lot which, individually or as a part of a subdivision, has been recorded in the office of the County Recorder.
59. "Lot, Minimum Area Of" means the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
60. "Lot Width" means the width of a lot at the building setback line measured at right angles to its depth. The lot width of lots on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve describing the required depth of front yard.
61. "Lot - Outlot" means a lot associated with larger development plan where the primary parcel defines the development. The development on outlots must conform, in use type, to the primary site development. Outlots may be deeded separately from the primary parcel, but can be considered part of the overall development. In site plan reviews, these lots shall be considered as part of the overall site development. In a shopping center, or in a B-3 zone, it is a lot that is owned and/or developed separately from the shopping center and has its own access drives, parking, and signage.
62. "Manufacturing" means the mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.
63. "Mineral Extraction, Storage and Processing" means any mining, quarrying or processing of limestone, shale, clay, coal or other minerals.
64. "Mixed Use" means a combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Planning Commission, in the same building or on the same premises.
65. "Mobile Homes or Trailers" means any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
66. "Mobile Home Parks" means an area manifestly designed for rent or lease of mobile home lots in a safe, sanitary and desirable manner as described in Chapter 1180.
67. "Nursing Home" means a building, group of buildings or licensed facility, public or private, which provides full-time personal care or nursing to the ill, physically infirm or aged persons who are not related by blood or marriage to the operator.
68. "Office" means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
69. "Off-Street Parking Space" means any parking space located wholly off any street, alley or sidewalk either in an enclosed building or on an open lot.
70. "Overlay District" means the portion of the territory of the City, within which special requirements and regulations established under the Overlay District provisions of this Ordinance are applied. Overlay Districts are established by Council and identified on the Zoning Map.
71. "Personal Services" means any enterprise conducted for gain which serves primarily personal needs of the general public such as shoe repair, watch repairing, barber shop, beauty parlors, and similar activities.
72. "Petroleum Refining and Storage" means a facility designed to separate and remove impurities from oil or gas and store such fuels for distribution.
73. "Planning Commission" means the Celina Planning Commission.
74. "Public Service Facility" means the erection, construction, alteration, operation or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.
75. "Public uses" means public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.
76. "Public Recreation" means recreational facilities developed, used and/or maintained by public agencies for use by the public.
77. "Recreational facilities, commercial" means recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, boat docks, fishing piers, boat launching, race tracks, amusement parks, carnivals, food concessions as an accessory use, and similar commercial enterprises.
78. "Recreational facilities, noncommercial" means private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
79. "Religious places of worship" means an institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denominations are held.
80. "Restaurant" means an establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers.

81. "Restaurant, fast food" means an establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
82. "Retail Business" means any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.
83. "Retail neighborhood business" means small retail commercial establishments catering primarily to nearby residential areas providing convenience goods and services, including but not limited to, small grocery stores, pharmacies, barber shops, beauty salons and coin-op Laundromats.
84. "Scientific research facility" means a building or buildings in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.
85. "Semi-public buildings" means churches, Sunday schools, private and parochial schools, hospitals and other institutions of a charitable, educational or religious nature.
86. "Shopping center" means a grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking and loading as an integral part of that unit.
87. "Story" means that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters, or if one-half of its volume is above the average level of the adjacent ground.
88. "Street Line, Right-of-Way Line" means a dividing line between a lot, tract or parcel of land and contiguous street.
89. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.
90. "Structural Alterations" means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
91. "Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
92. "Transport Trucking Terminal" means any business, structures or premises which primarily receives or distributes goods by tractor trailer or other similar vehicle.
93. "Use" means the purpose for which land, a building or structure is arranged, designed, or intended, or for which either land, a building or structure is, or may be, occupied or maintained.
94. "Use, Accessory" means a use, building or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
95. "Use, conditional" means a use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission.
96. "Use, Non-Conforming" means any building, structure, or premises legally existing or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
97. "Use, Principally Permitted" means a use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Ordinance.
98. "Variance" means a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Zoning Ordinance would prohibit the reasonable use of the land.
99. "Warehousing" means a building or facility that stores commodities in large quantities for distribution to retail, wholesale or manufacturing businesses.
100. "Wholesale Business" means an establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.
101. "Yard" means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
102. "Yard, Front" means a yard between the front building line and the right-of-way line of the fronting street. In case of a lot that fronts more than one street, the yard abutting the street named in the property address shall be considered the front yard.
103. "Yard, Rear" means a yard extending across the full width of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches. In the case of a lot that fronts more than one street, the yard opposite the front yard shall be considered the rear yard.
104. "Yard, Side" means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereto.

- 105. "Zoning Certificate" means the document issued by the Zoning Inspector authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
- 106. "Zoning Map" means the Zoning District Map or Maps of the City, together with all amendments subsequently adopted.
- 107. "Zoning Inspector" means the Safety Service Director of the City or his designee.
- 108. "Zoning Permit" shall be synonymous with Zoning Certificate, and these two terms shall be considered one and the same where listed within this Ordinance.

**CHAPTER 1143
ADMINISTRATION**

1143.01 PURPOSE

This Ordinance sets both the powers and duties of the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals, and The Design Review Commission with respect to the administration of the provisions of this Ordinance.

1143.02 RESPONSIBILITIES OF THE ZONING INSPECTOR

The Zoning Inspector shall have the following responsibilities and powers:

- A. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- B. Receive, review and make determinations on applications for zoning permits.
- C. Issue zoning certificates and other certificates and permits as provided by this Ordinance, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Ordinance.
- E. Make determinations as to whether violations of this Ordinance exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Ordinance.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Ordinance.
- G. Maintain permanent and current records required by this Ordinance, including, but not limited to, the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the City Council, Planning Commission, the Board of Zoning Appeals and to the public.
- H. Revoke a certificate or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the application.
- I. The Zoning Inspector shall be responsible for the collection and deposit of all fees for credit to the General Revenue Fund of the City.

1143.03 RESPONSIBILITIES OF THE PLANNING COMMISSION

The Planning Commission shall have the following responsibilities and powers as they relate to this Ordinance:

- A. Initiate by recommendation to City Council, Official Zoning Map changes, or changes in the text of the Ordinance where such changes will promote the best interest of the public in general.
- B. Review all proposed amendments to the text of this Ordinance and the Official Zoning Map and make recommendations to the City Council.
- C. Review all conditional uses as identified in the respective zoning districts according to provisions and criteria stated in this Ordinance.
- D. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.
- E. Review and act on site plans pursuant to the provisions and criteria stated in this Ordinance.
- F. Review and act upon requests for substitution or enlargement of nonconforming uses as set forth in Chapter 1150.

The Planning Commission shall also have the responsibilities as set forth in Chapter 145 of the Codified Ordinances of the City.

1143.04 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following responsibilities and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will prohibit reasonable use of the property and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Hear and rule on appeals taken on the basis of a decision rendered by the Planning Commission or Design Review Commission.

The Board of Zoning Appeals may call on the several city departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board of Zoning Appeals as may reasonably be required.

1143.05 RESPONSIBILITIES OF THE DESIGN REVIEW COMMISSION

The Design Review Commission shall have the following responsibilities and duties.

- A. Review and approve, or deny, all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in 1148.04 of this Ordinance.
- B. Work to increase the public awareness of the significance of the District.
- C. Encourage property owners within the District to initiate changes, which will enhance the significance of the District.
- D. Receive, send, and account for any funds, which it may legally receive from any source, for the purpose of carrying out the provisions of this Ordinance.
- E. Contract, as needed and as allowed by funding availability, technical experts to fulfill the provisions of this Ordinance.
- F. Keep minutes and records of all meetings and proceedings, including records of voting, attendance, resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
- G. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.

**CHAPTER 1144
ENFORCEMENT**

1144.01 ZONING INSPECTOR

It shall be the duty of the Zoning Inspector to administer and enforce the Zoning Ordinance. It shall also be the duty of all officials and employees of the Municipality to assist the Zoning Inspector by reporting to him new construction, reconstruction or land uses or apparent violations.

Appeals from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Section 1153.

1144.02 ZONING CERTIFICATES

The following shall relate to Zoning Certificates:

- A. It shall be unlawful for an owner to use or to initiate construction or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform to all the requirements of the Zoning Ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of the Zoning Ordinance. All Zoning Certificates shall expire one year after their issuance unless construction has reached fifty percent (50%) of completion.
- B. Upon written request from the owner, or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of the Zoning Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of the Zoning Ordinance. No charge shall be made for issuing a Zoning Certificate in accordance with this subsection.
- C. The Zoning Inspector must refer to the requirements of O.R.C. Section 5511.01 before any zoning action is approved near a proposed new state highway or a state highway for which changes are proposed. Any land within 300 feet of such highway, or within 500 feet of any proposed state highway intersection work, is affected. Notice is to be sent to the Director of the Ohio Department of Transportation.

1144.03 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED

A Zoning Certificate shall be required for any of the following, except as herein provided:

- A. Construction, or structural alteration increasing the square footage of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a nonconforming use.
- F. A Zoning Certificate may be required for all lawful nonconforming uses of land or buildings created by adoption of the Zoning Ordinance or any amendments thereto.

1144.04 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES

The following shall apply to the issuance of Zoning Certificates:

- A. A complete written application shall be made for a Zoning Certificate for the construction of a new building or the alteration of an existing building. Such Certificate shall be issued within ten (10) business days after a written request for the same has been made to the Zoning Inspector or his agent, provided the construction or alteration is in conformity with the provisions of the Zoning Ordinance.
- B. Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of the Zoning Ordinance, the certificate shall be issued within ten business days after the application for same has been made.
- C. Every application for a Zoning Certificate shall be accompanied by a plot plan, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be

erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

1. Each plan shall show:
 - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - b. The name of the subdivision, if any, and the lot numbers of the subject property and abutting properties.
 - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - d. The location and size of the proposed structures, and/or the proposed enlargement of the existing structure.
 - e. Any other information which, in the judgment of the Zoning Inspector, may be necessary to provide for the enforcement of the Zoning Ordinance.
 2. The plan shall include statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 3. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
 4. Each application shall bear a statement acknowledging that all construction will be done in compliance with the Construction Standards of the City of Celina and any applicable building codes.
 5. Each property owner, or authorized agent, shall be required to attest to the correctness of the statements and data furnished with the application.
 6. A file of such applications and plans shall be kept in the office of the Zoning Inspector.
- D. The Zoning Inspector shall not issue a Zoning Certificate for any application requiring any of the following:
1. A Conditional Use Approval as established in Chapter 1145;
 2. Site plan review as required in Chapter 1146;
 3. An Overlay District Site Development Plan as required under Chapter 1147;
 4. A Certificate of Approval as required under Chapter 1148, Design Review District.
 5. A permit for the enlargement or substitution of a nonconforming use, as required in Chapter 1150.
- Unless the application has been returned to the Zoning Inspector from the primary review bodies with instructions to issue.
- In cases where more than one of the additional approvals listed above are required for a project, the order of submissions shall be:
- a) Design Review District Certificate of approval
 - b) All Planning Commission action (Conditional Uses, Overlay District Site Development Plan Review, Site Plan Review and Nonconforming Uses)
 - c) Board of Zoning Appeals (Variances and Appeals).
- E. Fees: The City Council shall by Ordinance, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use approvals, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the City Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

1144.05 NONCOMPLIANCE

Situations of noncompliance with the provisions of this Ordinance shall be remedied as outlined in Chapter 1199, "Violations, Remedies and Fees".

**CHAPTER 1145
CONDITIONAL USES**

1145.01 CONDITIONAL USES

The Planning Commission may authorize, upon application, conditional uses as delineated in this Chapter. Such conditional use requests shall conform to the procedures and requirements of this Chapter.

1145.02 APPLICATION FOR CONDITIONAL USE APPROVAL

An Application for Conditional Use Approval shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such conditional use is proposed. The application shall be signed by the owner or applicant attesting to the accuracy of all information supplied in the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of the owner of record and applicant;
- B. A boundary survey of the said property;
- C. Description of existing use;
- D. Present zoning district;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such information as the Zoning Inspector may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;

- G. A statement and supporting documentation describing how the applicant believes the request conforms to the standards for conditional uses listed in Section 1145.03; and
- H. An application filing fee as established by Council;
- I. The Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable.

1145.03 GENERAL STANDARDS FOR CONDITIONAL USES

In addition to specific requirements for conditionally permitted uses that may be specified in the district use regulations, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Shall be in accordance with the general objectives of this Ordinance;
- B. Shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- C. Shall not be hazardous or disturbing to neighboring uses;
- D. Shall be served adequately by essential public facilities and services;
- E. Shall not be detrimental to the economic welfare of the community;
- F. Shall not involve uses, activities, processes, material, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- G. When reviewing public service facilities, the adequacy and availability of existing services shall be considered.

The Planning Commission shall have the authority to modify the requirements of a conditional use.

1145.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1145.05 NOTICE TO PARTIES OF INTEREST

Written notice shall be mailed by the Planning Commission by first class mail at least seven days before the date of the hearing to the members of Planning Commission and all property owners within 150 feet in any direction of the property upon which an application for a conditional use approval has been filed. The notice shall contain the location of the property, nature of the proposed conditional use, and the time and place of the meeting. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission.

1145.06 ACTION BY THE PLANNING COMMISSION

Within thirty (30) days after their original consideration of a conditional use application, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1145.04, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions specified by the Planning Commission for approval.

1145.07 APPEALS

Appeals from the Planning Commission for conditional uses shall be made to the Board of Zoning Appeals pursuant to Section 1153.

1145.08 EXPIRATION OF CONDITIONAL USE APPROVAL

A conditional use approval shall be deemed to authorize only one particular conditional use and such approval shall automatically expire if, for any reason, the conditional use has ceased by discontinuance or abandonment for a period of more than one year.

**CHAPTER 1146
SITE PLAN GUIDELINES STANDARDS**

1146.01 APPLICABILITY

In order to administer the provisions of this Zoning Ordinance and to evaluate site plans in the interest of the public health, safety and general welfare, this Chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

When Existing Structure is...	A Substantial Expansion is...
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0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

Furthermore, no building shall be erected or structurally altered on any lot or parcel in cases where a site plan review is required, except in accordance with the regulations of this section and an approved site plan. No Zoning Certificate shall be issued prior to the approval of a site plan.

1146.02

CONTENTS OF SITE PLAN

Before a permit is issued for construction, one copy of the site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Zoning Inspector setting forth, identifying and locating the following:

- A. The total area in the development.
- B. The existing zoning of the subject property and all adjacent properties.
- C. All public and private right-of-way and easement lines located on or adjacent to the property.
- D. Existing topography with a maximum of five (5) foot contour intervals.
- E. The proposed finished grade of the development shown by contours not larger than one (1) foot.
- F. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
- G. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
- H. All sidewalks and other open areas.
- I. Location of all walls, fences, and buffer yards.
- J. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
- K. Location of all existing streets, highways and alleys.
- L. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
- M. The schedule of phasing of the project.

Such other information as required by the Planning Commission to determine the conformance with this Ordinance.

1146.03

SITE PLAN REVIEW GUIDELINES

The following principles shall guide the exercise of site planning review by the Planning Commission:

- A. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
- B. Buildings and open spaces shall be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
- C. A site that has an appearance of being congested, over built or cluttered can evolve into a blighting influence and therefore such shall not be congested, over built or cluttered.
- D. Open spaces shall be linked together.
- E. Natural separation shall be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal shall be kept to a minimum.
- F. Screening of intensive uses shall be provided by utilizing landscaping, fences or walls to enclose internal areas.
- G. Buildings shall be sited in an orderly, non-random fashion. Long, unbroken building facades shall be avoided.
- H. Short loop streets, cul-de-sacs and residential streets shall be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- I. Pedestrian circulation in nonresidential areas shall be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking shall be located as near as possible to the entrance of the structure. Pedestrian and vehicular circulation shall be separated as much as possible through crosswalks designated by pavement markings, signage, or grade separation.
- J. Path and sidewalk street crossings shall be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
- K. Parking lots and garages shall be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there shall be a sharing of curb cuts by more than one facility. Parking areas shall be screened and landscaped and traffic islands shall be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
- L. Drive through establishments, such as restaurants and banks, shall be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations, or overflow onto streets.

1146.04

ACTION BY PLANNING COMMISSION FOR SITE PLAN REVIEW

Upon submission of the complete application for site plan review to the Zoning Inspector, the application shall be transmitted to the Planning Commission for review pursuant to Section 1146.03, "Site Plan Review Guidelines". Notice of all public meetings shall be given as required by State law, and the Planning Commission may hold a public hearing on any site plan review application.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Zoning Inspector. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of

the Planning Commission present at a meeting thereof may vote to extend the review period up to an additional sixty (60) days.

- 1146.05 **APPEALS**
Appeals of determinations by the Planning Commission regarding site plans shall be made to the Board of Zoning Appeals.

**CHAPTER 1147
OVERLAY DISTRICTS**

- 1147.01 **PURPOSE**
An Overlay District is intended to provide for and promote orderly growth in certain areas in the City designated as having distinctive, scenic, or unique characteristics and importance. Within these Districts, localized actions are implemented for the protection, preservation and enhancement of these unique and natural assets to the community.

- 1147.02 **APPLICABILITY**
- A. An Overlay District is established by City Council, superimposed in specific areas over the existing Zoning Map, where:
1. Zoning districts indicate incompatibility of use; and
 2. Any plans adopted by the City for that area are furthered by the use of this type of district.
- In establishing these Districts, Council shall outline the various ways in which the general regulations of this Ordinance are to be supplemented and/or modified within the described district.
- B. All regulations in the Code for the underlying district shall apply until a site development plan is approved.
- C. Upon approval of a site development plan, development and use of the property shall be in accordance with the plan.

- 1147.03 **PERMITTED BUILDINGS, USES AND OTHER REGULATIONS**
- A. **Principally Permitted Buildings and Uses**
Those buildings and uses principally permitted in the underlying district shall be permitted in accordance with all applicable regulations of that underlying district, and subject to the additional specific restrictions on development and use the Overlay District imposes.
- B. **Accessory Buildings and Uses**
Accessory buildings and uses shall be permitted if approved by the Planning Commission as being consistent with the purposes and provisions of this Chapter.
- C. **Access Management**
As parcels within the Overlay Districts are purchased, consolidated and redeveloped, access management must be implemented to control the number of curb cuts to improve vehicular and pedestrian circulation and safety.
1. All new nonresidential development within an Overlay District shall require a Traffic Impact Study to determine any thoroughfare improvements which may be required from the impact of the new development.
 2. Where deemed necessary by the City Engineering Department, from the review of the Traffic Impact Study, a frontage road may be required for certain developments/redevelopments.
 3. When two or more parcels are developed or redeveloped under the same owner or as part of the same development, all curb cuts shall be consolidated into one ingress/egress as indicated on the site plan and as approved by the City Engineering Department.
- D. **Building and Use Requirements**
The main and accessory buildings shall meet the regulations of any district in which such buildings or uses would be permitted. If the main and accessory buildings are not permitted in the underlying district, they shall conform to the regulations of the nearest district to the site within which they are allowed. Additionally they shall meet the following:
1. All the requirements established by the Planning Commission and Council pursuant to the purposes and provisions of this Chapter;
 2. The conditions and demands of any adopted plan affecting the district; and
 3. The details of the site development plan.
- E. **Landscaping and Streetscaping**
Plans shall include landscaping and buffering as part of the plan review process.

- 1147.04 **STANDARDS FOR REVIEW AND APPROVAL**
- A. The use of property in the Overlay District, in accordance with a site plan (pursuant to the requirements of Chapter 1146 of this Ordinance), shall be permitted only if the proposed site development plan, by its nature, or by reason of the controls imposed by the Planning Commission and Council:
1. Is not an adverse influence on any abutting or surrounding properties;
 2. Provides for an orderly transition and promotes compatibility between districts;
 3. Is in full compliance with the purposes of this Zoning Ordinance and this Chapter;
 4. Furthers and conforms to the goals of the Celina Land Use Plan as adopted by the City; and
 5. Is designed to maximize the public interest and private benefit in a balanced manner.
- It is the responsibility of the developer to demonstrate compliance with each of the above stated standards.

- B. The following factors or characteristics, along with other requirements imposed by the Planning Commission for such use, consistent with the provisions of this Chapter shall be considered in assessing a proposed site development plan:
 - 1. Permitted types of use(s);
 - 2. Intensity of use in terms of:
 - a. Density, floor area or impervious surface ratio (I.S.R.);
 - b. Traffic impacts; or
 - c. Other environmental impacts such as noise, light, pollution, etc.;
 - 3. Functional and aesthetic compatibility with existing or proposed development:
 - a. Landscaping and buffering of the site; and
 - b. Compliance with the development goals of an adopted plan for the City or that area of the City.
- C. To secure the application of all relevant standards to the development of the Overlay District, the Planning Commission shall recommend:
 - 1. Front, side and rear yard requirements, density requirements, height and bulk of building requirements and intensity of use;
 - 2. The use of materials or designs in the erection of structures which shall minimize the adverse impact of the uses proposed by the development plan on neighboring properties;
 - 3. Permits or variances for docks, business signs, outdoor storage, parking spaces, loading docks and driveways;
 - 4. The screening or setting aside areas of land to serve as a buffer of the proposed use in the Overlay District from adjacent properties by walls, fences, landscaping or open spaces; and
 - 5. Such additional conditions and limitations on use, building dimensions, open spaces and the like as may be deemed necessary to carry out the intent of this Chapter and this Zoning Ordinance.
- D. All the powers exercised pursuant to 1147.01 through 1147.05 shall serve the objectives to create orderly transitions between districts, to minimize adverse impacts of one district upon the other, and to promote the development of property in the Overlay District.

1147.05

SUBMISSION AND REVIEW OF SITE DEVELOPMENT PLANS

- A. **Site Development Plans Required**
Site Development Plans shall be required for all new development within the Overlay Districts and for substantial redevelopment where 35% or more of the site is altered or reconstructed.
- B. **Site Development Plan Review Fees**
Fees and deposits shall be paid according to the provisions of Chapter 1199, Violations, Remedies, and Fees. The appropriate deposit shall be made at the time of submission of plans.
- C. **Submission of Site Development Plans**
Site plans shall be submitted to the Planning Commission by the applicant at least two (2) weeks prior to its meeting. Plans incomplete or filed late may not be accepted for review by the Commission at its meeting.
- D. **Site Development Plan Reviews**
Upon receipt of the development plans, copies shall be distributed to the following for their review: the Zoning Inspector, the Law Director, the Engineering Department, and any planner or consultant the Commission feels is necessary for technical input.
The respective individuals or agents should report back to the Commission with their notations and recommendations within the two (2) weeks. The Planning Commission may hold the plan for thirty (30) days after receipt of the plan, to receive any of the above reports. This period may be extended by written notice to the applicant by the Commission.
- E. **Site Development Plan Evaluation by Planning Commission**
After the site development plan has been filed with the Commission, it shall be evaluated in accordance with the standards set forth in this Chapter and the requirements of the Overlay District. If the plan corresponds to the requirements set forth in this Chapter and those of the Overlay District, the Commission shall incorporate it as part of the zoning permit and endorse the permit for approval.
- F. **Plan Changes Following Approval**
Once approved, no changes are to be made to an approved plan without the plan approval being forfeited unless the following procedure is followed:
The holder of any approved plan may request an amendment to their plans, and such request shall be submitted to the Planning Commission. The Commission may approve minor departures to the plan through written notice to the applicant. If the Commission believes the amendment represents a departure from the intent of, or a major departure from the substance of the site development plan, then such amendment shall be subject to the same conditions and procedures of approval as the original application. For the purpose of this Section, a "major departure from the substance of a site development plan" shall include, but not be limited to, the addition of a use not included in the approved site development plan.
- G. **Board of Zoning Appeals Review**
If the site development plan is not approved, the applicant shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner as rejection of any zoning permit application.
- H. **Following Final Approval**
Following the final approval of a site development plan, the Zoning Inspector shall be notified, and once all fee payments are satisfied a permit or permits shall be issued based on the plan and amendments.

CHAPTER 1148

DESIGN REVIEW

1148.01 PURPOSE

Due to the unique, natural, architectural, and historical characteristics exhibited within the City of Celina and the desire to provide a sense of cohesiveness in certain areas, a Design Review District may be established to aid in this pursuit. The Design Review District will permit the City to provide additional standards and regulations, through review of development and redevelopment projects within these districts, to accomplish the aforementioned purposes.

1148.02 ESTABLISHMENT OF DISTRICT BOUNDARIES AND DESIGN REVIEW COMMISSION

The establishment of district boundaries and the Design Review Commission shall be as follows:

- A. Council may establish districts as part of the official zoning map where design review is required as per Chapter 1148. The procedures established under Chapter 1157 shall be followed for the establishment of these districts.
- B. A Design Review Commission shall be established for each Design Review District. It shall consist of five (5) members, all residents of the Municipality appointed by the Mayor and subject to approval of Council. The terms shall be for four (4) years with two of the initial members being appointed to two (2) year terms. Members may be reappointed. One member shall be a property owner or resident of the design review area. All members shall have, to the highest extent possible, a recognized knowledge of, or known interest in, historic preservation, architectural, or design disciplines. At least one member shall have a professional background in architectural, engineering, contracting, or other similar construction/design profession. The Commission shall adopt its own rules of procedure consistent with this Ordinance.
- C. The duties of the Design Review Commission are to:
 - 1. Review and approve or deny all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in Section 1148.04 of this Chapter.
 - 2. Work to increase the public awareness of the significance of the district.
 - 3. Encourage property owners within the district to initiate changes which will enhance the significance of the district.
 - 4. Receive, send and account for any funds which it may legally receive from any source for the purpose of carrying out the provisions of this Ordinance.
 - 5. Contract, as needed and as allowed for by funding availability, technical experts to fulfill the provisions of this Ordinance.
 - 6. Keep minutes and records of all meetings and proceedings, including records of voting, attendance resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
 - 7. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.

1148.03 CERTIFICATE OF DESIGN REQUIRED

No new construction or exterior alteration shall be made to any property within the Design Review District until a Certificate of Design Approval has been issued by the Design Review Board. No Zoning Certificate shall be issued for any site improvement, signs, construction, reconstruction, alteration or demolition of any structure now or hereafter in a Design Review District, unless a Certificate of Design Approval has been issued.

1148.04 PROCEDURE FOR CERTIFICATE OF DESIGN APPROVAL

- A. The application for a Certificate of Design Approval shall be made on such forms as prescribed by the Zoning Inspector not less than eleven (11) days prior to the meeting of the Design Review Commission and shall include the following data:
 - 1. Two (2) complete sets of drawings and supplemental specifications, indicating the building or structure exactly as it is proposed to be built. Additional sets may be requested. Such documents shall be accurately drawn to scale and dimensioned.
 - 2. A site plan, drawn to scale, showing the plot configuration and its perimeter dimensions, all structures on the site with locating dimensions, the location of all structures adjacent to the site within fifty (50) feet of the property line, and all vehicular drives, roads, related parking areas, main walks, walls, fences and major existing landscaping including trees of 6" caliper as measured 18" from top of ground in area affected by construction. In addition, a vicinity map, a north arrow, the first floor level and existing and finished grade elevations at each corner of new construction and at each corner of the site shall be indicated.
 - 3. Four elevation drawings including front, rear and two side elevations together with additional view or cross sections, if necessary, to indicate completely the exterior appearance of the structures. All elevations shall be drawn to the same scale, which shall be not less than one-quarter inch per foot. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, and an accurate finish grade line.
 - 4. Additional details to show unusual construction.
 - 5. Material and color samples of all major finish materials, which shall be presented at the Design Review Commission's meeting.
 - 6. Drawings or photographs of existing structures that are to remain on the site where new structure are to be constructed. Where additions are to be constructed to existing structures, elevation drawings or photographs showing the location of the addition shall be included.

- B. The Design Review Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the Design Review District pursuant to the general and specific criteria. In determining the appropriateness of the change, the Design Review Commission may conduct public hearings on the project or solicit input from City staff or consultants to the City. The criteria contained in Section 1148.05 and the Design Review District Guidebook shall be used by the Design Review Commission to guide their decision.
- C. The City shall not issue a Zoning Certificate or Demolition permit until the Certificate of Design Approval has been approved by the Design Review Commission.
- D. The Design Review Commission shall consider all applications that have been properly submitted to it and approve, approve with conditions, or disapprove the application within forty-five (45) days of such item's first appearance on its agenda unless a time extension is mutually agreed to by the applicant and the Design Review Commission.
- E. Approvals by the Design Review Commission shall be valid for one year from the date of final action. The Zoning Certificate must be obtained and construction must begin prior to the expiration of one year from the date of final action. An approval may be extended once for one year. Applications for extension must be made in writing to the Design Review Commission prior to the expiration date of initial approval.
- F. The Design Review Commission, may at its discretion, designate an authorized representative to approve or disapprove applications for Certificates of Appropriateness for minor site improvements, construction, reconstruction, exterior alterations, or demolition of structures.

1148.05 GENERAL CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATES OF DESIGN APPROVAL

In determining whether the plan qualifies for a Certificate of Design Approval, the Design Review Commission shall consider those factors listed below which are relevant to the work. In applying the factors listed below, the Design Review Commission shall be guided by the Design Review District Guidelines, as adopted or amended by City Council. The Design Review Commission shall issue a Certificate of Design Approval if the proposed plan is in compliance with these Design Review District Guidelines. The plan shall be approved subject to conditions as necessary to assure the work is in compliance with the Design Review District Guidelines.

- A. Consistency and compatibility with any plans for the Design Review District which have been adopted by City Council.
- B. Compatibility with the building and structural patterns in the surrounding Design Review District.
- C. The quality of design and site planning being promoted by the proposed improvements.
- D. The avoidance of visual clutter created by unnecessarily large amounts and sizes of signage, and the encouragement of signage that reflects the scale and materials of a development's structure.
- E. Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from, and for, adjoining properties; traffic conditions; or the development, usefulness, or value of neighboring land and buildings.
- F. The elimination or avoidance of blight.

1148.06 DEMOLITION

- A. In cases where an applicant applies for a Certificate of Design Approval to demolish a structure within the Design Review District, the Design Review Commission shall grant the demolition and issue a Certificate of Design Approval to demolish when at least one of the following conditions prevail:
 1. The structure contains no features of architectural and historic significance which add to the character of the Design Review District.
 2. There is no reasonable economic use for the structure as it exists or as it might be restored, and that there is no feasible and prudent alternative to demolition.
 3. Deterioration has progressed to the point where it is not economically feasible to restore the structure.
- B. If the Design Review Commission disapproves an application for Certificate of Design Approval involving a demolition or removal of an historically and architecturally significant structure within the District, the Design Review Commission shall have the power to impose a waiting period not to exceed six months. During such period, the applicant shall make every reasonable effort to find a demolition alternative for the structure. During the waiting period the owner of such structure shall maintain and preserve the structure to prevent further deterioration. If the Design Review Commission and the applicant do not agree on a means of preserving the structure within the specified waiting period, and if evidence is produced documenting the existence of at least one of the conditions set forth above in subsection (A), the Certificate of Design Approval to demolish shall be issued as a matter of law upon expiration of the waiting period.

1148.07 MAINTENANCE

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any property within Design Review District, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Chapter be construed to prevent any repair of structural deficiency which is required for the public safety because of an unsafe, insecure or dangerous condition.

1148.08 APPEALS

Any applicant aggrieved by any decision of the Design Review Commission may appeal the decision to the Board of Zoning Appeals. Such appeal shall be taken in accordance with the procedures set forth in Chapter 1153. The Board of Zoning Appeals shall affirm the decision of the Design Review Commission unless it finds that the decision

is contrary to law. In the event that the Board of Zoning Appeals does not affirm the decision of the Design Review Commission, it may reverse, remand or modify such decision of the Design Review Commission and shall state the reasons therefor in the minutes of its meeting and shall forward a copy of such minutes to the Design Review Commission.

**CHAPTER 1150
NONCONFORMING USES**

- 1150.01 CONTINUATION OF EXISTING NONCONFORMING USES**
Except as hereinafter specified, the lawful use of a building or premises existing at the time of the effective date of this Ordinance which is 26-99-0 which would render the use nonconforming, may be continued although such use, building, or structure does not conform with the provisions of this Chapter for the district in which it is located. It is not the intention herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of the Zoning Ordinance.
- 1150.02 ENLARGEMENT OR SUBSTITUTION OF NONCONFORMING USES**
No existing building or premises devoted to a use not permitted by this Chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered to increase its nonconformity unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:
- A. Enlargement or Substitution: When authorized by the Planning Commission, in accordance with Section 1150.02 thru 1150.05, a nonconforming use, that has not been discontinued as specified in Section 1150.06, may be enlarged and/or replaced by another nonconforming use.
 - B. Enlargement: When authorized by the Planning Commission, nonconforming buildings may be enlarged as long as the building meets all minimal yard requirements in the district in which it is located. Additionally, all such extensions shall not exceed 100% of the floor area of the structure existing at the time it became nonconforming. All such extensions on structures nonconforming because of use shall be made within five (5) years of becoming nonconforming. Extensions may be made on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming.
- 1150.03 REPLACING DAMAGED NONCONFORMING USES**
A nonconforming use, which has been damaged to the extent of sixty percent(60%) or more of the County Auditors value as listed in the Mercer County Auditor's records at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged less than sixty percent (60%) of its County Auditors value, a nonconforming use may be repaired or reconstructed within the dimensions prior to the damage, and used as before the time of damage. Such repairs or reconstruction are to be complete within one year of the date of such damage.
- 1150.04 NONCONFORMING TRAILERS AND MOBILE HOMES**
Non-conforming trailers or mobile homes located on a lot in any district other than in an approved Mobile Home Park in an "R-3" District, once removed shall not be relocated on such lot.
- 1150.05 REPAIRS AND ALTERATIONS**
Such repairs, alterations and maintenance work as required to keep said nonconforming use in sound condition may be made to a nonconforming building or structure.
- 1150.06 DISCONTINUANCE OF USE**
No building, structure or premises where a nonconforming use has discontinued, for a period of 12 continuous months or more, shall again be put to a nonconforming use. Discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred.
- 1150.07 ZONING CERTIFICATES FOR NONCONFORMING USES**
A Zoning Certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of the Zoning Ordinance in accordance with the provisions of Section 1144.02 B.
- 1150.08 APPLICATION FOR A PERMIT FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE**
An application shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such enlargement or substitution is proposed. The application shall be signed by the applicant. At a minimum, the application shall contain the following information, provided however, that the Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable:
- A. Name, address and telephone number of the owner of record and applicant.
 - B. A boundary survey of said property.
 - C. Description of existing use.
 - D. Present zoning district.
 - E. Description of proposed enlargement or substitution.

- F. A plan of the site showing the location of all existing buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and any enlargement thereof proposed.
- G. A complete written description of the new use in the case of a proposed substitution, and for an enlargement the reasons for enlarging rather than relocation in an appropriate zone.
- H. A statement and supporting documentation describing how the applicant believes the request conforms to the standards listed in Section 1150.09; and
- I. Any other such information as the Zoning Inspector may require.
- J. An application filing fee as established by Council.

1150.09 GENERAL STANDARDS FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE
 The Planning Commission shall review the particular facts and circumstances of each proposed use or expansion in terms of the following standards, and shall find adequate evidence showing that such use or expansion at the proposed location:

- A. Is better suited for the site than would be a permitted or conditional use.
- B. Shall not create a significant financial or structural hindrance to eventual conversion to a permitted or conditional use.
- C. Shall not be hazardous or disturbing to neighboring uses.
- D. Shall be served adequately by essential public facilities and services.
- E. Shall not be detrimental to the economic welfare of the community.
- F. Shall not involve uses, activities, processes, material, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Planning Commission shall have the authority to place additional requirements and/or conditions.

1150.10 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any enlargement or substitution of a nonconforming use, the Planning Commission shall prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1150.11 PUBLIC HEARING BY THE PLANNING COMMISSION

A public hearing on any enlargement or substitution of a nonconforming use request shall be held by the Planning Commission within forty-five (45) days of the acceptance of the application by the Zoning Inspector as complete.

1150.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 1150.11, notice of such hearing shall be given by publication in a newspaper of general circulation in the City at least seven (7) days prior to the hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed use.

1150.13 NOTICE TO PARTIES OF INTEREST

Before holding the public hearing required in Section 1150.11, written notice of such hearing shall be mailed by the Planning Commission by first class mail at least seven (7) days before the date of the hearing to the Planning Commission, and all property owners within 150 feet in any direction of the property upon which an application for an enlargement or substitution of a nonconforming use permit has been filed. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1150.12.

1150.14 ACTION BY THE PLANNING COMMISSION

Within thirty (30) days after the public hearing required in Section 1150.11, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1150.10, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a permit listing the specific conditions specified by the Planning Commission for approval.

1150.15 APPEALS

Appeals of the decisions the Planning Commission shall be made to the Board of Zoning Appeals pursuant to Chapter 1153.

1150.16 EXPIRATION OF A PERMIT FOR THE SUBSTITUTION OF A NONCONFORMING USE

A permit for the substitution of a nonconforming use shall be deemed to authorize only one particular use, and such permit shall automatically expire if, for any reason, the use has ceased by discontinuance or abandonment for a period of more than six (6) months.

**CHAPTER 1153
 BOARD OF ZONING APPEALS**

1153.01

ESTABLISHMENT AND PROCEDURE

The establishment and procedures of the Board of Zoning Appeals shall be as follows:

A. APPOINTMENT

A Board of Zoning Appeals is hereby established, which shall consist of five members. The five members shall be appointed by the Mayor and approved by Council and shall serve for overlapping terms of four years; provided, however, that those first appointed shall serve for terms as follows: one for one year, one for two years, one for three years, and two for four years. Subsequent appointments shall be for a full term of four years. Vacancies shall be filled by appointment for the unexpired term of the member affected. No one shall be appointed to the Board of Zoning Appeals who holds any elective or appointive office or position with the City. All Board members shall be residents of the City of Celina.

B. PROCEEDINGS

1. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Three members shall constitute a quorum; however, at least three affirmative votes shall be required on any official action.
2. In any matter brought before the Board of Zoning Appeals that affects, directly or indirectly, the personal affairs of a member of the Board, or any business or profession with which he may be associated, such member shall absent himself from the meeting as long as such matter is before the Board.

C. MINUTES AND RECORDS

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact; and shall keep records of its examinations, and other official actions, all of which shall be a public record.

D. APPEALS, HEARINGS

All meetings of the Board of Zoning Appeals shall be open to the public. Appeals to the Board concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved, or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Inspector. Such appeals shall be taken within thirty days, by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers consisting of the record upon which the action appealed from was taken. A fee as established by City Council shall be paid to the Zoning Inspector at the time notice of appeal is filed.

E. NOTICE OF MEETING

The Board of Zoning Appeals shall fix a reasonable time for the hearing of all appeals and give notice of such hearing in a newspaper of general circulation at least seven days in advance. The same written notice shall be sent to owners of property within 150 feet of all properties in question as shown on the County Auditor's tax list, and to the parties of interest. At the hearing, any party may appear in person or by agent or attorney.

F. DEPARTMENT ASSISTANCE

The Board of Zoning Appeals may call upon the various departments of the City for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

1153.02

POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in the Zoning Ordinance for the district in which it is located, provided however that the use is of a temporary nature and does not involve the creation of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, but not for a period of more than twelve (12) months and subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- D. Appeals taken on the basis of a decision rendered by the Planning Commission as specified in Section 1145.09, "Conditional Uses", and Section 1146.05, "Site Plan Review".
- E. Appeals taken on the basis of a decision rendered by the City Council as specified in Section 1147.05H, "Overlay Districts".
- F. Appeals taken on the basis of a decision rendered by the Design Review Commission as specified in Section 1148.08.

1153.03

DECISIONS OF THE BOARD

- A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.
- B. A copy of the Board's decision, certified by the Chairman and Secretary, shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him; and he shall

incorporate such terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.

- C. The Board may reverse, affirm or modify any order, requirement, decision or determination heard on appeal. Every appeal granted or denied must be accompanied by a written finding of fact based on testimony and evidence and specifying the reason for such decision on the appeal.
- D. There shall be no further appeals to a City body to the decisions of the Board of Zoning Appeals. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Mercer County on the grounds that the decision was unreasonable or unlawful.

1153.04 VARIANCES

The Board of Zoning Appeals shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of the Zoning Ordinance as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of the Zoning Ordinance. On appeal the Board may grant a variance in the application of the provisions of the Zoning Ordinance only if all of the following findings are made:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical, or other physical conditions present on the subject property;
- B. That because of such physical circumstances or conditions, the property cannot be reasonably be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- C. That the circumstances and conditions have not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1153.05 APPLICATION FOR VARIANCE

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of applicant;
- B. A survey by a person licensed in the State of Ohio to perform land surveys (If deemed appropriate, this requirement may be waived by the Zoning Inspector);
- C. Description of the nature of the variance requested;
- D. A statement demonstrating that the requested variance conforms to the standards set forth in Section 1153.04(A-E); and
- E. A fee as established by Council.

1153.06 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any appeal or variance the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the appeal or variance is granted shall be deemed a violation of this Ordinance and punishable under Section 1199. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use prohibited by the terms of this Ordinance in such district.

1153.07 ENVIRONMENTAL PERFORMANCE STANDARDS

The Board of Zoning Appeals shall have the following responsibilities with Environmental Performance Standards:

- A. The Board of Zoning Appeals shall have the power to authorize issuance of a Zoning Certificate for uses that are subject to Environmental Performance Standards as set forth in Section 1180.14.
- B. The application for a Zoning Certificate for a use subject to Environmental Performance Standards shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Environmental Performance Standards.
- C. The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the Environmental Performance Standards. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
- D. The Board of Zoning Appeals shall hear complaints, not resolved by the Zoning Inspector, on uses or facilities that meet the requirements of Section 1180.14 of this Ordinance.

1153.08 INTERPRETATION OF DISTRICT MAP

On an appeal from the decision of the Zoning Inspector where the street or lot layout as constructed, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of the Zoning Ordinance.

In the case of any appeal or questions as to the location of any boundary line between zoning districts regarding a decision by the Zoning Inspector, a request for interpretation of the Zoning Map may be made to the Board, and a determination shall be made by the Board.

**CHAPTER 1157
DISTRICT CHANGES AND REGULATION AMENDMENTS**

- 1157.01 AMENDMENTS OR DISTRICT CHANGES**
The Ordinance text or map may be amended by utilizing the procedures specified in this Chapter.
- 1157.02 CHANGES BY COUNCIL**
Whenever the public necessity, or general welfare require, Council may, by Ordinance (only upon receipt of a recommendation from the Planning Commission and subject to procedures provided below), amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property.
- 1157.03 INITIATION OF ZONING AMENDMENTS**
Amendments may be initiated in one of the following ways:
A. By adoption of a motion by the Planning Commission;
B. By adoption of a motion by Council for the Planning Commission to develop a recommendation;
C. By application by a property owner of record to the Secretary of the Planning Commission.
- 1157.04 CONTENTS OF APPLICATIONS FOR ZONING MAP AMENDMENTS**
The application shall be signed by the applicant or the applicant's agent attesting to the truth and exactness of all information supplied in the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. At a minimum the application shall contain the following information:
A. Name, address and phone number of applicant;
B. A survey and legal description of the property proposed to be rezoned;
C. Present use;
D. Present zoning district;
E. Proposed use including any plans that the applicant has developed;
F. Proposed zoning district;
G. A vicinity map at a scale of not less than 1" = 100' showing property lines, streets, existing and proposed zoning, existing use of all buildings and the principal use of all properties within 300 feet of such land and such other items as the Zoning Inspector may require and;
H. A fee as established by Council.
- 1157.05 TRANSMITTAL TO PLANNING COMMISSION**
Following the request for consideration of a zoning ordinance text or map amendment by Council, or following the filing of a zoning map amendment application by at least one owner of property, such motion or application shall be transmitted to the Planning Commission for their recommendation.
- 1157.06 STANDARDS FOR ZONING MAP AMENDMENTS**
All recommendations by the Planning Commission for Zoning Map amendments shall be consistent with the City's adopted plans, goals, policies and intent of this Ordinance.
A. Prior to making a recommendation on a proposed rezoning, the Planning Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to specific documentation finding at least one (1) of the following:
1. There has been a change in demand for land which alters the information upon which the Zoning Map is based.
2. A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within said zoning district is inadequate to meet the demands for such development.
3. Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
4. There is an error in the Zoning Map as enacted.
B. No residentially zoned land of less than five (5) acres in size shall be rezoned to a non-residential district unless it is contiguous to land in the proposed zoning district classification.
C. In addition to the findings required to be made by subsections (A) and (B), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
1. The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
2. The suitability of the property in question for the uses permitted under the proposed zoning.
3. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
4. The effect of the proposed rezoning on surrounding uses.
5. The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely in the interest of the applicant.

- 1157.07 **RECOMMENDATION BY THE PLANNING COMMISSION**
The Planning Commission shall recommend to Council, within thirty-five (35) days of receipt of the complete application, one of the following:
A. That the amendment be granted as requested;
B. That the amendment be granted with modification; or
C. That the amendment be denied.
If the Planning Commission does not do one of the above within the allotted time period, then the amendment proposal shall be considered denied. The Planning Commission shall transmit its recommendation to Council.
- 1157.08 **PUBLIC HEARING BY COUNCIL**
Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing. The hearing shall occur within forty-five (45) days of the Council's receipt of the Planning Commission's recommendation.
- 1157.09 **NOTICE OF PUBLIC HEARING IN NEWSPAPER**
Notice of the public hearing required in Section 1157.08 shall be given by publication of a notice in a newspaper of general circulation in the City. Such notice shall be published at least thirty (30) days before the date of the public hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- 1157.10 **NOTICE TO PROPERTY OWNERS BY COUNCIL**
Written notice of the hearing shall be mailed by the Clerk of Council by first class mail or hand delivery at least twenty (20) days before the day of the hearing to all owners of property within such area proposed to be rezoned or redistricted and to the owners of property located contiguous to and directly across the street from the area to be rezoned. Such notice shall be sent to the addresses of such owners appearing on the County Auditor's current tax list. The failure to mail or deliver the notification as provided in this Ordinance shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1157.09.
- 1157.11 **PUBLIC EXAMINATION OF DOCUMENTS**
Prior to the public hearing, all documents relating to the proposed amendment shall be on file, for public examination, in the office of the Secretary of the Planning Commission.
- 1157.12 **ACTION BY COUNCIL**
Council may approve the recommendation of the Planning Commission by a simple majority. Council may modify or disapprove the recommendation of the Planning Commission by a vote of not less than three-quarters (¾) majority of the full membership of Council. Final action on the amendment must be taken within forty-five (45) days of the close of Council's public hearing; failure to take action within such forty-five (45) day period shall constitute disapproval of the amendment.

**CHAPTER 1161
S-1 SPECIAL DISTRICT**

- 1161.01 **PURPOSE**
The purpose of the S-1, Special, District is to protect large public and semi-public land holdings for various municipal uses.
- 1161.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Agriculture
B. Public Recreation: Recreational facilities developed, used, and/or maintained by public agencies for use by the public.
- 1161.03 **PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any S-1 District permitted use.
- 1161.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Airports
B. Cemeteries
C. Non-Commercial Recreation
D. Public Service Facilities
E. Commercial Recreation
F. Educational Institutions
G. Religious Places of Worship
- 1161.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the S-1 District shall not be less than 125,000 square feet and a width of not less than 300 feet.

- 1161.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the S-1 District shall be 60 feet.
- 1161.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the S-1 District shall be 50 feet.
- 1161.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the S-1 District shall be 60 feet.
- 1161.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the S-1 District shall be as follows:
A. No principal structure shall exceed 45 feet in height.
B. No accessory structure shall exceed 15 feet in height.
- 1161.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1161.11 **LAND USE INTENSITY**
In the S-1, Special, District the maximum lot coverage shall be 20%.

**CHAPTER 1162
R-1 LOW DENSITY RESIDENTIAL DISTRICT**

- 1162.01 **PURPOSE**
The purpose of the R-1, Low Density Residential, District is to provide for relatively low density residential development.
- 1162.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
Single Family Dwellings
- 1162.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any R-1 District permitted use.
- 1162.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Educational Institutions
E. Religious Places of Worship
F. Bed and Breakfast Establishments
G. Day Care Facilities
H. Home Occupations
- 1162.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
B. Other uses shall have a minimum lot area of not less than 85,000 square feet and a width of not less than 200 feet.
- 1162.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum front yard setback of 30 feet.
B. Other uses shall have a minimum front yard setback of 50 feet.
C. No accessory buildings shall be located in the front yard area.
- 1162.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum side yard setback of 10 feet.
B. Other uses shall have a minimum side yard setback of 25 feet.
C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1162.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the R-1 District is as follows:
A. Single family dwellings shall have a minimum rear yard setback of 30 feet.
B. Other uses shall have a minimum rear yard setback of 50 feet.
C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted for platted easement areas.

- 1162.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the R-1 District is as follows:
A. No principal structure shall exceed 35 feet in height.
B. No accessory structure shall exceed 15 feet in height.
- 1162.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1162.11 **LAND USE INTENSITY**
In the R-1, Low Density Residential, District the maximum lot coverage shall be 25%.

**CHAPTER 1163
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

- 1163.01 **PURPOSE**
The purpose of the R-2, Medium Density Residential, District is to provide for medium density residential developments.
- 1163.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Single Family Dwellings
B. Two Family Dwellings
- 1163.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any R-2 District permitted use.
- 1163.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Educational Institutions
E. Religious Places of Worship
F. Bed and Breakfast Establishments
G. Three family Dwellings
H. Day Care Facilities
I. Group Homes
J. Nursing Homes
K. Retail Neighborhood Business
L. Assisted Living Facility
M. Home Occupations
- 1163.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-2 District is as follows:
A. Single family dwellings shall have a minimum lot area of not less than 8,000 square feet and a width of not less than 80 feet.
B. Two family dwellings shall have a minimum lot area of not less than 5,000 square feet per unit and a width of not less than 100 feet.
C. Three family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 100 feet.
D. Other uses shall have a minimum lot area of not less than 45,000 square feet and a width of not less than 150 feet.
- 1163.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the R-2 District is as follows:
A. Residential uses shall have a minimum front yard setback of 25 feet.
B. Other uses shall have a minimum front yard setback of 40 feet.
C. No accessory buildings shall be located in the front yard area.
- 1163.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the R-2 District is as follows:
A. Residential uses shall have a minimum side yard setback of 8 feet.
B. Other uses shall have a minimum side yard setback of 15 feet.
C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1163.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the R-2 District is as follows:
A. Residential uses shall have a minimum rear yard setback of 25 feet.

- B. Other uses shall have a minimum rear yard setback of 40 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from platted easement areas.

1163.09 MAXIMUM HEIGHT REGULATION

The maximum height for structures in the R-2 District is as follows:

- A. No principal structure shall exceed 35 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

1163.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1163.11 LAND USE INTENSITY

In the R-2, Medium Density Residential, District the maximum lot coverage shall be 30%.

**CHAPTER 1164
R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

1164.01 PURPOSE

The purpose of the R-3, High Density Residential, District is to provide for relatively high density residential developments.

1164.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Single Family Dwellings
- B. Two Family Dwellings
- C. Multi-Family Dwellings (Up to six units)
- D. Efficiency Apartment Dwelling

1164.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

Any use or structure customarily accessory to any R-3 District permitted use.

1164.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Public Recreation
- B. Public Service Facilities
- C. Non-Commercial Recreation
- D. Educational Institutions
- E. Religious Places of Worship
- F. Bed and Breakfast Establishments
- G. Day Care Facilities
- H. Nursing Homes
- I. Mobile Home Parks
- J. Retail Neighborhood Business
- K. Group Homes
- L. Assisted Living Facility
- M. Multi-Family (7 units or larger)
- N. Home Occupations

1164.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area and width for properties in the R-3 District is as follows:

- A. Single family dwellings shall have a minimum lot area of not less than 6,000 square feet and a width of not less than 60 feet.
- B. Two family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 80 feet.
- C. Multi-family dwellings shall have a minimum lot area of not less than 2,500 square feet per unit and a width of not less than 100 feet.
- D. Other uses shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet.

1164.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the R-3 District is as follows:

- A. Residential uses shall have a minimum front yard setback of 25 feet.
- B. Other uses shall have a minimum front yard setback of 30 feet.
- C. No accessory buildings shall be located in the front yard area.

1164.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the R-3 District is as follows:

- A. Single-family residential uses shall have a minimum side yard setback of 6 feet and Two-family residential uses shall have a minimum side yard setback of 8 feet.
- B. Other uses shall have a minimum side yard setback of 10 feet.
- C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.

1164.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the R-3 District is as follows:

- A. Residential uses shall have a minimum rear yard setback of 25 feet.
- B. Other uses shall have a minimum rear yard setback of 30 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from platted easement areas.

1164.09 MAXIMUM HEIGHT REGULATION

The maximum height for structures in the R-3 District is as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

1164.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1164.11 LAND USE INTENSITY

In the R-3, High Density Residential, District the maximum lot coverage shall be 35%.

**CHAPTER 1165
R-O RESIDENCE OFFICE DISTRICT**

1165.01 PURPOSE

The purpose of the R-O, Residence Office, District is to accommodate low intensity office, residential and other similar uses.

1165.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Multi-Family Dwellings
- B. Efficiency Apartment Dwellings
- C. Personal Services
- D. Offices

1165.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

Any use or structure customarily accessory to any R-O District permitted use.

1165.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Public Recreation
- B. Public Service Facilities
- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Day Care Facilities
- K. Nursing Homes
- L. Retail Business
- M. Commercial Schools
- N. Financial Institutions
- O. Restaurants
- P. Clubs
- Q. Drive-in Commercial Uses
- R. Animal Hospitals and Clinics
- S. Clinics
- T. Scientific Research Facilities
- U. Laboratories
- V. Group Homes
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1165.05 MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-O District is as follows:
A. Residences shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
B. Other uses shall have a minimum lot area of not less than 16,000 square feet and a width of not less than 100 feet.
- 1165.06 MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the R-O District shall be 40 feet.
B. No accessory buildings shall be located in the front yard area.
- 1165.07 MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the R-O District shall be 15 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.
- 1165.08 MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the R-O District shall be 30 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1165.09 MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the R-O District is as follows:
A. No principal structure shall exceed 45 feet in height, except as noted in Section 1180.03.
C. No accessory structure shall exceed 15 feet in height, except as noted in Section 1180.03.
- 1165.10 OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1165.11 LAND USE INTENSITY**
In the R-O, Residence Office, District the maximum lot coverage shall be 35%.

**CHAPTER 1166
B-1 GENERAL BUSINESS DISTRICT**

- 1166.01 PURPOSE**
The purpose of the B-1, General Business, District is to provide for convenience and other shopping, and personal and professional services.
- 1166.02 PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Offices
D. Financial Institutions
E. Restaurants
F. Fast Food Restaurants
G. Taverns
H. Hotels/Motels
I. Clubs
J. Automotive Services
K. Automotive Filling Stations
L. Drive-In Commercial Uses
M. Funeral Homes
- 1166.03 PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any B-1 District permitted use.
- 1166.04 CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Service Facilities
B. Non-Commercial Recreation
C. Commercial Recreation
D. Educational Institutions
E. Religious Places of Worship
F. Bed and Breakfast Establishments
G. Single Family Dwellings
H. Two Family Dwellings
I. Multi-Family Dwellings
J. Public Recreation
K. Nursing Homes

- L. Commercial Schools
- M. Automotive Sales
- N. Commercial Entertainment
- O. Animal Hospitals and Clinics
- P. Clinics
- Q. Day Care Facilities
- R. Wholesale Business
- S. Building and Related Trades
- T. Lock and Store Warehousing
- U. Farm and Heavy Equipment Sales and Service
- V. Hospitals
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1166.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-1 District shall not be less than 20,000 square feet and a width of not less than 100 feet.
- 1166.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-1 District shall be 40 feet.
B. No accessory buildings shall be located in the front yard area.
- 1166.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-1 District shall be 15 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the side yard property line. They are also restricted from platted easement areas.
- 1166.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-1 District shall be 20 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1166.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-1 District is as follows:
No principal or accessory structure shall exceed 45 feet in height.
- 1166.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1166.11 **LAND USE INTENSITY**
In the B-1, General Business, District the maximum lot coverage shall be 40%.

**CHAPTER 1167
B-2 CENTRAL BUSINESS DISTRICT**

- 1167.01 **PURPOSE**
The purpose of the B-2, Central Business, District is to encourage the functional grouping of those commercial, residential and accessory establishments supporting the preservation of the historic character of this district.
- 1167.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Commercial Schools
D. Offices
E. Financial Institutions
F. Restaurants
G. Taverns
H. Hotels/Motels
I. Clubs
J. Mixed Uses
- 1167.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any B-2 District permitted use.
- 1167.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities

- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Multi-Family Dwellings
- K. Efficiency Apartment Dwellings
- L. Day Care Facilities
- M. Nursing Homes
- N. Fast Food Restaurants
- O. Automotive Services
- P. Automotive Filling Stations
- Q. Automotive Sales
- R. Drive-In Commercial Uses
- S. Commercial Entertainment
- T. Funeral Homes
- U. Animal Hospitals and Clinics
- V. Clinics
- W. Group Homes
- X. Hospitals
- Y. Assisted Living Facilities
- Z. Home Occupations

- 1167.05 **MINIMUM LOT AREA AND WIDTH**
There shall be no minimum lot area or width for properties in the B-2 District.
- 1167.06 **MINIMUM FRONT YARD SETBACK**
A. There shall be no minimum front yard setback for properties in the B-2 District.
B. No accessory buildings shall be located in the front yard area.
- 1167.07 **MINIMUM SIDE YARD SETBACK**
There shall be no minimum side yard setback for properties in the B-2 District. This includes accessory buildings.
- 1167.08 **MINIMUM REAR YARD SETBACK**
A. There shall be no minimum rear yard setback for properties in the B-2 District unless abutting a residential district; then the minimum rear yard setback shall be 20 feet.
B. Accessory buildings have a zero (0) foot minimum rear yard setback.
- 1167.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-2 District is as follows:
A. No principal structure shall exceed 72 feet in height.
B. No accessory structure shall exceed 25 feet in height.
- 1167.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1167.11 **LAND USE INTENSITY**
In the B-2, Central Business, District the maximum lot coverage may be 100%. Exception, if site is adjacent to residential district, see Section 1167.08

**CHAPTER 1168
B-3 COMMUNITY SHOPPING DISTRICT**

- 1168.01 **PURPOSE**
The purpose of the B-3, Community Shopping, District is to provide for shopping centers and related outlots of an integrated design which provide for adequate parking and servicing areas.
- 1168.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Offices
D. Financial Institutions
E. Restaurants
F. Taverns
G. Automotive Services
H. Automotive Filling Stations
I. Drive-In Commercial Uses
J. Commercial Entertainment
K. Shopping Centers

- 1168.03 **PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any B-3 District permitted use.
- 1168.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Commercial Recreation
E. Educational Institutions
F. Religious Places of Worship
G. Day Care Facilities
H. Commercial Schools
I. Fast Food Restaurants
J. Hotels / Motels
K. Clubs
L. Automotive Sales
M. Funeral Homes
N. Animal Hospitals and Clinics
O. Clinics
P. Mixed Uses
- 1168.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-3 District is as follows:
A. The primary development shall have a minimum lot area of not less than 200,000 square feet and a width of not less than 400 feet.
B. Outlots shall have minimum lot area of not less than 20,000 square feet and a width of not less than 150 feet.
- 1168.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-3 District shall be 60 feet.
B. No accessory buildings shall be located in the front yard area.
- 1168.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-3 District shall be 30 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to any side yard property line. They are also restricted from platted easement areas.
- 1168.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-3 District shall be 40 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to the rear property line. They are also restricted from platted easement areas.
- 1168.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-3 District is as follows:
No principal or accessory structure shall exceed 35 feet in height.
- 1168.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1168.11 **LAND USE INTENSITY**
In the B-3, Community Shopping, District the maximum lot coverage shall be 30%.

**CHAPTER 1169
M MANUFACTURING DISTRICT**

- 1169.01 **PURPOSE**
The purpose of the M, Manufacturing, District is to accommodate industrial, manufacturing, warehousing, office, research and development, and related uses.
- 1169.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Scientific Research Facilities
B. Wholesale Businesses
C. Manufacturing
D. Laboratories
E. Warehousing
F. Food Processing
G. Mixed Uses
- 1169.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any M District permitted use.

- 1169.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
- A. Public Recreation
 - B. Public Service Facilities
 - C. Grain Elevators and Feed Mills
 - D. Offices
 - E. Day Care Facilities
 - F. Building and Related Trades
 - G. Petroleum Refining and Storage
 - H. Oil and Gas Wells
 - I. Junk Storage and Sales
 - J. Transport Trucking Terminals
 - K. Farm and Heavy Equipment Sales and Service
 - L. Stockyards
 - M. Mining
 - N. Home Occupations
- 1169.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the M District shall not be less than 45,000 square feet and a width of not less than 200 feet.
- 1169.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the M District shall be 50 feet.
B. No accessory buildings shall be located in the front yard area.
- 1169.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the M District shall be 30 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.
- 1169.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the M District shall be 40 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1169.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the M District is as follows:
No principal or accessory structure shall exceed 45 feet in height.
- 1169.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1169.11 **LAND USE INTENSITY**
In the M, Manufacturing, District the maximum lot coverage shall be 50%.

**CHAPTER 1180
SUPPLEMENTAL REGULATIONS**

- 1180.01 **FLOOR AREA REQUIREMENTS FOR DWELLINGS**
The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Common areas such as utility rooms, laundry areas, mechanical rooms, halls, and stairways are to be excluded. Also excluded are garages, carports, porches, and basements.

MINIMUM FLOOR AREA PER EACH FAMILY UNIT

(Expressed in square feet)

District	<u>Apartment of Multiple Dwellings</u>			
	<u>Single and Two Family Dwellings</u>	<u>Efficiencies</u>	<u>1 Bedroom Unit</u>	<u>2 or More Bedrooms</u>
"R-1"	1100	N/A	N/A	N/A
"R-2"	900	N/A	575	820
"R-3"	750	285	575	750
"R-O"	N/A	285	575	750

In other districts where residences are allowed as conditional uses, R-3 standards apply.

- 1180.02 **SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING "R" DISTRICTS**
A. **Minimum Yard Requirements.** Nonresidential buildings or uses shall not be located nor conducted closer to any lot line of "R-1", "R-2" or "R-3" District than the distance specified in the following schedule, except as provided in subsection (B) hereof.
Minimum Side or Rear Yard Modification

Abutting any "R" District (ft.)	Use
25	Off-street parking and loading spaces and access drives for nonresidential uses.
50	Churches, schools and public or semipublic buildings.
60	Recreation facilities, entertainment facilities, motels, trailers and mobile home parks, all commercial uses and billboards.
100	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed herein.
500	Auto and metal salvage operations; mineral extraction or processing.

- B. **Landscaping or Screening Provisions.** For nonresidential uses abutting "R" Districts the minimum yards may be reduced to fifty percent (50%) of the requirements stated in subsection (B) hereof if landscaping or screening, approved by the Zoning Inspector, is provided.

1180.03 HEIGHT REGULATIONS FOR INSTITUTIONAL, OFFICE, INDUSTRIAL AND APARTMENT BUILDINGS AND STRUCTURES

- A. Institutional, industrial and apartment buildings with a height in excess of the maximum height specified in the respective district for such buildings shall be permitted provided the required front, side and rear yards are increased by one foot for each foot of additional building height above the maximum specified in the respective district.
- B. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to a safe landing and take-off of aircraft at an established airport.
- C. No building shall exceed a maximum height of 100 feet without prior approval of the Planning Commission.

1180.04 EXISTING LOTS OF RECORD

The following applies to all lots of record at the effective date of this Zoning Ordinance.

- A. Any existing lot of record forty feet or wider in districts allowing single family residences as permitted uses may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein.
- B. On lots of record setbacks for new, altered or expanded residences and their accessory structures shall be determined according to the following:
1. The minimum side yard setback shall be determined by the proportional reduction of the requirements specified in the district up to a maximum of 50% of the minimum setback stated in the district.
 2. The front and rear setbacks shall be established by the corresponding prevailing setbacks for the front and rear yards on the same side of the block on which the structure is located up to a maximum of 50% of the minimum setback stated in the district.
- B. On existing single-family structures and their accessory structures, an existing wall may be extended parallel to the side yard property line if the following conditions are met:
1. No buildings on the adjacent lot are within 10 feet of the wall extension.
 2. Extension is no longer than 50% of the length of the wall at the time of the adoption of the Ordinance.
 3. Limited to a minimum setback of three (3) feet in all cases.

1180.05 ARCHITECTURAL PROJECTIONS

Certain architectural features may project into required minimum yard setbacks as follows:

- A. Front, side and rear yards. The following architectural features may project into the minimum yard setback of any front, rear or side yard adjoining a side street:
1. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two feet, six inches.
 2. Fire escapes may project a distance not exceeding four feet, six inches.
 3. An uncovered stair, including landings, may project a distance not to exceed six (6) feet. Such stair and landing shall not extend above the entrance floor with the exception of handrailings. Handrailings may extend an additional three (3) feet above the floor level.
 4. Bay windows, balconies, uncovered porches or decks, and chimneys may project a distance not to exceed three (3) feet. These features shall not occupy more than one-third (1/3) the width of the building toward the yard in question.
- B. Interior side yards. The structures or features as listed in (A) above, may project into an interior side yard (those side yards not facing a side street) a distance up to one-fifth (1/5) the required setback distance.

However, such projection shall not exceed three (3) feet. Structures or features which extend into more than one minimum side yard setback are subject to all combined limitations.

- 1180.06 **SPECIAL YARD REQUIREMENTS**
- A. Lots having frontage on more than one street shall provide the required front yard on the principal street and the minimum side yard required in that district, but not less than fifteen feet on the side street.
 - B. In the case of lots having frontage on more than one street, accessory structures in that side yard shall meet the prevailing front yard setback on the street on which it is located.
 - C. Where a building lot is comprised of more than one lot of record, building setbacks for all interior lot lines shall be as for any property line. However, a building may overlap an interior lot line.
- 1180.07 **TRAFFIC VISIBILITY ACROSS CORNER LOTS**
- In any district, except in the B-2 district, on any corner lot, no fence, structure or planting shall be erected or maintained within a triangle 20 feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.
- 1180.08 **CONVERSION OF DWELLINGS**
- In "R-2" and "R-3" Districts, an existing residence may be converted to accommodate an increased number of dwelling units provided:
- A. The yard dimensions meet the yard dimensions required by the zoning regulations for new structures in that district.
 - B. The lot area per family is equal to the lot area requirements for new multi-family structures in that district.
 - C. The number of square feet of living area per family unit is not less than that which is required for new construction in that district.
- 1180.09 **MOBILE HOME PARKS**
- All mobile home parks shall conform to and be pursuant to the conditional use provisions set forth in Chapter 1145. Furthermore, all site, utility and construction plans are to be approved by the Ohio Department of Health and the City prior to the permitting of a mobile home park.
- Mobile home parks shall be subject to the following conditions in addition to various district regulations:
- A. No mobile home shall be permitted to locate in the Municipality except in a mobile home park in the "R-3" High Density Residence District.
 - B. The mobile home park shall conform to the following requirements:
 - 1. It shall contain at least five acres.
 - 2. It shall provide a clearly defined minimum area of 3,000 square feet including a minimum width of forty feet for each mobile home or trailer.
 - 3. It shall have a minimum of 800 square feet of floor area per family in each mobile home.
 - 4. It shall provide a minimum of twenty-foot clearance between individual mobile homes or trailers and a thirty-foot setback from any property line bounding the mobile home park.
 - 5. All mobile home spaces shall abut upon a concrete or asphalt driveway of not less than twenty feet in width, which shall have unobstructed access to a private or public street.
 - 6. The developer shall provide a recreational area equal to a minimum of 10% of the gross land area of the mobile home park development. In lieu of providing this recreational area the developer can pay a fee to the city of comparable value for utilization at the nearest public recreational area.
 - 7. It shall conform to all City, County and State Health Department requirements.
- 1180.10 **RESIDENTIAL PARKING RESTRICTIONS**
- The following restrictions shall apply to residential districts:
- A. Parking mobile home units in any area outside of mobile home parks or sales areas for more than forty-eight (48) hours is prohibited.
 - B. Parking of commercial vehicles, motor homes and all trailers, including utility, boat, recreational and commercial, on residential streets or in the front yard of any residential lots for more than forty-eight (48) hours is prohibited.
 - C. Unoccupied motor homes and camping trailers, boats and noncommercial utility trailers may be parked in rear and side yards.
- 1180.11 **SWIMMING POOLS**
- Swimming pools shall be subject to the following conditions:
- A. Private Swimming Pool: No swimming pool, exclusive of portable swimming pools with a diameter less than twelve feet or with an area of less than 100 square feet, shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements.
 - 1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - 2. It shall not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located.
 - 3. The swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall be constructed not less than five feet in height and maintained in good condition, with a gate and lock.
 - B. Community or Club Swimming Pools: Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:
 - 1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

2. The pool and accessory structures, including the area used by bathers, shall not be closer than the distances listed as the principal building setbacks for the zoning classification within which the pool is located.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition.

1180.12 COMMUNITY DEVELOPMENT PROJECTS

- A. An authorized agency of the Municipality, State or Federal government or the owners of any tract of land in an "R" District comprising an area of not less than ten acres may submit to Council a plan for the use and development of all of the tract of land for residential and associated non-residential purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Chapter 1157 for hearings on changes and amendments. If the Commission approves the plans, these shall be submitted to Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence showing that the proposed community development project meets with the following conditions:
1. The property adjacent to the area included in the plan will not be adversely affected.
 2. The plan is consistent with the intents and purpose of the Zoning Ordinance to promote public health, safety, morals and general welfare.
 3. The use of the land shall be similar to the uses permitted in the district in which the plan is located.
 4. That the average lot area per family contained in the site exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is to be located.
- B. If the Planning Commission and Council approve the plans, a Zoning Certificate shall be issued, even though the use of the land, the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plans do not conform in all respects to the district regulations of the district in which the project is located.

1180.13 RESIDENTIAL ACCESSORY BUILDINGS AND FENCES

- A. Accessory Buildings:
1. Single family residences are limited to one (1) accessory building except for properties with detached garages, which may also have a small storage building not exceeding 150 square feet in area. Properties with more than one dwelling unit may have one accessory building for each dwelling unit.
 2. The ground floor area of all accessory buildings shall not exceed the ground floor area of the dwelling.
- B. Fences and planting screens shall be subject to the following regulations:
1. Fences, plant material, and similar screening devices up to three (3) feet high are permitted in the front yard areas. Fences up to six (6) feet in height are permitted in the remaining yard areas.
 2. Injurious materials such as barbed wire, electrically charged fences, or spike fences are not permitted in any case.
 3. No fencing, or other similar structures, are permitted in easement areas.
 4. No fence or planting screen shall violate the visibility requirements of Section 1180.07.

1180.14 ENVIRONMENTAL PERFORMANCE STANDARDS

Environmental performance standards are regulations which are intended to promote a peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable or other undesirable effect on persons or properties outside of the subject property. These restrictions apply to a uses' construction as well as its operation. Materials and/or products of a use shall be maintained in a method so that the health, safety and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

- A. **Applicability and Compliance**
The Environmental Performance Standards are applicable to all land uses in all zoning districts in the City, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this code at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.
- B. **Noise**
No activity on private property shall emit noise in excess of sound levels indicated in the table below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

MAXIMUM PERMITTED SOUND LEVELS

SOURCE PROPERTY		RECEIVING PROPERTY		
NOISE SOURCE	TIME	RESIDENTIAL	COMMERCIAL	INDUSTRIAL

Residential	Daytime ¹ Nighttime ²	55 dBA 50	55 dBA 50	55 dBA 50
Commercial	Daytime ¹ Nighttime ²	55 50	60 50	60 50
Industrial	Daytime ¹ Nighttime ²	55 50	60 50	70 60

¹ Daytime shall be considered as the hours between 7:00 AM and 10:00 PM.

² Nighttime shall be considered as the hours between 10:00 PM and 7:00 AM.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Firearms on authorized ranges.
2. Legal blasting.
3. Temporary construction activity and equipment.
4. Installation of utilities.
5. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

1. Aircraft.
2. Railroads.
3. Emergency vehicles and equipment.
4. Warning devices operating continuously for not more than five (5) minutes.
5. Bells, chimes or carillons operating continuously for not more than five (5) minutes per hour.
6. The repair of essential utility services.
7. Officially sanctioned parades or other events.

D. Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point outside the property line of the property on which the use is located.

E. Glare

Any process producing intense light or heat, which may cause physical harm, including high temperature processes such as combustion or welding, shall not be visible beyond any lot line bounding the property wherein the use is conducted.

All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or rights-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

F. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

G. Hazardous Materials

The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

H. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

I. Fire Hazards

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire suppression equipment and by safety devices. Such potentially hazardous activities shall be kept from adjacent activities at a distance determined by the National Fire Protection Code.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state and federal erosion control regulations or standards.

**CHAPTER 1181
OFF-STREET PARKING AND LOADING**

1181.01 OFF-STREET PARKING GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for motor vehicles in accordance with the provisions of this Chapter. A parking plan shall be required for all uses except single family detached dwellings and two family dwellings. The parking plan shall be submitted to the City as part of the application for the Zoning Certificate. The plan shall show the boundaries of the property, parking

spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

1181.02

OFF-STREET PARKING AND DESIGN STANDARDS

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

- A. **Parking space dimensions.** Each off-street parking space shall be no less than nine (9) feet in width and shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of useable shape and condition.
- B. **Access.** There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:
 1. For single family detached dwellings or two family dwellings, the access drive shall be a minimum of eight (8) feet in width.
 2. For all other uses, the access drive shall be a minimum of sixteen (16) feet in width.
 3. All parking spaces, except those required for single family detached dwellings and two and three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward direction.
 4. Parking areas shall be considered extensions of the principal use with which they are associated. Only parking associated with uses permitted in the residential district are allowed in that residential district. In addition, residential district property shall not be used as an access for a nonresidential parking use.
 5. Where possible, shared drives shall be utilized by businesses to access properties and limit curb cuts on thoroughfares.
- C. **Screening.** In addition to the setback requirements specified in this Chapter for off-street parking for more than five (5) vehicles, screening shall be provided on each side of the parking area that abuts any residential district, R-O District, or S-1 District. Screening plans shall be approved by the Zoning Inspector.
- D. **Paving.** Any off-street parking area for more than five (5) vehicles, and its driveway, shall have a durable, dustless surface.
- E. **Drainage.** Any off-street parking area for more than five (5) vehicles shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City.
- F. **Barriers.** Wherever a parking lot extends to a property line, fencing, wheelstops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line or from destroying the screening materials.
- G. **Visibility.** Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
- H. **Marking.** All parking areas for more than five (5) vehicles shall be marked with paint lines, curb stones or in some other manner approved by the City and shall be maintained in a clearly visible condition.
- I. **Signage.** Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Chapter 1185 of this Ordinance.
- J. **Lighting.** Any lights used to illuminate a parking area shall be so arranged as to direct the light away from the adjacent properties and street rights-of-way.

1181.03

DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Ordinance, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, the floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or, indicated for each twenty (20) lineal inches of bench type seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this Ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Planning Commission.
- E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

- F. If two or more uses occur on one property, off-street parking requirements for all uses shall be computed and added together to obtain the total required spaces for the property.

1181.04

PARKING SPACE REQUIREMENTS

With the exception of the B-2 District, the number of off-street parking spaces to be provided shall not be less than the following:

A.	Airport	One space per four aircraft tie downs plus one space per four aircraft storage areas.
B.	Animal Hospital and Clinic	Four spaces for each examination room.
C.	Automotive Filling Stations	One space per fuel pump. Plus two spaces for each service bay. Plus one space for each 100 square feet of convenience type retail.
D.	Automotive Services	Two spaces for each service bay. Drive through automotive services such as car washes and quick lubes shall provide sufficient stacking spaces for three vehicles per bay.
E.	Automotive Sales	Three spaces minimum, or one space for each 5,000 square feet of lot sales area, whichever is greater.
F.	Bed and Breakfast	One space for each guest room plus two spaces for the permanent residence.
G.	Building and Related Trades	One space per each 500 square feet of floor area, plus one space for each 1,000 square feet of warehouse space.
H.	Cemetery	One space per each employee.
I.	Clinics	One space for each 100 square feet of floor area.
J.	Club	One space for each 100 square feet of floor area.
K.	Commercial Entertainment	One space per five seats or one space for each 100 square feet of floor area.
L.	Day Care Facility	One space for each three children per licensed design capacity.
M.	Educational Institution	Two spaces for each classroom, plus one space for each four seats in the places of assembly. High schools, colleges, and vocational schools shall also include one space for each five students at design capacity.
N.	Farm and Heavy Equipment Sales and Service	One space for each service bay, plus one space for each 4,000 square feet of lot area used for product display.
O.	Financial Institution	One space for each 200 square feet of floor area, plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of drive-up teller windows or drive-up ATM machines.
P.	Food Processing	One space for each 1,000 square feet of floor area.
Q.	Funeral Home	One space for each 50 square feet of floor area.
R.	Grain Elevators and Feed Mills	One space for each 400 square feet of floor area plus a minimum of 200 feet of stacking space for each loading and unloading bay.
S.	Group Home	One space for each four beds.
T.	Hospitals	One space for each bed.
U.	Hotel/Motels	One space for each sleeping room, plus one space for each 100 square feet of public meeting area and/or restaurant space.
V.	Lock and Store Warehousing	One space for each 1,000 square feet of net leasable floor area.
W.	Manufacturing	One space for each 1,000 square feet of floor area.
X.	Mixed Uses	Spaces shall be determined by the application of all use requirements.
Y.	Nursing Home	One space for each three beds.
Z.	Office	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
AA.	Personal Services	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
BB.	Public Service Facility	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
CC.	Recreational, Non-Commercial	One space for each participant at maximum utilization.
DD.	Recreational, Commercial	One space for each three seats, one space for each 100 square feet of floor area, or one per each participant at maximum utilization, whichever is greater.
EE.	Religious Places of Worship	One space for each four seats in the place of assembly.
FF.	Residential, Mobile Home	Two spaces for each unit, plus one space for each five units for guest parking.
GG.	Residential, Multi-Family	Two spaces for each dwelling unit.
HH.	Residential, Single Family	Two spaces for each dwelling unit.
II.	Residential, Two Family	Two spaces for each dwelling unit.
JJ.	Scientific Research Facilities and Laboratories	One space for each 200 square feet of floor area.
KK.	Restaurants	One space for each 100 square feet of floor area with a minimum of six (6) spaces required.

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|---------|--|---|
| | LL. Restaurants, Fast Food | One space for each 100 square feet of floor area, plus sufficient stacking space for five vehicles at each drive through window with a minimum of four (4) spaces required. |
| | MM. Retail Business | One space for each 150 square feet of floor area with a minimum of four (4) spaces required. |
| | NN. Shopping Center | Five spaces for each 1,000 square feet of floor area. |
| | OO. Stockyards | One space for each 1,000 square feet of floor area. |
| | PP. Taverns | One space for each 100 square feet of floor area with a minimum of six (6) spaces required. |
| | QQ. Transport Trucking Terminals | One space for each 1,000 square feet of floor area. |
| | RR. Warehousing | One space for each 2,000 square feet of floor area. |
| | SS. Wholesale Business | One space for each 250 square feet of floor area. |
| 1181.05 | JOINT USE | |
| | Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Law Director and accepted by the Planning Commission shall be filed with the application for a Zoning Certificate. | |
| 1181.06 | OTHER LOCATIONS | |
| | Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Commission, provided a written agreement, approved by the Law Director and accepted by the Planning Commission, shall be filed with the application for a Zoning Certificate. | |
| 1181.07 | HANDICAPPED PARKING REQUIREMENTS | |
| | Parking spaces for the physically handicapped shall be as provided in and marked as per the Ohio Basic Building Code. | |
| 1181.08 | OFF-STREET LOADING REQUIREMENTS | |
| | in any district, in connection with every building, or part thereof, hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by storage, warehouse, retail store, wholesale store, hotel, hospital, funeral home, or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet. | |
| 1181.09 | OFF-STREET LOADING DESIGN STANDARDS | |
| | All off-street loading spaces shall be in accordance with the following standards and specifications: | |
| | A. | Dimensions - Each loading space shall have a minimum dimension not less than 12 feet in width, 28 feet in length and a vertical clearance of not less than 14 feet in height. |
| | B. | Setbacks - Notwithstanding other provisions of this regulation and other setback requirements, off-street loading spaces may be located in the required rear or side yard of any B-1 or M District provided that not more than 80% of the required rear yard or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet from any right-of-way or residential district unless wholly within a completely enclosed building. |
| | C. | Screening - In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any residential district. Screening plans shall be approved by the Zoning Inspector. |
| | D. | Access - All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward direction. |
| | E. | Paving - Any required off-street loading spaces, together with its driveways, aisles and other circulation areas, shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface. |
| | F. | Drainage - All loading spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City. |
| | G. | Lighting - Any lights used to illuminate a loading area shall be arranged so as to reflect the light away from any adjacent properties or rights-of-way. |
| 1181.10 | SUBMISSION TO PLANNING COMMISSION | |
| | Detailed drawings as indicated in Chapter 1146, Site Plan Guideline Standards, indicating necessary parking and off-street loading facilities shall be submitted to the Planning Commission with the exception of single family detached dwellings and duplexes, for approval prior to the granting of any certificate. Such drawing shall show the number of spaces and locations, dimensions and descriptions of all features enumerated in this Section or as required elsewhere in this Zoning Code. The Planning Commission may require, in addition to those enumerated, further structural or landscaping features such as bumper guards, curbs, walls, fences, shrubs, trees, ground cover or hedges to further the intent and purposes of this Zoning Code. The Planning Commission, in addition, may recommend such changes in location, width and number of driveways as it shall determine are necessary to eliminate any potential traffic hazards. | |
| 1181.11 | MODIFICATIONS | |

The Planning Commission may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that the peculiar nature of the residential, business, trade, industrial, other use, exceptional situation or condition would justify such action.

CHAPTER 1183
ADDITIONAL PROVISIONS FOR INTEGRATED APARTMENT, OFFICE, RESEARCH AND INDUSTRIAL USES

1183.01

INTEGRATED APARTMENT, OFFICE, AND INDUSTRIAL CENTERS

The development of groups of properties for apartment, office, research and industrial centers in "R-O" and "M" Districts shall be subject to the following requirements:

A preliminary review process shall be followed to ensure compliance with location, size, and character aspects of the proposed development, and

A final development plan review process shall be followed to ensure compliance to design requirements of the development.

A. Preliminary Review

1. The owner of a tract located in any "R-O" or "M" District, and containing not less than four acres, shall submit to the Planning Commission for its review a preliminary plan showing the use and development of such tract of land for an apartment, office, research or industrial center. The proposed uses may be mixed, but shall be consistent with those allowed in the district within which the tract of land is located. If the proposed uses are not consistent with those in the existing zoning district, the owner can proceed with a concurrent request to change the zoning classification to the appropriate classification.
2. In accepting such plans for review, the Planning Commission must be satisfied that the proponents of the apartment, office, research or industrial center are capable to undertake and complete the proposed development, both financially and operationally. A reasonable timetable of development must be committed to by the proponents of the center and approved by the Planning Commission.

B. Preliminary Plan Requirements

1. The Preliminary Plan shall show a development consisting of one or more groups of establishments in buildings of an integrated and harmonious design, together with adequate and properly arranged utilities, traffic and parking facilities and landscaping, which will complement the general character of the adjoining development and surrounding area.
2. The applicant shall submit a traffic circulation plan which should present:
 - a. the location of the proposed development in relation to the City Thoroughfare Plan;
 - b. the anticipated levels of vehicular and pedestrian traffic to be generated by the development;
 - c. the arrangement of on-site traffic circulation and parking facilities and landscaping elements;
 - d. any physical and/or other traffic improvements required, requested, or proposed to alleviate anticipated congestion being created by the proposed development; and
 - e. such other information as the Planning Commission shall require.
3. The applicant shall submit utility and drainage plans for the proposed development which shall show the following:
 - a. The connection points to the City's water and wastewater utilities;
 - b. The connection points and locations of the electric, telephone, gas, telecommunications, and any other utility services;
 - c. The size, depth and location of required water and wastewater utility facilities;
 - d. Water detention plan and calculations based on two and ten year events, emergency storm water plan for hundred year events; and
 - e. The location of storm sewer lines and related facilities.

C. Design Regulations

The following additional regulations shall apply to apartment, office, research and industrial centers:

1. **Yards.** No building shall be less than thirty feet distant from any zoning district boundary. Loading and storage shall be permanently screened from all adjoining properties located in an "R" District by building walls, or a free standing wall, fence or hedge at least six feet in height. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
2. **Tract Coverage.** Where parking spaces are provided within the main buildings of the development, the ground area occupied by all buildings may be expanded by 10% beyond the stated maximum lot coverages listed for the zoning district.
3. **Access Drives.** Access drives shall be located at a minimum interval of 300 feet.
4. **Loading Space.** There shall be provided one off-street loading or unloading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor trailer type.
5. **Signs.** Signs for apartment, office, research or industrial centers shall be limited to wall-type signs on the principal building, except that a free standing identification and directional sign not larger than 15 square feet in area may be erected at entrances to the center. Illuminated signs shall not have the light source visible from off-site.

D. Submission and Approval of Final Development Plan

Upon approval of the preliminary plan by the Planning Commission, the following procedure shall be followed to achieve final approval of an apartment, office, research or industrial center.

1. The proponents shall prepare and submit a final development plan which will comply with the design requirements, and will incorporate all changes or modifications required by the Planning Commission in the preliminary review stage.
2. If the final development plan complies with the requirements set forth in this Chapter, and other pertinent sections of the Zoning Ordinance, the Planning Commission shall submit the plan with its report and recommendations to City Council for its review. Council shall set a public hearing, following the required 30 day public notification process, to review the plan. If a zoning classification change is being sought concurrently, this public hearing could incorporate both issues.
3. Following the public hearing, Council may modify the plan, provided such modification is consistent with the intent and meaning of the Zoning Ordinance. Any plan approval, in situations where a zoning classification change is required, will not be effective until such zoning classification change occurs.
4. After the final development plan is approved by Council, any minor changes in carrying out this plan, such as adjustments to or rearrangements of buildings, parking areas, drive entrances, heights or yards, must be approved by the Planning Commission. These changes must conform to the standards established by the final development plan and the Zoning Ordinance. Any other changes must follow the final development plan procedure and receive authorization by Council.

**CHAPTER 1184
SPECIAL PROVISIONS FOR ADULT ENTERTAINMENT FACILITIES**

1184.01

DEFINITIONS

- A. **Adult Entertainment Facility:** A commercial entertainment facility having a significant portion of its function as adult entertainment which includes "Adult book/video store", "Adult entertainment theater", or "Adult entertainment business".
- B. **Adult Book/Video Store:** A facility, in which at least ten (10%) percent of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under "Specified Sexual Activities" or "Specified Anatomical Areas". A facility meeting this definition shall meet the requirements of a commercial entertainment facility.
- C. **Adult Entertainment Theater:** A commercial entertainment facility which devotes at least 10% of its presentation time to the display of material distinguished or characterized by all items listed in "Specified Sexual Activities" or "Specified Anatomical Areas."
- D. **Adult Entertainment Business:** Any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation or participation in, by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "Specified Sexual Activities".
- E. **Specified Sexual Activities:** Activities such as:
 1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio,
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- F. **Specified Anatomical areas:** Areas of the human body as follows:
 1. Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered;
 2. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

1184.02

LOCATION STANDARDS

Adult commercial entertainment facilities, as defined in Section 1184.01, are subject to the following standards regulating their location.

- A. No adult entertainment facility shall be established within one thousand (1,000') feet of any R-1, R-2, R-3, and R-O district.
- B. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any school, library, or teaching facility that is attended by persons under the age of eighteen (18) years of age. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any permanently established place of religious services.
- D. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any day care center or type A or B family day care home as established by the Ohio Revised Code.
- E. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any other adult entertainment facility.
- F. No adult entertainment facility shall be established within a radius of one thousand (1000') feet of any two of the following:
 1. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 3. Pool or billiard halls.
 4. Pinball palaces or halls.
 5. Dance halls or discotheques.
 6. Massage parlors.

7. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated in by persons under eighteen (18) years of age.

1184.03 MEASUREMENT STANDARDS

Distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in Section 1184.02.

1184.04 ADVERTISEMENT DISPLAY STANDARDS

No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas.

No screens, speakers, or sound equipment shall be used for adult motion picture theater, or other adult entertainment facility, that can be seen or discerned by the public from any public, semi-public, or quasi-public areas.

**CHAPTER 1185
SIGNS**

1185.01 PURPOSE

It is the purpose of these sign regulations to promote the public health, safety, and general welfare by permitting the use of signs as a means of communication in the City of Celina:

- A. To maintain and enhance the City's natural and manmade environment;
- B. To implement community design standards to encourage an attractive and healthy economic environment;
- C. To reduce possible safety hazards to vehicle and pedestrian traffic through good signage;
- D. To minimize the possible adverse effects of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign regulations.

The purpose, as stated above, is based on the following findings or conditions concerning signs:

- A. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the City, and as such are detrimental to the public health, safety, and general welfare of the City; and
- B. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

1185.02 DEFINITIONS

The following terms are defined for use under this section.

- A. **Abandoned Sign:** Any sign remaining in place which no longer advertises or identifies an ongoing or active business, product, or service available; or a sign which is no longer maintained in a serviceable condition. The serviceability of a sign ceases when deterioration becomes as visibly recognizable as the image of the subject of the sign.
- B. **Address Marker:** A numeric reference of a structure or site not included as part of a wall or monument sign. These are not normally considered a sign under this section.
- C. **A-Frame Card Sign:** A free standing sign usually hinged at the top. Such signs are considered portable and temporary.
- D. **Animated or Moving Sign:** Any sign, other than a time and temperature display, which uses motion, lighting, or special materials to depict action or create a special effect or scene.
- E. **Awning, Canopy, or Marquee Sign:** A non-electric sign that is printed on, painted on, attached to an awning, canopy, or marquee and is only permitted on the vertical surface.
- F. **Banner, Flag, Pennant or Balloon:** Any cloth, bunting, plastic, paper, or similar material, used for advertising purposes attached to, pinned on, or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs, but not including official flags of local, state, national or foreign governmental organizations.
- G. **Billboard or Off-Site Sign:** A sign, including supporting structure, advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.
- H. **Building Face:** The length of the single front building elevation in which the primary entrance to the business is located. Where more than one business occupies a building, the footage for sign purposes for each business is determined by multiplying the building front elevation width by the percentage of total floor space occupied by each business or potential business space.
- I. **Changeable Copy Sign:** A sign designed to allow the changing of copy through manual, mechanical, or electrical means. Time and temperature displays are not considered against the allowable advertising sign footage as long as no business identification or advertising is presented as part of the display.
- J. **Civic Event Sign:** A temporary sign posted to advertise a civic event sponsored by a public agency, school, church, civic/fraternal organization, or similar non-profit organization.
- K. **Construction Sign:** A temporary sign erected on the parcel on which construction is taking place. The sign may list the project name, owners, developers, professional services and contractors involved and any other major sponsors of the development.
- L. **Development or Subdivision Sign:** A temporary sign promoting a new development or subdivision which has received City Planning Commission review.
- M. **Directional Signs:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entry" or "exit". These signs giving direction are not considered part of the advertising

signage and do not require permitting. If additional advertising display is posted on the directional signs the Zoning Inspector may consider them as part of the square footage restrictions.

- N. **Double-Faced Sign:** A post, pedestal, or monument display where the sign's faces are back to back and the sign copy is similar on both sides. The area of double-faced signs is considered based on dimensions of one side.
- O. **Garage or Yard Sale Sign:** A temporary sign advertising the sale of personal items at a residential property.
- P. **Incidental Signs:** Incidental signs are signs no larger than 3 square feet in size that display notices required by law, or show affiliations or services provided. Items displayed may be credit cards accepted, trade affiliations, business hours, or other similar information necessary to identify limits of or qualifications of service or product.
- Q. **Institutional Sign:** A permanent sign identifying the premises of a church, school, governmental office, or non-profit institutional facility.
- R. **Kiosk:** A three dimensional structure designed and constructed with the explicit purpose of displaying information and advertising. This structure must supply a public service and can only receive a permit following review and approval of the Planning Commission.
- S. **Logo Sign:** A sign consisting of a symbol or mark associated with a business, service or product entity.
- T. **Monument Sign:** A sign displayed on a pedestal or base that has a footprint 50% or more than the sign's horizontal dimensions.
- U. **Nonconforming Sign:** A legally established sign existing prior to the establishment of this Ordinance which fails to conform to the regulations of this Ordinance.
- V. **Political Sign:** A temporary sign directly associated with a local, state, or national political election or issue.
- W. **Portable Sign:** A sign designed and constructed to be easily set up and removed or relocated.
- X. **Promotional Sign:** A temporary commercial sign posted to promote the sale of new products, new management, new hours, new service or to promote a special sale.
- Y. **Projecting Sign:** Any sign which is attached to the face of a building and projects more than eighteen (18) inches from the face.
- Z. **Real Estate Sign:** An on-site temporary sign pertaining to the sale, lease or rental of a building or premises. These signs include Open House signs which indicate when salespersons are available to represent the property subject to sale, lease or rent.
- AA. **Roof Sign:** A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof, and which is wholly or partly supported by the building.
- BB. **Sign:** Any display that shows any product, service, business, name, or other enterprise in a promotional manner. A sign may consist of wording, logos or images.
- CC. **Sign Program:** A coordinated program of signs as allowed under the "Commercial Shopping Center" and "Apartment, Office, Research, and Industrial Center" developments.
- DD. **Temporary Sign:** Any sign that is approved to be displayed for a limited time period as set forth in this Ordinance or by the Planning Commission.
- EE. **Wall Sign:** A sign painted on, printed on, or attached to a wall which has its face substantially perpendicular to the building face.
- FF. **Window Sign:** Any sign that is applied, painted, or attached to a wall which is not a projecting sign.

1185.03

ADMINISTRATION

These sign regulations shall be administered as stated under the conditions as listed in Chapter 1143 of this Ordinance.

A. Permit Required

No sign, unless exempted by this Chapter, shall be constructed, displayed, or altered without an approved permit. The permits shall be issued by the Zoning Inspector when the conditions of this Ordinance are met. Each permit application shall be accompanied by the following:

1. A drawing showing the design proposed.
2. Dimensioned site plan showing the sign location in relation to property lines, buildings, walks, and drives.
3. Dimensioned elevation drawing showing the size, sign type, height, illumination method, support or mounting method, and construction materials.

A sign for which a permit has been issued shall not be modified, relocated, altered or replaced unless a new permit or an amended permit is issued by the Zoning Inspector.

B. Signs Requiring a Permit

Any sign erected, painted, posted or placed in any district within the City shall require an approved permit from the Zoning Inspector in conformance with Sections 1144.02-1144.05, except those signs identified as exempt from such permit. Sign structure, size, height, setback, location and number shall be determined by the requirements set forth in this Chapter.

Changes or relocation of nonconforming signs require permits and any alterations must also meet the requirements set forth in this Chapter. See Section 1185.04 D. for nonconforming signs.

C. Signs Not Requiring a Permit

The following signs are exempt and do not require a permit from the Zoning Inspector. To maintain an exempt status these signs must comply with restrictions as established in this Chapter.

1. Political signs, Real Estate signs, and Civic Event signs when conforming to the requirements established under this Ordinance.
2. Temporary signs painted on the outside of the windows for display on holiday or special occasions.
3. Signs located inside a building or behind a window and not exceeding the prohibitions set forth in Section 1185.03 D.8., do not require a permit.
4. Memorial signs and plaques installed by recognized civic organizations.
5. Official and legal notices and signs issued by governmental agencies.

6. Official flags of all governmental and civic/fraternal organizations.
7. Construction signs when conforming to the conditions set forth under Section 1185.04 F.2.
8. Incidental signs for businesses like automobile services, gasoline service stations, automobile dealers with service repairs, motels and hotels provided that all of the following conditions exist: the signs are attached to a structure or building; the signs number no more than four (4) per street frontage, and no sign shall exceed an area per face of three (3) square feet. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law are permitted and not counted against the number allowed.
9. Directional signs provided that such signs are located on-site, have a maximum area which does not exceed three (3) square feet per sign, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained.
10. Garage and yard sale signs provided they conform to the regulations set forth in this Ordinance.

D. Prohibited Signs

The following signs are inconsistent with the sign standards established in this Chapter and are therefore prohibited. Permits cannot be issued for:

1. Abandoned signs after 90 days of meeting the abandoned sign definition. The property owner will be responsible for removal.
2. Animated, moving, flashing, blinking, reflecting, revolving or other similar signs, with the exception of permanently mounted Changeable Copy Signs and time and temperature displays as allowed in this Chapter.
3. Portable or A-Frame signs. For exceptions see Section 1185.04 F.7.
4. Roof signs
5. Signs placed in, or overhanging, the public right-of-way. Signs with exception are: governmental signs and informational signs authorized by the Planning Commission and in conformance with state or federal regulations. Such informational signs shall not exceed two and a half (2½) square feet in area and shall not be illuminated.
6. Signs designed or constructed to resemble or imitate highway or traffic control signs or signals.
7. Temporary signs, found not in conformance to the regulations set forth in this Ordinance. These signs may be confiscated by the Zoning Inspector, or his representatives, in addition to being subject to the conditions of Chapter 1199.
8. Windows signs when they are located in a residentially zoned district are larger than the allowable signage for that district or are illuminated.

E. Measurement Standards

The area of the sign is determined by the dimensions of the background structure, unifying background area, or by the maximum dimensions of the display area if posted on a common background. The following standards shall be used to determine the area and height measurements for all signs erected or posted within the City:

1. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign, but not including the supporting frame or bracing.
2. The area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
3. In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.
4. The height of a sign shall be determined by measuring the vertical distance between the highest point of the sign to the ground elevation at the base of the sign. If mounding was used at the sign base, the ground elevation shall be determined as the average ground elevation of the developed site at the sign base prior to mounding.
5. The setback of a sign shall be measured from the vertical projection of the property line or street right-of-way line to the closest part of the sign.
6. Lots in R or M zones having frontage on more than one street shall have a maximum allowable sign area equal to twice that of its shortest frontage, not to exceed twice the maximum number of square feet otherwise allowed in the zone. These lots shall also be permitted twice the number of signs otherwise allowed in their zone; however, there shall be no increase in the number of free-standing signs allowed.

F. Fees

A schedule of fees for permits shall be established and amended from time to time by City Council.

1185.04

GENERAL REGULATIONS

A. Cross-corner Sight Restrictions:

No sign, or part of a sign structure wider than one (1) foot, shall be erected in the cross-corner line of sight between the heights of three (3) feet and eight (8) feet, as measured from the center lines of the relevant pavements, in the following locations:

1. At street intersections, within a triangle, two sides of which are measured from the point of intersection of the street rights-of-way, a distance of 40' parallel to the through street and a distance of 15 feet parallel to the stop street. At 4-way stops the distance shall be 40 feet parallel to each street.
2. At drives - within a triangle, two sides of which are measured from the point of intersection of the street right-of-way and the centerline of the drive, a distance of 50 feet parallel to the street, and a distance of 15 feet parallel to the centerline of the drive.

B. Distracting Signs:

Signs which have moving parts, replaceable letters, or changing illumination shall conform to the conditions listed within this Ordinance. See section 1185.03 D for restrictions on signs which use animation, flashing lights, shapes reserved for traffic control, and motion.

- C. **Sign Illumination:**
All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light; provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises; and provided that such illumination shall not lead to confusion, or create a hazard to traffic, or conflict with traffic control signs or lights. An exception to the above is that signs illuminated with neon lighting are also allowed even though the light source is visible. See Section 1185.05 for districts where sign illumination is prohibited.
- D. **Non-conforming Signs:**
All signs which are in existence on the effective date of this Ordinance shall be considered nonconforming uses and shall be subject to the following provisions:
1. No nonconforming sign shall have any changes made in the words, symbols or message displayed on the sign unless the sign is specifically designed for periodic change of message.
 2. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated until it meets the requirements of this Chapter and receives a permit.
- E. **Development or Subdivision Entry Signs:**
The conditions for the placement of permanent signs identifying a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.
- F. **Temporary Signs:**
Temporary signs require a permit unless they are identified as not requiring a permit under Section 1185.03 C. All temporary signs, unless specifically identified under 1185.02, Definitions, shall be considered temporary commercial signs. The following regulations shall apply to temporary signs:
1. **Civic Event Signs:**
These signs shall be registered with the Zoning Inspector listing the organization responsible, a contact person, dates of posting, sign size, and location of sign. All posting periods and placements must receive approval of the Zoning Inspector. Any signs not receiving this approval shall be considered in violation of this Ordinance.
 2. **Construction Signs:**
These signs shall be shown as part of the development's site plan. The number of signs, their location and sizes, shall be approved by the Zoning Inspector before installation. If conditions warrant, the Zoning Inspector may allow placement of the construction sign off-site. The posting of the sign(s) shall be limited to the construction period which begins one week before the actual work begins or with the ground breaking, whichever ever is first, to the conditional final acceptance by the owner.
 3. **Development or Subdivision Signs:**
The conditions for the placement of these signs at a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.
 4. **Real Estate Signs:**
Real estate signs are not allowed in public right-of-way areas. They are allowed a maximum area of 6 square feet in residential districts and 32 square feet in all other districts. One sales sign is allowed per property frontage. In addition, an open house sign is allowed for a week period prior to the open house date. Sales signs shall be removed from a property within one week of closing.
 5. **Garage and Yard Sale Signs:**
These signs are to be posted only on private property. The signs shall not exceed 6 square feet in area. They shall be posted only the day of the sales. No signs shall be posted on any public utility or light poles.
 6. **Temporary Commercial Signs:**
The Zoning Inspector, in accordance with the provisions herein, is authorized to issue permits for the erection and maintenance of temporary commercial signs. Such permit shall be issued for a period not to exceed fourteen (14) days, nor more frequently than once in each three month period for the same premises. Temporary commercial signs shall not be illuminated. No temporary signs containing commercial messages shall be permitted in residential districts. No permit shall be issued for aerial signs, or signs designed to be moved on trailer wheels, skids, or on other similar devices. The area, height and number of temporary commercial signs shall be determined by the requirements established in the regulations for each zoning district.
 7. In the B-2 district, if a property has a 12 feet or wider sidewalk, each business may have one (1) A-Frame sign, or similar type portable sign, provided all the following conditions are met:
 - a. The sign shall only be on display during business hours of the business if advertises.
 - b. The sign shall not exceed 30 inches in width and 48 inches in height.
 - c. The sign shall be placed on the sidewalk only with the approval of the owner of the front property, and
 - d. Its nearest edge must be placed either a maximum of one (1) foot from the right-of-way line or between one (1) and one and a half (1.5) feet from the curb.
 - e. Signs should be of a design that resists being moved or blown over by the wind. However, they shall not be attached to publicly owned sign

posts, hydrants, trees, etc. in the right-of-way.

1185.05

DISTRICT REGULATIONS

The following regulations shall apply to all signs, permitted and otherwise, according to each Zoning District.

A. S-1, R-1, R-2, R-3 and R-O DISTRICTS:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed six (6) square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be four (4) feet.
 - d. The maximum number of signs allowed shall be two (2), only one of which may be a freestanding sign.
- e. Signs shall not be illuminated.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to one (1') square foot of sign area for each four (4) feet of lot width, not to exceed a maximum of 50 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 25 feet from all side property lines, and
 - 25 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be eight (8) feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be two (2), only one of which may be a freestanding sign.
3. Signs identifying or marking subdivision developments shall be reviewed and approved by the Planning Commission as part of the subdivision review process. The Planning Commission shall set the number, size and location of these non-temporary development or subdivision signs.

B. B-1 GENERAL BUSINESS DISTRICT:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall be equal to 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 6 feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

C. B-2 CENTRAL BUSINESS DISTRICT

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines, except as provided in Section 1185.03 D. 5.
 - c. The maximum height of any freestanding sign shall be six (6) feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 100 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.

- d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

D. B-3 COMMUNITY SHOPPING DISTRICT

- 1. **Integrated Commercial Centers**
 - a. The maximum total area of all wall signs for any one business shall be equal to two (2) square feet of sign area for each one (1') foot of building width, not to exceed a maximum of 200 square feet.
 - b. The total area of any freestanding sign shall be 200 square feet.
 - c. The minimum freestanding sign setbacks shall be as follows:
0 feet from all street right-of-way lines,
50 feet from all side property lines, and
50 feet from all rear property lines.
 - d. The maximum height of any freestanding sign shall be 35 feet.
 - e. The maximum number of wall signs for any one business shall be two (2).
 - f. The maximum number of freestanding signs shall not exceed the number of abutting streets.
- 2. Other lots in the B-3 district, including outlots of integrated commercial centers having their own street frontage and separate ownership:
 - a. The maximum total area of all signs shall be equal to four (4) square feet of sign area for each one (1') foot of lot width not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
10 feet from all side property lines, and
10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be four (4), with only one freestanding sign.

E. M MANUFACTURING DISTRICT

- 1. The maximum total area of all signs shall be equal to two (2) square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 200 square feet.
- 2. The minimum setbacks for all freestanding signs shall be as follows:
0 feet from all street right-of-way lines,
20 feet from all side property lines, and
20 feet from all rear property lines.
- 3. The maximum height of any freestanding sign shall be 15 feet.
- 4. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

**CHAPTER 1199
VIOLATION, REMEDIES AND FEES**

1199.01 VIOLATION

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint to the Zoning Inspector. Such complaint shall state the cause or basis of the violation. The Zoning Inspector shall record the complaint, promptly investigate it and take the necessary action to resolve the complaint.

In addition, any person can pursue the other remedies by law to initiate appropriate action or proceedings to prevent, restrain, correct or abate such violation.

1199.02 NOTICE OF VIOLATION

The notice of any violation of the Zoning Ordinance shall be as follows:

- A. Whenever the Zoning Inspector determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:
 - 1. Be in writing;
 - 2. Identify the violation;
 - 3. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Ordinance being violated; and
 - 4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
 - 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person aged sixteen (16) years or older; or
 - 2. By Certified Mail, addressed to the property owner of record on the County Auditor's records. Service shall be deemed complete when the fact of the mailing is recorded.
 - 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1199.03 REMEDIES

The following remedies shall apply to violations of the Zoning Ordinance:

A. Prohibitions

1. No person shall fail or refuse to comply with an order issued by the Zoning Inspector. A separate offense shall be deemed committed each day upon which a violation occurs or continues.
2. No person shall construct, modify, alter, use or occupy any structure or property in violation of the Celina Zoning Ordinance. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

B. Penalties

1. Whosoever violates this section is guilty of a minor misdemeanor for each offense.
2. If, within one year of the date of the offense, the offender has been convicted of or pleads guilty to another violation of Section 1199.03(A) the offender is guilty of a misdemeanor of the third degree.

C. Civil Remedies For Violations

In case any building is located or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used or is proposed to be used in violation of the Zoning Ordinance or any amendment or supplement thereto, the Zoning Inspector, shall institute or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

1199.04

FEES

The fees for all applicant costs incurred in this Chapter shall be established by City Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the City.

The applicant shall be responsible for the expenses incurred by the City in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services, including expenses and legal fees in connection with reviewing the plan, prepared reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

SECTION TWO

THAT, any city legislation such as, Ordinance 26-74-0, and all the amendments to it and its map, which are inconsistent with this Ordinance be hereby repealed.

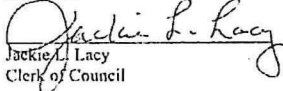
SECTION THREE

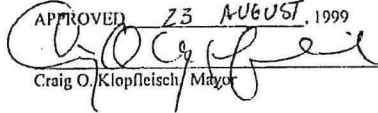
THAT, this ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

Passed this 23 day of August, 1999.


William T. Sell, Council President

ATTEST:

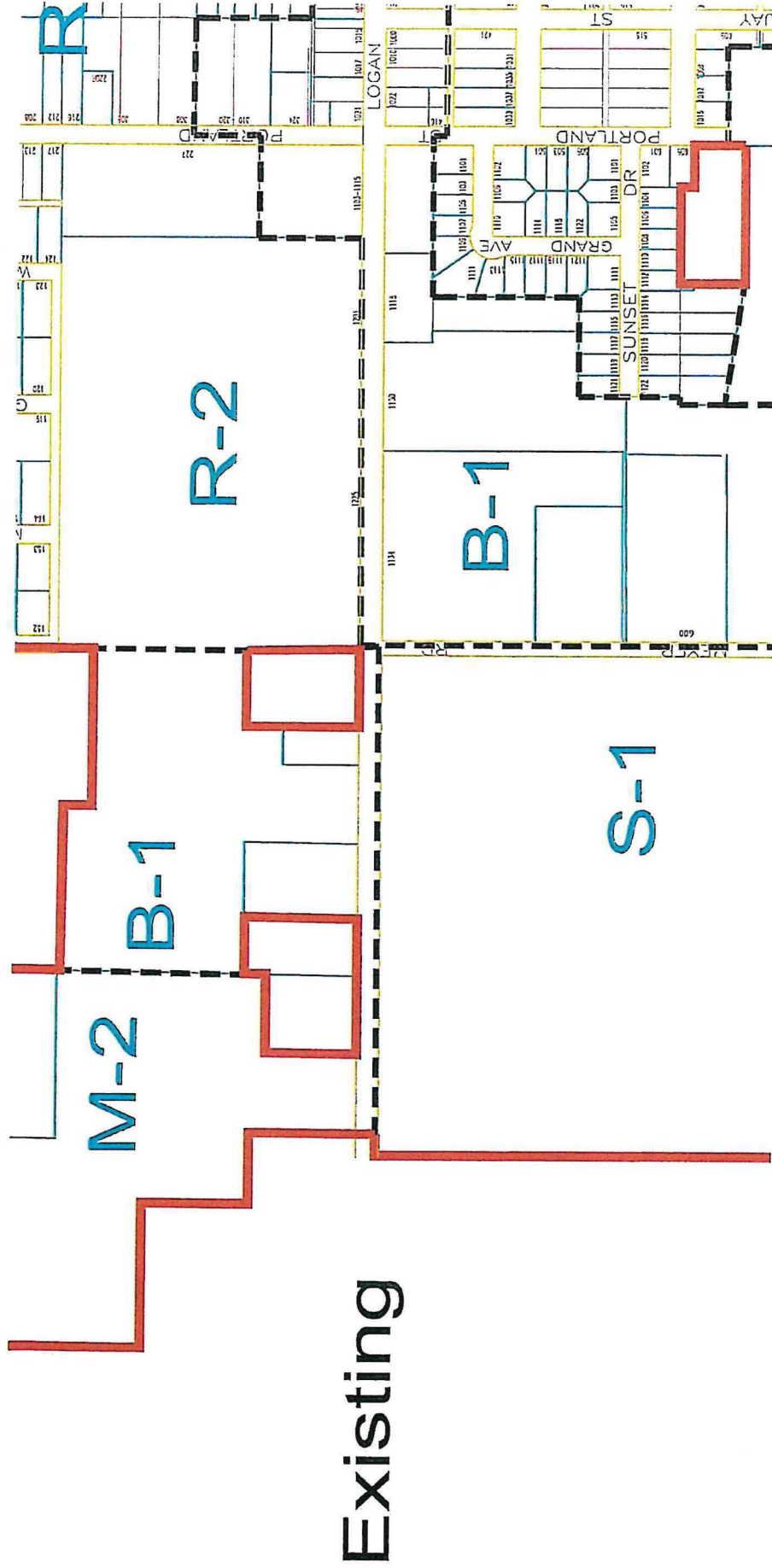

Jackie L. Lacy
Clerk of Council

APPROVED 23 AUGUST, 1999

Craig O. Klopfeisch, Mayor

Approved as to Form:

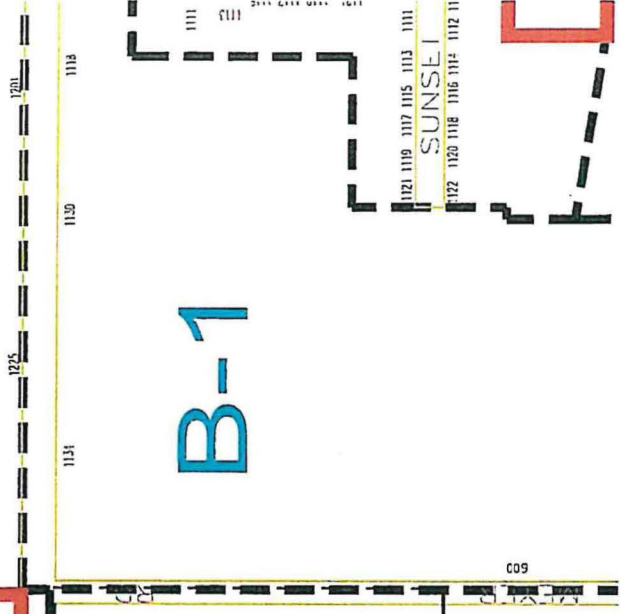

Kevin M. McKirnan
City Law Director

17-21-O
Updated Maps



M-2 B-1 R-2

Proposed



B-1

B-1

S-1

Google Earth



400 ft Camera: 4,192 ft 49°30'11"N 84°35'33"W 565 ft

100%

<https://earth.google.com/web/@40.54489859,-84.59267721,263.17412141a,1014.55481827d,30.00000093y,0h,0l,0r>

ORDINANCE 18-21-O

AN ORDINANCE AMENDING ORDINANCE 69-01-O TO CHANGE THE ZONING CLASSIFICATION OF A PORTION OF PROPERTY OWNED BY JOHN DIERINGER FROM B-3 COMMUNITY/SHOP DISTRICT TO R-2 MEDIUM DENSITY DISTRICT.

WHEREAS, Celina City Council passed Ordinance 69-01-O on December 17, 2001, amending the zoning map portion of the Zoning Ordinance, a copy of which is attached hereto as Exhibit A and fully incorporated herein; and

WHEREAS, an application for Zoning Change or Amendment has been received from John Dieringer to change the zoning classification of 107 S. Leblond Street (lot #72) from B-3 Community/Shop District to R-2 Medium Density District; and

WHEREAS, the City Planning Commission met on March 18, 2021 to review this proposed change and hereby recommends the zoning district classification be changed from B-3 Community/Shop District to R-2 Medium Density District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the zoning classification of the property located at 107 S. Leblond Street (lot #72) be changed from B-3 Community/Shop District to R-2 Medium Density District as defined in Ordinance 26-99-O, a copy of which is attached as Exhibit B and fully incorporated herein.

SECTION TWO

THAT, the Clerk of Council did initiate the proper procedures in publishing the date of the public hearing, the notification of hearing date to affected property owner, a copy of the Ordinance was on file for public examination, and that a public hearing was held by City Council in its chambers on the 10th day of May, 2021.

SECTION THREE

THAT, Council, upon considering the application for Zoning Change or Amendment and the recommendation of the City Planning Commission and conducting a public hearing, finds that in order to promote the public health, safety, convenience, comfort, prosperity, and general welfare, it is in the best interests of the City of Celina, Ohio to rezone the property as petitioned and as described in Section One.


SECTION FOUR

THAT, the official Zoning Map of the City of Celina be amended and that the proper persons be notified to make this classification change to the Map.

SECTION FIVE

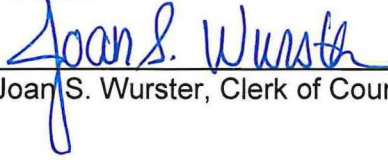
NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.


PASSED this 24th day of May, 2021



Jason D. King, President of Council


ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED  May 24, 2021

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George Erik Moore, Esq., City Law Director

ORDINANCE NO. 69-01-O

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE
ZONING ORDINANCE NO. 26-99-O.

WHEREAS, the City of Celina desires to update its Zoning District Map; and

WHEREAS, the City Planning Commission of Celina, Ohio has recommended changes to the zoning district map at their October 16, 2001 meeting; and

WHEREAS, the City Council of Celina held a public hearing on November 26, 2001, following the required 30-day notice.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT Attachment A is hereby the Zoning District Map for the City of Celina, and made part of this Ordinance.

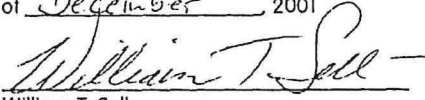
SECTION TWO

THAT any prior versions of the Zoning District Map are hereby repealed.

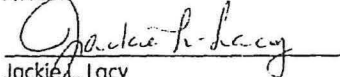
SECTION THREE

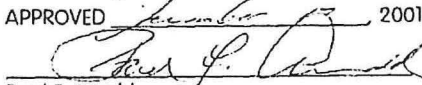
THAT this Ordinance shall become effective upon its passage and approval by Council at the earliest period allowed by law.

PASSED this 17 day of December, 2001


William T. Sell
President of Council

ATTEST:


Jackie L. Lacy
Clerk of Council

APPROVED December 17, 2001

Paul F. Arnold
Mayor

APPROVED AS TO FORM

Kevin M. McKirnan
City Law Director

I, Jackie Lacy, hereby certify that the foregoing is a true and correct copy of Ordinance 69-01-O, passed by Celina City Council on _____ and approved by the Mayor _____ and which was duly published according to law in the Daily Standard on _____ and _____.

Clerk of Council

ZONING ORDINANCE No. 26-99-0
OF THE CITY OF CELINA, OHIO

An Ordinance to adopt and enact zoning and related provisions, and to repeal Ordinances in conflict therewith. This Ordinance consolidates all zoning and related provisions for the purpose of regulating, restricting and limiting in the interest of the public health, safety, convenience, comfort, prosperity and general welfare of the City of Celina, Ohio, the uses and location of buildings and other structures and the uses of premises, and divide the City into districts. This Ordinance also provides the method of administration and enforcement, and prescribes the penalties for the violation of the these provisions.

WHEREAS, the City of Celina desires to update its Zoning Code, and

WHEREAS, the City Planning Commission of Celina, Ohio has recommended the following regulations be adopted at their June 24, 1999 meeting, and

WHEREAS, the City Council of Celina held a public hearing on August 9th, 1999 following the required 30 day notice;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CELINA, OHIO:

SECTION ONE

THAT the following is hereby the Zoning Code of the City of Celina along with the attached map.

CHAPTER 1141
GENERAL PROVISIONS

- 1141.01 **PURPOSE**
For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements and lessening or avoiding congestion on public streets and highways, this Zoning Ordinance is established.
- 1141.02 **TITLE**
Chapter 1141 through 1199 and the Zoning District Map which accompanies this ordinance shall together be known and cited as the Zoning Ordinance.
- 1141.03 **INTERPRETATION AND CONFLICT**
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Wherever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall govern.
- 1141.04 **COMPLIANCE WITH REGULATIONS**
 - A. No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located except as hereinafter provided.
 - B. No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located, except where such usage was in existence and permitted prior to the passage of current zoning regulations.
 - C. No yard or other open space existing adjacent to any building or structure shall be reduced in area or dimension to less than the minimum required by the Zoning Ordinance.
 - D. No lot at the time of the effective date of the Zoning Ordinance shall be reduced or subdivided in any manner below the minimum area and yard provision as required by the Zoning Ordinance.
 - E. Uses not specifically listed or interpreted to be included categorically under the Uses Sections of the District Chapters shall not be permitted except by Amendment to the Ordinance.
- 1141.05 **SEPARABILITY**
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

CHAPTER 1142
DEFINITIONS

- 1142.01 **DEFINITIONS**
For the purpose of the Zoning Ordinance certain terms and words are defined as follows. Except where specifically defined, all words used in the Zoning Ordinance shall carry their customary meanings.
 - 1. "Agriculture" means farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and limited processing and sale of agricultural products from land under same ownership.

2. "Alley" means a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
3. "Animal Hospital and Clinic" means a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits, and birds by a veterinarian.
4. "Assisted Living Facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
5. "Automotive Filling Station" means any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
6. "Automotive Services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles and commercial carwashes.
7. "Automotive Sales" means the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
8. "Basement" means a story having part but not more than one-half of its height above grade and used for storage, garages for use of occupants of the building, or other active use for the rest of the building.
9. "Bed and Breakfast Establishment" means any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, are provided for compensation.
10. "Board" means the Board of Zoning Appeals of Celina, Ohio.
11. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
12. "Building and Related Trades" means a building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.
13. "Building, Front Line of" means the line of that face of the building nearest the front line of the lot. This line does not include uncovered steps or handicapped access ramps.
14. "Building Lot" means any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deceded separately but shown on the county's tax maps as owned by the same owner.
15. "Building, Height of" means the vertical distance from the average grade level along the front building line to the highest point of the building or structure.
16. "Building, Principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.
17. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including crematories, mausoleums and mortuaries, if operated in connection with, and within the boundaries of, such cemetery.
18. "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with room or board nor kept overnight on the premises.
19. "Club" means a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
20. "Commercial School" means a facility, operating for profit, providing a curriculum of continuing academic instruction including vocational and technical courses.
21. "Commission" means the Celina Planning Commission.
22. "Commercial Entertainment Facilities" means any activity which is generally related to the entertainment field, such as motion picture theaters, night clubs, and similar entertainment activities and excluding taverns.
23. "Community Development Project" means any development of land for industrial, commercial or residential purposes, or a combination of these uses, provided they are functionally integrated, to attain an improved character of development that conforms to the purpose and intent of the Zoning Ordinance.
24. "Council" means the City Council of Celina, Ohio.
25. "Day Care Facility" means a building or structure where daytime care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes Child Care Facilities which address and pertain to the care of children up to and throughout school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.
26. "Days" means calendar days unless stated otherwise.
27. "Design Review District" means a portion of the territory of the City, within which special requirements and regulations established under the Design Review District provisions of this Ordinance are applied. Design Review Districts are established by Council and identified on the Zoning Map.
28. "Design Review Commission" means a commission established under the Design Review District provisions of this Ordinance.
29. "District" means a portion of the territory of the City, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
30. "Drive-In Commercial Uses" means any retail commercial use serving primarily vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks and drive thru convenience stores.

31. "Dwelling" means any building or portion thereof which is designated for or used for residential purposes.
32. "Dwelling, Efficiency Apartment" means a dwelling unit in a multi-family building without a separate distinct room for sleeping.
33. "Dwelling, Multi-Family" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.
34. "Dwelling, Permanently Sited Manufactured Home" means a building manufactured in an off-site facility designated for or occupied exclusively by one family that meets all of the following criteria:
 - a. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
 - b. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
 - c. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
 - d. The structure was manufactured after January 1, 1995;
 - e. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.
35. "Dwelling, Single-Family" means a building designated for or occupied exclusively by one family, including Permanently Sited Manufactured Homes as defined herein.
36. "Dwelling, Three Family" means a building designated for or occupied exclusively by three families.
37. "Dwelling, Two-Family" means a building designated for or occupied exclusively by two families.
38. "Educational Institution" means a facility that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary schools, junior high schools, high schools and technical and collegiate level courses.
39. "Essential Services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of facilities which are necessary for furnishing adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
40. "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a hotel, as herein defined.
41. "Financial Institution" means any building, property or activity of which the principal use or purpose is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.
42. "Food Processing" means the preparation or processing of food products excluding restaurants, for wholesale distribution.
43. "Frontage" means all of the property between a street and the front building line. The front boundary line of a lot is the line that abuts on a street, and includes its length.
44. "Funeral Home" means any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
45. "Grain Elevators and Feed Mill" means a building, structure or premises used for the storage and retail sales of grain and other related agricultural supplies and products.
46. "Group Home" means any licensed residential facility designed to allow not more than eight (8) persons, needing specialized care, counseling, on-going medical treatment or supervision to live in the same building or complex of buildings and engage in some congregative activity in a non-institutional environment.
47. "Home Occupation" means any occupation, profession, activity or use which is accessory to the principal use of the premises and is conducted by a resident occupant which does not alter the interior of the property or affect the residential character of the neighborhood.
48. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
49. "Hotel/Motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and possibly providing as an accessory use additional facilities such as restaurants, meeting rooms and recreational facilities.
50. "Institution" means buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.
51. "Interior Lot Line" means any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.
52. "Junk Storage and/or Sales; Salvage Operation" means any lot, land or structure or part thereof used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof.
53. "Land Use Plan" means the long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.
54. "Loading Space" means a space within the main building or on the same lot therewith providing for the loading or unloading of trucks.
55. "Lock and Store (or Store and Lock) Warehousing" means a building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for the storage of customer goods or wares.

56. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one principal building together with accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a street.
57. "Lot Coverage" means the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.
58. "Lot of Record" means any lot which, individually or as a part of a subdivision, has been recorded in the office of the County Recorder.
59. "Lot, Minimum Area Of" means the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
60. "Lot Width" means the width of a lot at the building setback line measured at right angles to its depth. The lot width of lots on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve describing the required depth of front yard.
61. "Lot - Outlot" means a lot associated with larger development plan where the primary parcel defines the development. The development on outlots must conform, in use type, to the primary site development. Outlots may be deeded separately from the primary parcel, but can be considered part of the overall development. In site plan reviews, these lots shall be considered as part of the overall site development. In a shopping center, or in a B-3 zone, it is a lot that is owned and/or developed separately from the shopping center and has its own access drives, parking, and signage.
62. "Manufacturing" means the mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.
63. "Mineral Extraction, Storage and Processing" means any mining, quarrying or processing of limestone, shale, clay, coal or other minerals.
64. "Mixed Use" means a combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Planning Commission, in the same building or on the same premises.
65. "Mobile Homes or Trailers" means any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
66. "Mobile Home Parks" means an area manifestly designed for rent or lease of mobile home lots in a safe, sanitary and desirable manner as described in Chapter 1180.
67. "Nursing Home" means a building, group of buildings or licensed facility, public or private, which provides full-time personal care or nursing to the ill, physically infirm or aged persons who are not related by blood or marriage to the operator.
68. "Office" means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
69. "Off-Street Parking Space" means any parking space located wholly off any street, alley or sidewalk either in an enclosed building or on an open lot.
70. "Overlay District" means the portion of the territory of the City, within which special requirements and regulations established under the Overlay District provisions of this Ordinance are applied. Overlay Districts are established by Council and identified on the Zoning Map.
71. "Personal Services" means any enterprise conducted for gain which serves primarily personal needs of the general public such as shoe repair, watch repairing, barber shop, beauty parlors, and similar activities.
72. "Petroleum Refining and Storage" means a facility designed to separate and remove impurities from oil or gas and store such fuels for distribution.
73. "Planning Commission" means the Celina Planning Commission.
74. "Public Service Facility" means the erection, construction, alteration, operation or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.
75. "Public uses" means public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.
76. "Public Recreation" means recreational facilities developed, used and/or maintained by public agencies for use by the public.
77. "Recreational facilities, commercial" means recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, boat docks, fishing piers, boat launching, race tracks, amusement parks, carnivals, food concessions as an accessory use, and similar commercial enterprises.
78. "Recreational facilities, noncommercial" means private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
79. "Religious places of worship" means an institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denominations are held.
80. "Restaurant" means an establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers.

81. "Restaurant, fast food" means an establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
82. "Retail Business" means any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.
83. "Retail neighborhood business" means small retail commercial establishments catering primarily to nearby residential areas providing convenience goods and services, including but not limited to, small grocery stores, pharmacies, barber shops, beauty salons and coin-op Laundromats.
84. "Scientific research facility" means a building or buildings in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.
85. "Semi-public buildings" means churches, Sunday schools, private and parochial schools, hospitals and other institutions of a charitable, educational or religious nature.
86. "Shopping center" means a grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking and loading as an integral part of that unit.
87. "Story" means that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters, or if one-half of its volume is above the average level of the adjacent ground.
88. "Street Line, Right-of-Way Line" means a dividing line between a lot, tract or parcel of land and contiguous street.
89. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.
90. "Structural Alterations" means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
91. "Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
92. "Transport Trucking Terminal" means any business, structures or premises which primarily receives or distributes goods by tractor trailer or other similar vehicle.
93. "Use" means the purpose for which land, a building or structure is arranged, designed, or intended, or for which either land, a building or structure is, or may be, occupied or maintained.
94. "Use, Accessory" means a use, building or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
95. "Use, conditional" means a use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission.
96. "Use, Non-Conforming" means any building, structure, or premises legally existing or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
97. "Use, Principally Permitted" means a use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Ordinance.
98. "Variance" means a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Zoning Ordinance would prohibit the reasonable use of the land.
99. "Warehousing" means a building or facility that stores commodities in large quantities for distribution to retail, wholesale or manufacturing businesses.
100. "Wholesale Business" means an establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.
101. "Yard" means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
102. "Yard, Front" means a yard between the front building line and the right-of-way line of the fronting street. In case of a lot that fronts more than one street, the yard abutting the street named in the property address shall be considered the front yard.
103. "Yard, Rear" means a yard extending across the full width of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches. In the case of a lot that fronts more than one street, the yard opposite the front yard shall be considered the rear yard.
104. "Yard, Side" means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereto.

- 105. "Zoning Certificate" means the document issued by the Zoning Inspector authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
- 106. "Zoning Map" means the Zoning District Map or Maps of the City, together with all amendments subsequently adopted.
- 107. "Zoning Inspector" means the Safety Service Director of the City or his designee.
- 108. "Zoning Permit" shall be synonymous with Zoning Certificate, and these two terms shall be considered one and the same where listed within this Ordinance.

**CHAPTER 1143
ADMINISTRATION**

1143.01 PURPOSE
This Ordinance sets both the powers and duties of the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals, and The Design Review Commission with respect to the administration of the provisions of this Ordinance.

1143.02 RESPONSIBILITIES OF THE ZONING INSPECTOR
The Zoning Inspector shall have the following responsibilities and powers:

- A. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- B. Receive, review and make determinations on applications for zoning permits.
- C. Issue zoning certificates and other certificates and permits as provided by this Ordinance, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Ordinance.
- E. Make determinations as to whether violations of this Ordinance exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Ordinance.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Ordinance.
- G. Maintain permanent and current records required by this Ordinance, including, but not limited to, the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the City Council, Planning Commission, the Board of Zoning Appeals and to the public.
- H. Revoke a certificate or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the application.
- I. The Zoning Inspector shall be responsible for the collection and deposit of all fees for credit to the General Revenue Fund of the City.

1143.03 RESPONSIBILITIES OF THE PLANNING COMMISSION
The Planning Commission shall have the following responsibilities and powers as they relate to this Ordinance:

- A. Initiate by recommendation to City Council, Official Zoning Map changes, or changes in the text of the Ordinance where such changes will promote the best interest of the public in general.
- B. Review all proposed amendments to the text of this Ordinance and the Official Zoning Map and make recommendations to the City Council.
- C. Review all conditional uses as identified in the respective zoning districts according to provisions and criteria stated in this Ordinance.
- D. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.
- E. Review and act on site plans pursuant to the provisions and criteria stated in this Ordinance.
- F. Review and act upon requests for substitution or enlargement of nonconforming uses as set forth in Chapter 1150.

The Planning Commission shall also have the responsibilities as set forth in Chapter 145 of the Codified Ordinances of the City.

1143.04 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS
The Board of Zoning Appeals shall have the following responsibilities and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will prohibit reasonable use of the property and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Hear and rule on appeals taken on the basis of a decision rendered by the Planning Commission or Design Review Commission.

The Board of Zoning Appeals may call on the several city departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board of Zoning Appeals as may reasonably be required.

1143.05 RESPONSIBILITIES OF THE DESIGN REVIEW COMMISSION
The Design Review Commission shall have the following responsibilities and duties.

- A. Review and approve, or deny, all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in 1148.04 of this Ordinance.
- B. Work to increase the public awareness of the significance of the District.
- C. Encourage property owners within the District to initiate changes, which will enhance the significance of the District.
- D. Receive, send, and account for any funds, which it may legally receive from any source, for the purpose of carrying out the provisions of this Ordinance.
- E. Contract, as needed and as allowed by funding availability, technical experts to fulfill the provisions of this Ordinance.
- F. Keep minutes and records of all meetings and proceedings, including records of voting, attendance, resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
- G. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.

**CHAPTER 1144
ENFORCEMENT**

1144.01 ZONING INSPECTOR

It shall be the duty of the Zoning Inspector to administer and enforce the Zoning Ordinance. It shall also be the duty of all officials and employees of the Municipality to assist the Zoning Inspector by reporting to him new construction, reconstruction or land uses or apparent violations.

Appeals from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Section 1153.

1144.02 ZONING CERTIFICATES

The following shall relate to Zoning Certificates:

- A. It shall be unlawful for an owner to use or to initiate construction or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform to all the requirements of the Zoning Ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of the Zoning Ordinance. All Zoning Certificates shall expire one year after their issuance unless construction has reached fifty percent (50%) of completion.
- B. Upon written request from the owner, or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of the Zoning Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of the Zoning Ordinance. No charge shall be made for issuing a Zoning Certificate in accordance with this subsection.
- C. The Zoning Inspector must refer to the requirements of O.R.C. Section 5511.01 before any zoning action is approved near a proposed new state highway or a state highway for which changes are proposed. Any land within 300 feet of such highway, or within 500 feet of any proposed state highway intersection work, is affected. Notice is to be sent to the Director of the Ohio Department of Transportation.

1144.03 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED

A Zoning Certificate shall be required for any of the following, except as herein provided:

- A. Construction, or structural alteration increasing the square footage of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a nonconforming use.
- F. A Zoning Certificate may be required for all lawful nonconforming uses of land or buildings created by adoption of the Zoning Ordinance or any amendments thereto.

1144.04 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES

The following shall apply to the issuance of Zoning Certificates:

- A. A complete written application shall be made for a Zoning Certificate for the construction of a new building or the alteration of an existing building. Such Certificate shall be issued within ten (10) business days after a written request for the same has been made to the Zoning Inspector or his agent, provided the construction or alteration is in conformity with the provisions of the Zoning Ordinance.
- B. Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of the Zoning Ordinance, the certificate shall be issued within ten business days after the application for same has been made.
- C. Every application for a Zoning Certificate shall be accompanied by a plot plan, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be

erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

1. Each plan shall show:
 - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - b. The name of the subdivision, if any, and the lot numbers of the subject property and abutting properties.
 - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - d. The location and size of the proposed structures, and/or the proposed enlargement of the existing structure.
 - e. Any other information which, in the judgment of the Zoning Inspector, may be necessary to provide for the enforcement of the Zoning Ordinance.
 2. The plan shall include statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 3. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
 4. Each application shall bear a statement acknowledging that all construction will be done in compliance with the Construction Standards of the City of Celina and any applicable building codes.
 5. Each property owner, or authorized agent, shall be required to attest to the correctness of the statements and data furnished with the application.
 6. A file of such applications and plans shall be kept in the office of the Zoning Inspector.
- D. The Zoning Inspector shall not issue a Zoning Certificate for any application requiring any of the following:
1. A Conditional Use Approval as established in Chapter 1145;
 2. Site plan review as required in Chapter 1146;
 3. An Overlay District Site Development Plan as required under Chapter 1147;
 4. A Certificate of Approval as required under Chapter 1148, Design Review District.
 5. A permit for the enlargement or substitution of a nonconforming use, as required in Chapter 1150.
- Unless the application has been returned to the Zoning Inspector from the primary review bodies with instructions to issue.
- In cases where more than one of the additional approvals listed above are required for a project, the order of submissions shall be:
- a) Design Review District Certificate of approval
 - b) All Planning Commission action (Conditional Uses, Overlay District Site Development Plan Review, Site Plan Review and Nonconforming Uses)
 - c) Board of Zoning Appeals (Variances and Appeals).
- E. Fees: The City Council shall by Ordinance, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use approvals, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the City Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

1144.05 **NONCOMPLIANCE**
Situations of noncompliance with the provisions of this Ordinance shall be remedied as outlined in Chapter 1199, "Violations, Remedies and Fees".

CHAPTER 1145 CONDITIONAL USES

1145.01 **CONDITIONAL USES**
The Planning Commission may authorize, upon application, conditional uses as delineated in this Chapter. Such conditional use requests shall conform to the procedures and requirements of this Chapter.

1145.02 **APPLICATION FOR CONDITIONAL USE APPROVAL**
An Application for Conditional Use Approval shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such conditional use is proposed. The application shall be signed by the owner or applicant attesting to the accuracy of all information supplied in the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of the owner of record and applicant;
- B. A boundary survey of the said property;
- C. Description of existing use;
- D. Present zoning district;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such information as the Zoning Inspector may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;

- G. A statement and supporting documentation describing how the applicant believes the request conforms to the standards for conditional uses listed in Section 1145.03; and
- H. An application filing fee as established by Council;
- I. The Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable.

1145.03 GENERAL STANDARDS FOR CONDITIONAL USES

In addition to specific requirements for conditionally permitted uses that may be specified in the district use regulations, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Shall be in accordance with the general objectives of this Ordinance;
- B. Shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- C. Shall not be hazardous or disturbing to neighboring uses;
- D. Shall be served adequately by essential public facilities and services;
- E. Shall not be detrimental to the economic welfare of the community;
- F. Shall not involve uses, activities, processes, material, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- G. When reviewing public service facilities, the adequacy and availability of existing services shall be considered.

The Planning Commission shall have the authority to modify the requirements of a conditional use.

1145.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1145.05 NOTICE TO PARTIES OF INTEREST

Written notice shall be mailed by the Planning Commission by first class mail at least seven days before the date of the hearing to the members of Planning Commission and all property owners within 150 feet in any direction of the property upon which an application for a conditional use approval has been filed. The notice shall contain the location of the property, nature of the proposed conditional use, and the time and place of the meeting. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission.

1145.06 ACTION BY THE PLANNING COMMISSION

Within thirty (30) days after their original consideration of a conditional use application, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1145.04, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions specified by the Planning Commission for approval.

1145.07 APPEALS

Appeals from the Planning Commission for conditional uses shall be made to the Board of Zoning Appeals pursuant to Section 1153.

1145.08 EXPIRATION OF CONDITIONAL USE APPROVAL

A conditional use approval shall be deemed to authorize only one particular conditional use and such approval shall automatically expire if, for any reason, the conditional use has ceased by discontinuance or abandonment for a period of more than one year.

**CHAPTER 1146
SITE PLAN GUIDELINES STANDARDS**

1146.01 APPLICABILITY

In order to administer the provisions of this Zoning Ordinance and to evaluate site plans in the interest of the public health, safety and general welfare, this Chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

When Existing Structure is....	A Substantial Expansion is....
--------------------------------	--------------------------------

0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

Furthermore, no building shall be erected or structurally altered on any lot or parcel in cases where a site plan review is required, except in accordance with the regulations of this section and an approved site plan. No Zoning Certificate shall be issued prior to the approval of a site plan.

1146.02 CONTENTS OF SITE PLAN

Before a permit is issued for construction, one copy of the site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Zoning Inspector setting forth, identifying and locating the following:

- A. The total area in the development.
- B. The existing zoning of the subject property and all adjacent properties.
- C. All public and private right-of-way and easement lines located on or adjacent to the property.
- D. Existing topography with a maximum of five (5) foot contour intervals.
- E. The proposed finished grade of the development shown by contours not larger than one (1) foot.
- F. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
- G. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
- H. All sidewalks and other open areas.
- I. Location of all walls, fences, and buffer yards.
- J. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
- K. Location of all existing streets, highways and alleys.
- L. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
- M. The schedule of phasing of the project.

Such other information as required by the Planning Commission to determine the conformance with this Ordinance.

1146.03 SITE PLAN REVIEW GUIDELINES

The following principles shall guide the exercise of site planning review by the Planning Commission:

- A. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
- B. Buildings and open spaces shall be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
- C. A site that has an appearance of being congested, over built or cluttered can evolve into a blighting influence and therefore such shall not be congested, over built or cluttered.
- D. Open spaces shall be linked together.
- E. Natural separation shall be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal shall be kept to a minimum.
- F. Screening of intensive uses shall be provided by utilizing landscaping, fences or walls to enclose internal areas.
- G. Buildings shall be sited in an orderly, non-random fashion. Long, unbroken building facades shall be avoided.
- H. Short loop streets, cul-de-sacs and residential streets shall be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- I. Pedestrian circulation in nonresidential areas shall be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking shall be located as near as possible to the entrance of the structure. Pedestrian and vehicular circulation shall be separated as much as possible through crosswalks designated by pavement markings, signage, or grade separation.
- J. Path and sidewalk street crossings shall be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
- K. Parking lots and garages shall be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there shall be a sharing of curb cuts by more than one facility. Parking areas shall be screened and landscaped and traffic islands shall be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
- L. Drive through establishments, such as restaurants and banks, shall be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations, or overflow onto streets.

1146.04 ACTION BY PLANNING COMMISSION FOR SITE PLAN REVIEW

Upon submission of the complete application for site plan review to the Zoning Inspector, the application shall be transmitted to the Planning Commission for review pursuant to Section 1146.03, "Site Plan Review Guidelines". Notice of all public meetings shall be given as required by State law, and the Planning Commission may hold a public hearing on any site plan review application.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Zoning Inspector. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of

the Planning Commission present at a meeting thereof may vote to extend the review period up to an additional sixty (60) days.

- 1146.05 **APPEALS**
Appeals of determinations by the Planning Commission regarding site plans shall be made to the Board of Zoning Appeals.

**CHAPTER 1147
OVERLAY DISTRICTS**

- 1147.01 **PURPOSE**
An Overlay District is intended to provide for and promote orderly growth in certain areas in the City designated as having distinctive, scenic, or unique characteristics and importance. Within these Districts, localized actions are implemented for the protection, preservation and enhancement of these unique and natural assets to the community.
- 1147.02 **APPLICABILITY**
- A. An Overlay District is established by City Council, superimposed in specific areas over the existing Zoning Map, where:
1. Zoning districts indicate incompatibility of use; and
 2. Any plans adopted by the City for that area are furthered by the use of this type of district.
- In establishing these Districts, Council shall outline the various ways in which the general regulations of this Ordinance are to be supplemented and/or modified within the described district.
- B. All regulations in the Code for the underlying district shall apply until a site development plan is approved.
- C. Upon approval of a site development plan, development and use of the property shall be in accordance with the plan.
- 1147.03 **PERMITTED BUILDINGS, USES AND OTHER REGULATIONS**
- A. **Principally Permitted Buildings and Uses**
Those buildings and uses principally permitted in the underlying district shall be permitted in accordance with all applicable regulations of that underlying district, and subject to the additional specific restrictions on development and use the Overlay District imposes.
- B. **Accessory Buildings and Uses**
Accessory buildings and uses shall be permitted if approved by the Planning Commission as being consistent with the purposes and provisions of this Chapter.
- C. **Access Management**
As parcels within the Overlay Districts are purchased, consolidated and redeveloped, access management must be implemented to control the number of curb cuts to improve vehicular and pedestrian circulation and safety.
1. All new nonresidential development within an Overlay District shall require a Traffic Impact Study to determine any thoroughfare improvements which may be required from the impact of the new development.
 2. Where deemed necessary by the City Engineering Department, from the review of the Traffic Impact Study, a frontage road may be required for certain developments/redevelopments.
 3. When two or more parcels are developed or redeveloped under the same owner or as part of the same development, all curb cuts shall be consolidated into one ingress/egress as indicated on the site plan and as approved by the City Engineering Department.
- D. **Building and Use Requirements**
The main and accessory buildings shall meet the regulations of any district in which such buildings or uses would be permitted. If the main and accessory buildings are not permitted in the underlying district, they shall conform to the regulations of the nearest district to the site within which they are allowed. Additionally they shall meet the following:
1. All the requirements established by the Planning Commission and Council pursuant to the purposes and provisions of this Chapter;
 2. The conditions and demands of any adopted plan affecting the district; and
 3. The details of the site development plan.
- E. **Landscaping and Streetscaping**
Plans shall include landscaping and buffering as part of the plan review process.
- 1147.04 **STANDARDS FOR REVIEW AND APPROVAL**
- A. The use of property in the Overlay District, in accordance with a site plan (pursuant to the requirements of Chapter 1146 of this Ordinance), shall be permitted only if the proposed site development plan, by its nature, or by reason of the controls imposed by the Planning Commission and Council:
1. Is not an adverse influence on any abutting or surrounding properties;
 2. Provides for an orderly transition and promotes compatibility between districts;
 3. Is in full compliance with the purposes of this Zoning Ordinance and this Chapter;
 4. Furthers and conforms to the goals of the Celina Land Use Plan as adopted by the City; and
 5. Is designed to maximize the public interest and private benefit in a balanced manner.
- It is the responsibility of the developer to demonstrate compliance with each of the above stated standards.

- B. The following factors or characteristics, along with other requirements imposed by the Planning Commission for such use, consistent with the provisions of this Chapter shall be considered in assessing a proposed site development plan:
 - 1. Permitted types of use(s);
 - 2. Intensity of use in terms of:
 - a. Density, floor area or impervious surface ratio (I.S.R.);
 - b. Traffic impacts; or
 - c. Other environmental impacts such as noise, light, pollution, etc.;
 - 3. Functional and aesthetic compatibility with existing or proposed development:
 - a. Landscaping and buffering of the site; and
 - b. Compliance with the development goals of an adopted plan for the City or that area of the City.
- C. To secure the application of all relevant standards to the development of the Overlay District, the Planning Commission shall recommend:
 - 1. Front, side and rear yard requirements, density requirements, height and bulk of building requirements and intensity of use;
 - 2. The use of materials or designs in the erection of structures which shall minimize the adverse impact of the uses proposed by the development plan on neighboring properties;
 - 3. Permits or variances for docks, business signs, outdoor storage, parking spaces, loading docks and driveways;
 - 4. The screening or setting aside areas of land to serve as a buffer of the proposed use in the Overlay District from adjacent properties by walls, fences, landscaping or open spaces; and
 - 5. Such additional conditions and limitations on use, building dimensions, open spaces and the like as may be deemed necessary to carry out the intent of this Chapter and this Zoning Ordinance.
- D. All the powers exercised pursuant to 1147.01 through 1147.05 shall serve the objectives to create orderly transitions between districts, to minimize adverse impacts of one district upon the other, and to promote the development of property in the Overlay District.

1147.05

SUBMISSION AND REVIEW OF SITE DEVELOPMENT PLANS

- A. **Site Development Plans Required**
Site Development Plans shall be required for all new development within the Overlay Districts and for substantial redevelopment where 35% or more of the site is altered or reconstructed.
- B. **Site Development Plan Review Fees**
Fees and deposits shall be paid according to the provisions of Chapter 1199, Violations, Remedies, and Fees. The appropriate deposit shall be made at the time of submission of plans.
- C. **Submission of Site Development Plans**
Site plans shall be submitted to the Planning Commission by the applicant at least two (2) weeks prior to its meeting. Plans incomplete or filed late may not be accepted for review by the Commission at its meeting.
- D. **Site Development Plan Reviews**
Upon receipt of the development plans, copies shall be distributed to the following for their review: the Zoning Inspector, the Law Director, the Engineering Department, and any planner or consultant the Commission feels is necessary for technical input.
The respective individuals or agents should report back to the Commission with their notations and recommendations within the two (2) weeks. The Planning Commission may hold the plan for thirty (30) days after receipt of the plan, to receive any of the above reports. This period may be extended by written notice to the applicant by the Commission.
- E. **Site Development Plan Evaluation by Planning Commission**
After the site development plan has been filed with the Commission, it shall be evaluated in accordance with the standards set forth in this Chapter and the requirements of the Overlay District. If the plan corresponds to the requirements set forth in this Chapter and those of the Overlay District, the Commission shall incorporate it as part of the zoning permit and endorse the permit for approval.
- F. **Plan Changes Following Approval**
Once approved, no changes are to be made to an approved plan without the plan approval being forfeited unless the following procedure is followed:
The holder of any approved plan may request an amendment to their plans, and such request shall be submitted to the Planning Commission. The Commission may approve minor departures to the plan through written notice to the applicant. If the Commission believes the amendment represents a departure from the intent of, or a major departure from the substance of the site development plan, then such amendment shall be subject to the same conditions and procedures of approval as the original application. For the purpose of this Section, a "major departure from the substance of a site development plan" shall include, but not be limited to, the addition of a use not included in the approved site development plan.
- G. **Board of Zoning Appeals Review**
If the site development plan is not approved, the applicant shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner as rejection of any zoning permit application.
- H. **Following Final Approval**
Following the final approval of a site development plan, the Zoning Inspector shall be notified, and once all fee payments are satisfied a permit or permits shall be issued based on the plan and amendments.

CHAPTER 1148

DESIGN REVIEW

1148.01 PURPOSE

Due to the unique, natural, architectural, and historical characteristics exhibited within the City of Celina and the desire to provide a sense of cohesiveness in certain areas, a Design Review District may be established to aid in this pursuit. The Design Review District will permit the City to provide additional standards and regulations, through review of development and redevelopment projects within these districts, to accomplish the aforementioned purposes.

1148.02 ESTABLISHMENT OF DISTRICT BOUNDARIES AND DESIGN REVIEW COMMISSION

The establishment of district boundaries and the Design Review Commission shall be as follows:

- A. Council may establish districts as part of the official zoning map where design review is required as per Chapter 1148. The procedures established under Chapter 1157 shall be followed for the establishment of these districts.
- B. A Design Review Commission shall be established for each Design Review District. It shall consist of five (5) members, all residents of the Municipality appointed by the Mayor and subject to approval of Council. The terms shall be for four (4) years with two of the initial members being appointed to two (2) year terms. Members may be reappointed. One member shall be a property owner or resident of the design review area. All members shall have, to the highest extent possible, a recognized knowledge of, or known interest in, historic preservation, architectural, or design disciplines. At least one member shall have a professional background in architectural, engineering, contracting, or other similar construction/design profession. The Commission shall adopt its own rules of procedure consistent with this Ordinance.
- C. The duties of the Design Review Commission are to:
 1. Review and approve or deny all applications for Certificates of Design Approval. All applications are to be acted upon by the Commission within the time period established in Section 1148.04 of this Chapter.
 2. Work to increase the public awareness of the significance of the district.
 3. Encourage property owners within the district to initiate changes which will enhance the significance of the district.
 4. Receive, send and account for any funds which it may legally receive from any source for the purpose of carrying out the provisions of this Ordinance.
 5. Contract, as needed and as allowed for by funding availability, technical experts to fulfill the provisions of this Ordinance.
 6. Keep minutes and records of all meetings and proceedings, including records of voting, attendance resolutions, findings, determinations, and decisions, with all pertinent material being a matter of public record.
 7. Perform any other functions necessary to carry out the duties required by this Ordinance, or by further resolution of Council.

1148.03 CERTIFICATE OF DESIGN REQUIRED

No new construction or exterior alteration shall be made to any property within the Design Review District until a Certificate of Design Approval has been issued by the Design Review Board. No Zoning Certificate shall be issued for any site improvement, signs, construction, reconstruction, alteration or demolition of any structure now or hereafter in a Design Review District, unless a Certificate of Design Approval has been issued.

1148.04 PROCEDURE FOR CERTIFICATE OF DESIGN APPROVAL

- A. The application for a Certificate of Design Approval shall be made on such forms as prescribed by the Zoning Inspector not less than eleven (11) days prior to the meeting of the Design Review Commission and shall include the following data:
 1. Two (2) complete sets of drawings and supplemental specifications, indicating the building or structure exactly as it is proposed to be built. Additional sets may be requested. Such documents shall be accurately drawn to scale and dimensioned.
 2. A site plan, drawn to scale, showing the plot configuration and its perimeter dimensions, all structures on the site with locating dimensions, the location of all structures adjacent to the site within fifty (50) feet of the property line, and all vehicular drives, roads, related parking areas, main walks, walls fences and major existing landscaping including trees of 6" caliper as measured 18" from top of ground in area affected by construction. In addition, a vicinity map, a north arrow, the first floor level and existing and finished grade elevations at each corner of new construction and at each corner of the site shall be indicated.
 3. Four elevation drawings including front, rear and two side elevations together with additional view or cross sections, if necessary, to indicate completely the exterior appearance of the structures. All elevations shall be drawn to the same scale, which shall be not less than one-quarter inch per foot. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, and an accurate finish grade line.
 4. Additional details to show unusual construction.
 5. Material and color samples of all major finish materials, which shall be presented at the Design Review Commission's meeting.
 6. Drawings or photographs of existing structures that are to remain on the site where new structure are to be constructed. Where additions are to be constructed to existing structures, elevation drawings or photographs showing the location of the addition shall be included.

- B. The Design Review Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the Design Review District pursuant to the general and specific criteria. In determining the appropriateness of the change, the Design Review Commission may conduct public hearings on the project or solicit input from City staff or consultants to the City. The criteria contained in Section 1148.05 and the Design Review District Guidebook shall be used by the Design Review Commission to guide their decision.
- C. The City shall not issue a Zoning Certificate or Demolition permit until the Certificate of Design Approval has been approved by the Design Review Commission.
- D. The Design Review Commission shall consider all applications that have been properly submitted to it and approve, approve with conditions, or disapprove the application within forty-five (45) days of such item's first appearance on its agenda unless a time extension is mutually agreed to by the applicant and the Design Review Commission.
- E. Approvals by the Design Review Commission shall be valid for one year from the date of final action. The Zoning Certificate must be obtained and construction must begin prior to the expiration of one year from the date of final action. An approval may be extended once for one year. Applications for extension must be made in writing to the Design Review Commission prior to the expiration date of initial approval.
- F. The Design Review Commission, may at its discretion, designate an authorized representative to approve or disapprove applications for Certificates of Appropriateness for minor site improvements, construction, reconstruction, exterior alterations, or demolition of structures.

1148.05 GENERAL CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATES OF DESIGN APPROVAL

In determining whether the plan qualifies for a Certificate of Design Approval, the Design Review Commission shall consider those factors listed below which are relevant to the work. In applying the factors listed below, the Design Review Commission shall be guided by the Design Review District Guidelines, as adopted or amended by City Council. The Design Review Commission shall issue a Certificate of Design Approval if the proposed plan is in compliance with these Design Review District Guidelines. The plan shall be approved subject to conditions as necessary to assure the work is in compliance with the Design Review District Guidelines.

- A. Consistency and compatibility with any plans for the Design Review District which have been adopted by City Council.
- B. Compatibility with the building and structural patterns in the surrounding Design Review District.
- C. The quality of design and site planning being promoted by the proposed improvements.
- D. The avoidance of visual clutter created by unnecessarily large amounts and sizes of signage, and the encouragement of signage that reflects the scale and materials of a development's structure.
- E. Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from, and for, adjoining properties; traffic conditions; or the development, usefulness, or value of neighboring land and buildings.
- F. The elimination or avoidance of blight.

1148.06 DEMOLITION

- A. In cases where an applicant applies for a Certificate of Design Approval to demolish a structure within the Design Review District, the Design Review Commission shall grant the demolition and issue a Certificate of Design Approval to demolish when at least one of the following conditions prevail:
 1. The structure contains no features of architectural and historic significance which add to the character of the Design Review District.
 2. There is no reasonable economic use for the structure as it exists or as it might be restored, and thus there is no feasible and prudent alternative to demolition.
 3. Deterioration has progressed to the point where it is not economically feasible to restore the structure.
- B. If the Design Review Commission disapproves an application for Certificate of Design Approval involving a demolition or removal of an historically and architecturally significant structure within the District, the Design Review Commission shall have the power to impose a waiting period not to exceed six months. During such period, the applicant shall make every reasonable effort to find a demolition alternative for the structure. During the waiting period the owner of such structure shall maintain and preserve the structure to prevent further deterioration. If the Design Review Commission and the applicant do not agree on a means of preserving the structure within the specified waiting period, and if evidence is produced documenting the existence of at least one of the conditions set forth above in subsection (A), the Certificate of Design Approval to demolish shall be issued as a matter of law upon expiration of the waiting period.

1148.07 MAINTENANCE

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any property within Design Review District, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Chapter be construed to prevent any repair of structural deficiency which is required for the public safety because of an unsafe, insecure or dangerous condition.

1148.08 APPEALS

Any applicant aggrieved by any decision of the Design Review Commission may appeal the decision to the Board of Zoning Appeals. Such appeal shall be taken in accordance with the procedures set forth in Chapter 1153. The Board of Zoning Appeals shall affirm the decision of the Design Review Commission unless it finds that the decision

is contrary to law. In the event that the Board of Zoning Appeals does not affirm the decision of the Design Review Commission, it may reverse, remand or modify such decision of the Design Review Commission and shall state the reasons therefore in the minutes of its meeting and shall forward a copy of such minutes to the Design Review Commission.

**CHAPTER 1150
NONCONFORMING USES**

- 1150.01 CONTINUATION OF EXISTING NONCONFORMING USES**
Except as hereinafter specified, the lawful use of a building or premises existing at the time of the effective date of this Ordinance which is 26-99-0 which would render the use nonconforming, may be continued although such use, building, or structure does not conform with the provisions of this Chapter for the district in which it is located. It is not the intention herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of the Zoning Ordinance.
- 1150.02 ENLARGEMENT OR SUBSTITUTION OF NONCONFORMING USES**
No existing building or premises devoted to a use not permitted by this Chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered to increase its nonconformity unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:
- A. Enlargement or Substitution: When authorized by the Planning Commission, in accordance with Section 1150.02 thru 1150.05, a nonconforming use, that has not been discontinued as specified in Section 1150.06, may be enlarged and/or replaced by another nonconforming use.
 - B. Enlargement: When authorized by the Planning Commission, nonconforming buildings may be enlarged as long as the building meets all minimal yard requirements in the district in which it is located. Additionally, all such extensions shall not exceed 100% of the floor area of the structure existing at the time it became nonconforming. All such extensions on structures nonconforming because of use shall be made within five (5) years of becoming nonconforming. Extensions may be made on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming.
- 1150.03 REPLACING DAMAGED NONCONFORMING USES**
A nonconforming use, which has been damaged to the extent of sixty percent(60%) or more of the County Auditors value as listed in the Mercer County Auditor's records at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged less than sixty percent (60%) of its County Auditors value, a nonconforming use may be repaired or reconstructed within the dimensions prior to the damage, and used as before the time of damage. Such repairs or reconstruction are to be complete within one year of the date of such damage.
- 1150.04 NONCONFORMING TRAILERS AND MOBILE HOMES**
Non-conforming trailers or mobile homes located on a lot in any district other than in an approved Mobile Home Park in an "R-3" District, once removed shall not be relocated on such lot.
- 1150.05 REPAIRS AND ALTERATIONS**
Such repairs, alterations and maintenance work as required to keep said nonconforming use in sound condition may be made to a nonconforming building or structure.
- 1150.06 DISCONTINUANCE OF USE**
No building, structure or premises where a nonconforming use has discontinued, for a period of 12 continuous months or more, shall again be put to a nonconforming use. Discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred.
- 1150.07 ZONING CERTIFICATES FOR NONCONFORMING USES**
A Zoning Certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of the Zoning Ordinance in accordance with the provisions of Section 1144.02 B.
- 1150.08 APPLICATION FOR A PERMIT FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE**
An application shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such enlargement or substitution is proposed. The application shall be signed by the applicant. At a minimum, the application shall contain the following information, provided however, that the Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable:
- A. Name, address and telephone number of the owner of record and applicant.
 - B. A boundary survey of said property.
 - C. Description of existing use.
 - D. Present zoning district.
 - E. Description of proposed enlargement or substitution.

- F. A plan of the site showing the location of all existing buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and any enlargement thereof proposed.
- G. A complete written description of the new use in the case of a proposed substitution, and for an enlargement the reasons for enlarging rather than relocation in an appropriate zone.
- H. A statement and supporting documentation describing how the applicant believes the request conforms to the standards listed in Section 1150.09; and
- I. Any other such information as the Zoning Inspector may require.
- J. An application filing fee as established by Council.

1150.09 GENERAL STANDARDS FOR ENLARGEMENT OR SUBSTITUTION OF A NONCONFORMING USE.
The Planning Commission shall review the particular facts and circumstances of each proposed use or expansion in terms of the following standards, and shall find adequate evidence showing that such use or expansion at the proposed location:

- A. Is better suited for the site than would be a permitted or conditional use.
- B. Shall not create a significant financial or structural hindrance to eventual conversion to a permitted or conditional use.
- C. Shall not be hazardous or disturbing to neighboring uses.
- D. Shall be served adequately by essential public facilities and services.
- E. Shall not be detrimental to the economic welfare of the community.
- F. Shall not involve uses, activities, processes, material, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Planning Commission shall have the authority to place additional requirements and/or conditions.

1150.10 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any enlargement or substitution of a nonconforming use, the Planning Commission shall prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Ordinance.

1150.11 PUBLIC HEARING BY THE PLANNING COMMISSION

A public hearing on any enlargement or substitution of a nonconforming use request shall be held by the Planning Commission within forty-five (45) days of the acceptance of the application by the Zoning Inspector as complete.

1150.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 1150.11, notice of such hearing shall be given by publication in a newspaper of general circulation in the City at least seven (7) days prior to the hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed use.

1150.13 NOTICE TO PARTIES OF INTEREST

Before holding the public hearing required in Section 1150.11, written notice of such hearing shall be mailed by the Planning Commission by first class mail at least seven (7) days before the date of the hearing to the Planning Commission, and all property owners within 150 feet in any direction of the property upon which an application for an enlargement or substitution of a nonconforming use permit has been filed. The failure to mail or deliver notification as provided in this paragraph shall not invalidate any action of the Planning Commission. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1150.12.

1150.14 ACTION BY THE PLANNING COMMISSION

Within thirty (30) days after the public hearing required in Section 1150.11, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1150.10, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector to issue a permit listing the specific conditions specified by the Planning Commission for approval.

1150.15 APPEALS

Appeals of the decisions the Planning Commission shall be made to the Board of Zoning Appeals pursuant to Chapter 1153.

1150.16 EXPIRATION OF A PERMIT FOR THE SUBSTITUTION OF A NONCONFORMING USE

A permit for the substitution of a nonconforming use shall be deemed to authorize only one particular use, and such permit shall automatically expire if, for any reason, the use has ceased by discontinuance or abandonment for a period of more than six (6) months.

**CHAPTER 1153
BOARD OF ZONING APPEALS**

1153.01

ESTABLISHMENT AND PROCEDURE

The establishment and procedures of the Board of Zoning Appeals shall be as follows:

A. **APPOINTMENT**

A Board of Zoning Appeals is hereby established, which shall consist of five members. The five members shall be appointed by the Mayor and approved by Council and shall serve for overlapping terms of four years; provided, however, that those first appointed shall serve for terms as follows: one for one year, one for two years, one for three years, and two for four years. Subsequent appointments shall be for a full term of four years. Vacancies shall be filled by appointment for the unexpired term of the member affected. No one shall be appointed to the Board of Zoning Appeals who holds any elective or appointive office or position with the City. All Board members shall be residents of the City of Celina.

B. **PROCEEDINGS**

1. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Three members shall constitute a quorum; however, at least three affirmative votes shall be required on any official action.
2. In any matter brought before the Board of Zoning Appeals that affects, directly or indirectly, the personal affairs of a member of the Board, or any business or profession with which he may be associated, such member shall absent himself from the meeting as long as such matter is before the Board.

C. **MINUTES AND RECORDS**

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact; and shall keep records of its examinations, and other official actions, all of which shall be a public record.

D. **APPEALS, HEARINGS**

All meetings of the Board of Zoning Appeals shall be open to the public. Appeals to the Board concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved, or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Inspector. Such appeals shall be taken within thirty days, by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers consisting of the record upon which the action appealed from was taken. A fee as established by City Council shall be paid to the Zoning Inspector at the time notice of appeal is filed.

E. **NOTICE OF MEETING**

The Board of Zoning Appeals shall fix a reasonable time for the hearing of all appeals and give notice of such hearing in a newspaper of general circulation at least seven days in advance. The same written notice shall be sent to owners of property within 150 feet of all properties in question as shown on the County Auditor's tax list, and to the parties of interest. At the hearing, any party may appear in person or by agent or attorney.

F. **DEPARTMENT ASSISTANCE**

The Board of Zoning Appeals may call upon the various departments of the City for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

1153.02

POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Procedures for variances shall conform to Section 1153.04, Variances.
- C. Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in the Zoning Ordinance for the district in which it is located, provided however that the use is of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, but not for a period of more than twelve (12) months and subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- D. Appeals taken on the basis of a decision rendered by the Planning Commission as specified in Section 1145.09, "Conditional Uses", and Section 1146.05, "Site Plan Review".
- E. Appeals taken on the basis of a decision rendered by the City Council as specified in Section 1147.0511, "Overlay Districts".
- F. Appeals taken on the basis of a decision rendered by the Design Review Commission as specified in Section 1148.08.

1153.03

DECISIONS OF THE BOARD

- A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.
- B. A copy of the Board's decision, certified by the Chairman and Secretary, shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him; and he shall

incorporate such terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.

- C. The Board may reverse, affirm or modify any order, requirement, decision or determination heard on appeal. Every appeal granted or denied must be accompanied by a written finding of fact based on testimony and evidence and specifying the reason for such decision on the appeal.
- D. There shall be no further appeals to a City body to the decisions of the Board of Zoning Appeals. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Mercer County on the grounds that the decision was unreasonable or unlawful.

1153.04 VARIANCES

The Board of Zoning Appeals shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of the Zoning Ordinance as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of the Zoning Ordinance. On appeal the Board may grant a variance in the application of the provisions of the Zoning Ordinance only if all of the following findings are made:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical, or other physical conditions present on the subject property;
- B. That because of such physical circumstances or conditions, the property cannot be reasonably be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- C. That the circumstances and conditions have not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1153.05 APPLICATION FOR VARIANCE

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address and telephone number of applicant;
- B. A survey by a person licensed in the State of Ohio to perform land surveys (If deemed appropriate, this requirement may be waived by the Zoning Inspector);
- C. Description of the nature of the variance requested;
- D. A statement demonstrating that the requested variance conforms to the standards set forth in Section 1153.04(A-E); and
- E. A fee as established by Council.

1153.06 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any appeal or variance the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the appeal or variance is granted shall be deemed a violation of this Ordinance and punishable under Section 1199. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use prohibited by the terms of this Ordinance in such district.

1153.07 ENVIRONMENTAL PERFORMANCE STANDARDS

The Board of Zoning Appeals shall have the following responsibilities with Environmental Performance Standards:

- A. The Board of Zoning Appeals shall have the power to authorize issuance of a Zoning Certificate for uses that are subject to Environmental Performance Standards as set forth in Section 1180.14.
- B. The application for a Zoning Certificate for a use subject to Environmental Performance Standards shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Environmental Performance Standards.
- C. The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the Environmental Performance Standards. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
- D. The Board of Zoning Appeals shall hear complaints, not resolved by the Zoning Inspector, on uses or facilities that meet the requirements of Section 1180.14 of this Ordinance.

1153.08 INTERPRETATION OF DISTRICT MAP

On an appeal from the decision of the Zoning Inspector where the street or lot layout as constructed, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of the Zoning Ordinance.

In the case of any appeal or questions as to the location of any boundary line between zoning districts regarding a decision by the Zoning Inspector, a request for interpretation of the Zoning Map may be made to the Board, and a determination shall be made by the Board.

**CHAPTER 1157
DISTRICT CHANGES AND REGULATION AMENDMENTS**

- 1157.01 AMENDMENTS OR DISTRICT CHANGES**
The Ordinance text or map may be amended by utilizing the procedures specified in this Chapter.
- 1157.02 CHANGES BY COUNCIL**
Whenever the public necessity, or general welfare require, Council may, by Ordinance (only upon receipt of a recommendation from the Planning Commission and subject to procedures provided below), amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property.
- 1157.03 INITIATION OF ZONING AMENDMENTS**
Amendments may be initiated in one of the following ways:
A. By adoption of a motion by the Planning Commission;
B. By adoption of a motion by Council for the Planning Commission to develop a recommendation;
C. By application by a property owner of record to the Secretary of the Planning Commission.
- 1157.04 CONTENTS OF APPLICATIONS FOR ZONING MAP AMENDMENTS**
The application shall be signed by the applicant or the applicant's agent attesting to the truth and exactness of all information supplied in the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. At a minimum the application shall contain the following information:
A. Name, address and phone number of applicant;
B. A survey and legal description of the property proposed to be rezoned;
C. Present use;
D. Present zoning district;
E. Proposed use including any plans that the applicant has developed;
F. Proposed zoning district;
G. A vicinity map at a scale of not less than 1" = 100' showing property lines, streets, existing and proposed zoning, existing use of all buildings and the principal use of all properties within 300 feet of such land and such other items as the Zoning Inspector may require and;
H. A fee as established by Council.
- 1157.05 TRANSMITTAL TO PLANNING COMMISSION**
Following the request for consideration of a zoning ordinance text or map amendment by Council, or following the filing of a zoning map amendment application by at least one owner of property, such motion or application shall be transmitted to the Planning Commission for their recommendation.
- 1157.06 STANDARDS FOR ZONING MAP AMENDMENTS**
All recommendations by the Planning Commission for Zoning Map amendments shall be consistent with the City's adopted plans, goals, policies and intent of this Ordinance.
A. Prior to making a recommendation on a proposed rezoning, the Planning Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to specific documentation finding at least one (1) of the following:
1. There has been a change in demand for land which alters the information upon which the Zoning Map is based.
2. A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within said zoning district is inadequate to meet the demands for such development.
3. Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
4. There is an error in the Zoning Map as enacted.
B. No residentially zoned land of less than five (5) acres in size shall be rezoned to a non-residential district unless it is contiguous to land in the proposed zoning district classification.
C. In addition to the findings required to be made by subsections (A) and (B), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
1. The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
2. The suitability of the property in question for the uses permitted under the proposed zoning.
3. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
4. The effect of the proposed rezoning on surrounding uses.
5. The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely in the interest of the applicant.

- 1157.07 **RECOMMENDATION BY THE PLANNING COMMISSION**
The Planning Commission shall recommend to Council, within thirty-five (35) days of receipt of the complete application, one of the following:
A. That the amendment be granted as requested;
B. That the amendment be granted with modification; or
C. That the amendment be denied.
If the Planning Commission does not do one of the above within the allotted time period, then the amendment proposal shall be considered denied. The Planning Commission shall transmit its recommendation to Council.
- 1157.08 **PUBLIC HEARING BY COUNCIL.**
Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing. The hearing shall occur within forty-five (45) days of the Council's receipt of the Planning Commission's recommendation.
- 1157.09 **NOTICE OF PUBLIC HEARING IN NEWSPAPER**
Notice of the public hearing required in Section 1157.08 shall be given by publication of a notice in a newspaper of general circulation in the City. Such notice shall be published at least thirty (30) days before the date of the public hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- 1157.10 **NOTICE TO PROPERTY OWNERS BY COUNCIL**
Written notice of the hearing shall be mailed by the Clerk of Council by first class mail or hand delivery at least twenty (20) days before the day of the hearing to all owners of property within such area proposed to be rezoned or redistricted and to the owners of property located contiguous to and directly across the street from the area to be rezoned. Such notice shall be sent to the addresses of such owners appearing on the County Auditor's current tax list. The failure to mail or deliver the notification as provided in this Ordinance shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1157.09.
- 1157.11 **PUBLIC EXAMINATION OF DOCUMENTS**
Prior to the public hearing, all documents relating to the proposed amendment shall be on file, for public examination, in the office of the Secretary of the Planning Commission.
- 1157.12 **ACTION BY COUNCIL**
Council may approve the recommendation of the Planning Commission by a simple majority. Council may modify or disapprove the recommendation of the Planning Commission by a vote of not less than three-quarters (¾) majority of the full membership of Council. Final action on the amendment must be taken within forty-five (45) days of the close of Council's public hearing; failure to take action within such forty-five (45) day period shall constitute disapproval of the amendment.

**CHAPTER 1161
S-1 SPECIAL DISTRICT**

- 1161.01 **PURPOSE**
The purpose of the S-1, Special, District is to protect large public and semi-public land holdings for various municipal uses.
- 1161.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Agriculture
B. Public Recreation: Recreational facilities developed, used, and/or maintained by public agencies for use by the public.
- 1161.03 **PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any S-1 District permitted use.
- 1161.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Airports
B. Cemeteries
C. Non-Commercial Recreation
D. Public Service Facilities
E. Commercial Recreation
F. Educational Institutions
G. Religious Places of Worship
- 1161.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the S-1 District shall not be less than 125,000 square feet and a width of not less than 300 feet.

- 1161.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the S-1 District shall be 60 feet.
- 1161.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the S-1 District shall be 50 feet.
- 1161.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the S-1 District shall be 60 feet.
- 1161.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the S-1 District shall be as follows:
 - A. No principal structure shall exceed 45 feet in height.
 - B. No accessory structure shall exceed 15 feet in height.
- 1161.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1161.11 **LAND USE INTENSITY**
In the S-1, Special, District the maximum lot coverage shall be 20%.

**CHAPTER 1162
R-1 LOW DENSITY RESIDENTIAL DISTRICT**

- 1162.01 **PURPOSE**
The purpose of the R-1, Low Density Residential, District is to provide for relatively low density residential development.
- 1162.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
Single Family Dwellings
- 1162.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any R-1 District permitted use.
- 1162.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
 - A. Public Recreation
 - B. Public Service Facilities
 - C. Non-Commercial Recreation
 - D. Educational Institutions
 - E. Religious Places of Worship
 - F. Bed and Breakfast Establishments
 - G. Day Care Facilities
 - H. Home Occupations
- 1162.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
 - B. Other uses shall have a minimum lot area of not less than 85,000 square feet and a width of not less than 200 feet.
- 1162.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum front yard setback of 30 feet.
 - B. Other uses shall have a minimum front yard setback of 50 feet.
 - C. No accessory buildings shall be located in the front yard area.
- 1162.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum side yard setback of 10 feet.
 - B. Other uses shall have a minimum side yard setback of 25 feet.
 - C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1162.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the R-1 District is as follows:
 - A. Single family dwellings shall have a minimum rear yard setback of 30 feet.
 - B. Other uses shall have a minimum rear yard setback of 50 feet.
 - C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted for platted easement areas.

- 1162.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the R-1 District is as follows:
 - A. No principal structure shall exceed 35 feet in height.
 - B. No accessory structure shall exceed 15 feet in height.
- 1162.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1162.11 **LAND USE INTENSITY**
In the R-1, Low Density Residential, District the maximum lot coverage shall be 25%.

**CHAPTER 1163
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

- 1163.01 **PURPOSE**
The purpose of the R-2, Medium Density Residential, District is to provide for medium density residential developments.
- 1163.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
 - A. Single Family Dwellings
 - B. Two Family Dwellings
- 1163.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any R-2 District permitted use.
- 1163.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
 - A. Public Recreation
 - B. Public Service Facilities
 - C. Non-Commercial Recreation
 - D. Educational Institutions
 - E. Religious Places of Worship
 - F. Bed and Breakfast Establishments
 - G. Three family Dwellings
 - H. Day Care Facilities
 - I. Group Homes
 - J. Nursing Homes
 - K. Retail Neighborhood Business
 - L. Assisted Living Facility
 - M. Home Occupations
- 1163.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-2 District is as follows:
 - A. Single family dwellings shall have a minimum lot area of not less than 8,000 square feet and a width of not less than 80 feet.
 - B. Two family dwellings shall have a minimum lot area of not less than 5,000 square feet per unit and a width of not less than 100 feet.
 - C. Three family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 100 feet.
 - D. Other uses shall have a minimum lot area of not less than 45,000 square feet and a width of not less than 150 feet.
- 1163.06 **MINIMUM FRONT YARD SETBACK**
The minimum front yard setback for properties in the R-2 District is as follows:
 - A. Residential uses shall have a minimum front yard setback of 25 feet.
 - B. Other uses shall have a minimum front yard setback of 40 feet.
 - C. No accessory buildings shall be located in the front yard area.
- 1163.07 **MINIMUM SIDE YARD SETBACK**
The minimum side yard setback for properties in the R-2 District is as follows:
 - A. Residential uses shall have a minimum side yard setback of 8 feet.
 - B. Other uses shall have a minimum side yard setback of 15 feet.
 - C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.
- 1163.08 **MINIMUM REAR YARD SETBACK**
The minimum rear yard setback for properties in the R-2 District is as follows:
 - A. Residential uses shall have a minimum rear yard setback of 25 feet.

- B. Other uses shall have a minimum rear yard setback of 40 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from plated easement areas.

1163.09 **MAXIMUM HEIGHT REGULATION**
 The maximum height for structures in the R-2 District is as follows:
 A. No principal structure shall exceed 35 feet in height.
 B. No accessory structure shall exceed 15 feet in height.

1163.10 **OFF-STREET PARKING AND LOADING**
 Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1163.11 **LAND USE INTENSITY**
 In the R-2, Medium Density Residential, District the maximum lot coverage shall be 30%.

**CHAPTER 1164
 R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

1164.01 **PURPOSE**
 The purpose of the R-3, High Density Residential, District is to provide for relatively high density residential developments.

1164.02 **PRINCIPALLY PERMITTED USES**
 Principally permitted uses are as follows:
 A. Single Family Dwellings
 B. Two Family Dwellings
 C. Multi-Family Dwellings (Up to six units)
 D. Efficiency Apartment Dwelling

1164.03 **PERMITTED ACCESSORY USES**
 Permitted accessory uses are as follows:
 Any use or structure customarily accessory to any R-3 District permitted use.

1164.04 **CONDITIONALLY PERMITTED USES**
 Conditionally permitted uses are as follows:
 A. Public Recreation
 B. Public Service Facilities
 C. Non-Commercial Recreation
 D. Educational Institutions
 E. Religious Places of Worship
 F. Bed and Breakfast Establishments
 G. Day Care Facilities
 H. Nursing Homes
 I. Mobile Home Parks
 J. Retail Neighborhood Business
 K. Group Homes
 L. Assisted Living Facility
 M. Multi-Family (7 units or larger)
 N. Home Occupations

1164.05 **MINIMUM LOT AREA AND WIDTH**
 The minimum lot area and width for properties in the R-3 District is as follows:
 A. Single family dwellings shall have a minimum lot area of not less than 6,000 square feet and a width of not less than 60 feet.
 B. Two family dwellings shall have a minimum lot area of not less than 4,000 square feet per unit and a width of not less than 80 feet.
 C. Multi-family dwellings shall have a minimum lot area of not less than 2,500 square feet per unit and a width of not less than 100 feet.
 D. Other uses shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet.

1164.06 **MINIMUM FRONT YARD SETBACK**
 The minimum front yard setback for properties in the R-3 District is as follows:
 A. Residential uses shall have a minimum front yard setback of 25 feet.
 B. Other uses shall have a minimum front yard setback of 30 feet.
 C. No accessory buildings shall be located in the front yard area.

1164.07 **MINIMUM SIDE YARD SETBACK**
 The minimum side yard setback for properties in the R-3 District is as follows:

- A. Single-family residential uses shall have a minimum side yard setback of 6 feet and Two-family residential uses shall have a minimum side yard setback of 8 feet.
- B. Other uses shall have a minimum side yard setback of 10 feet.
- C. Accessory buildings shall be located no closer than five (5) feet to any side yard property line. They are also restricted from platted easement areas.

1164.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the R-3 District is as follows:

- A. Residential uses shall have a minimum rear yard setback of 25 feet.
- B. Other uses shall have a minimum rear yard setback of 30 feet.
- C. Accessory buildings shall be located no closer than five(5) feet to the rear property line. They are also restricted from platted easement areas.

1164.09 MAXIMUM HEIGHT REGULATION

The maximum height for structures in the R-3 District is as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

1164.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.

1164.11 LAND USE INTENSITY

In the R-3, High Density Residential, District the maximum lot coverage shall be 35%.

**CHAPTER 1165
R-O RESIDENCE OFFICE DISTRICT**

1165.01 PURPOSE

The purpose of the R-O, Residence Office, District is to accommodate low intensity office, residential and other similar uses.

1165.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Multi-Family Dwellings
- B. Efficiency Apartment Dwellings
- C. Personal Services
- D. Offices

1165.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

Any use or structure customarily accessory to any R-O District permitted use.

1165.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Public Recreation
- B. Public Service Facilities
- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Day Care Facilities
- K. Nursing Homes
- L. Retail Business
- M. Commercial Schools
- N. Financial Institutions
- O. Restaurants
- P. Clubs
- Q. Drive-in Commercial Uses
- R. Animal Hospitals and Clinics
- S. Clinics
- T. Scientific Research Facilities
- U. Laboratories
- V. Group Homes
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1165.05 MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the R-O District is as follows:
A. Residences shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
B. Other uses shall have a minimum lot area of not less than 16,000 square feet and a width of not less than 100 feet.
- 1165.06 MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the R-O District shall be 40 feet.
B. No accessory buildings shall be located in the front yard area.
- 1165.07 MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the R-O District shall be 15 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.
- 1165.08 MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the R-O District shall be 30 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1165.09 MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the R-O District is as follows:
A. No principal structure shall exceed 45 feet in height, except as noted in Section 1180.03.
C. No accessory structure shall exceed 15 feet in height, except as noted in Section 1180.03.
- 1165.10 OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1165.11 LAND USE INTENSITY**
In the R-O, Residence Office, District the maximum lot coverage shall be 35%.

**CHAPTER 1166
B-1 GENERAL BUSINESS DISTRICT**

- 1166.01 PURPOSE**
The purpose of the B-1, General Business, District is to provide for convenience and other shopping, and personal and professional services.
- 1166.02 PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Offices
D. Financial Institutions
E. Restaurants
F. Fast Food Restaurants
G. Taverns
H. Hotels/Motels
I. Clubs
J. Automotive Services
K. Automotive Filling Stations
L. Drive-In Commercial Uses
M. Funeral Homes
- 1166.03 PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any B-1 District permitted use.
- 1166.04 CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Service Facilities
B. Non-Commercial Recreation
C. Commercial Recreation
D. Educational Institutions
E. Religious Places of Worship
F. Bed and Breakfast Establishments
G. Single Family Dwellings
H. Two Family Dwellings
I. Multi-Family Dwellings
J. Public Recreation
K. Nursing Homes

- L. Commercial Schools
- M. Automotive Sales
- N. Commercial Entertainment
- O. Animal Hospitals and Clinics
- P. Clinics
- Q. Day Care Facilities
- R. Wholesale Business
- S. Building and Related Trades
- T. Lock and Store Warehousing
- U. Farm and Heavy Equipment Sales and Service
- V. Hospitals
- W. Mixed Uses
- X. Assisted Living Facilities
- Y. Home Occupations

- 1166.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-1 District shall not be less than 20,000 square feet and a width of not less than 100 feet.
- 1166.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-1 District shall be 40 feet.
B. No accessory buildings shall be located in the front yard area.
- 1166.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-1 District shall be 15 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the side yard property line. They are also restricted from platted easement areas.
- 1166.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-1 District shall be 20 feet.
B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1166.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-1 District is as follows:
No principal or accessory structure shall exceed 45 feet in height.
- 1166.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1166.11 **LAND USE INTENSITY**
In the B-1, General Business, District the maximum lot coverage shall be 40%.

**CHAPTER 1167
B-2 CENTRAL BUSINESS DISTRICT**

- 1167.01 **PURPOSE**
The purpose of the B-2, Central Business, District is to encourage the functional grouping of those commercial, residential and accessory establishments supporting the preservation of the historic character of this district.
- 1167.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Commercial Schools
D. Offices
E. Financial Institutions
F. Restaurants
G. Taverns
H. Hotels/Motels
I. Clubs
J. Mixed Uses
- 1167.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any B-2 District permitted use.
- 1167.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities

- C. Non-Commercial Recreation
- D. Commercial Recreation
- E. Educational Institutions
- F. Religious Places of Worship
- G. Bed and Breakfast Establishments
- H. Single Family Dwellings
- I. Two Family Dwellings
- J. Multi-Family Dwellings
- K. Efficiency Apartment Dwellings
- L. Day Care Facilities
- M. Nursing Homes
- N. Fast Food Restaurants
- O. Automotive Services
- P. Automotive Filling Stations
- Q. Automotive Sales
- R. Drive-In Commercial Uses
- S. Commercial Entertainment
- T. Funeral Homes
- U. Animal Hospitals and Clinics
- V. Clinics
- W. Group Homes
- X. Hospitals
- Y. Assisted Living Facilities
- Z. Home Occupations

- 1167.05 **MINIMUM LOT AREA AND WIDTH**
There shall be no minimum lot area or width for properties in the B-2 District.
- 1167.06 **MINIMUM FRONT YARD SETBACK**
A. There shall be no minimum front yard setback for properties in the B-2 District.
B. No accessory buildings shall be located in the front yard area.
- 1167.07 **MINIMUM SIDE YARD SETBACK**
There shall be no minimum side yard setback for properties in the B-2 District. This includes accessory buildings.
- 1167.08 **MINIMUM REAR YARD SETBACK**
A. There shall be no minimum rear yard setback for properties in the B-2 District unless abutting a residential district; then the minimum rear yard setback shall be 20 feet.
B. Accessory buildings have a zero (0) foot minimum rear yard setback.
- 1167.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-2 District is as follows:
A. No principal structure shall exceed 72 feet in height.
B. No accessory structure shall exceed 25 feet in height.
- 1167.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1167.11 **LAND USE INTENSITY**
In the B-2, Central Business, District the maximum lot coverage may be 100%. Exception, if site is adjacent to residential district, see Section 1167.08

**CHAPTER 1168
B-3 COMMUNITY SHOPPING DISTRICT**

- 1168.01 **PURPOSE**
The purpose of the B-3, Community Shopping, District is to provide for shopping centers and related outlots of an integrated design which provide for adequate parking and servicing areas.
- 1168.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Personal Services
B. Retail Business
C. Offices
D. Financial Institutions
E. Restaurants
F. Taverns
G. Automotive Services
H. Automotive Filling Stations
I. Drive-In Commercial Uses
J. Commercial Entertainment
K. Shopping Centers

- 1168.03 **PERMITTED ACCESSORY USES**
Any use or structure customarily accessory to any B-3 District permitted use.
- 1168.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
A. Public Recreation
B. Public Service Facilities
C. Non-Commercial Recreation
D. Commercial Recreation
E. Educational Institutions
F. Religious Places of Worship
G. Day Care Facilities
H. Commercial Schools
I. Fast Food Restaurants
J. Hotels / Motels
K. Clubs
L. Automotive Sales
M. Funeral Homes
N. Animal Hospitals and Clinics
O. Clinics
P. Mixed Uses
- 1168.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the B-3 District is as follows:
A. The primary development shall have a minimum lot area of not less than 200,000 square feet and a width of not less than 400 feet.
B. Outlots shall have minimum lot area of not less than 20,000 square feet and a width of not less than 150 feet.
- 1168.06 **MINIMUM FRONT YARD SETBACK**
A. The minimum front yard setback for properties in the B-3 District shall be 60 feet.
B. No accessory buildings shall be located in the front yard area.
- 1168.07 **MINIMUM SIDE YARD SETBACK**
A. The minimum side yard setback for properties in the B-3 District shall be 30 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to any side yard property line. They are also restricted from platted easement areas.
- 1168.08 **MINIMUM REAR YARD SETBACK**
A. The minimum rear yard setback for properties in the B-3 District shall be 40 feet.
B. Accessory buildings shall be located no closer than twenty (20) feet to the rear property line. They are also restricted from platted easement areas.
- 1168.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the B-3 District is as follows:
No principal or accessory structure shall exceed 35 feet in height.
- 1168.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1168.11 **LAND USE INTENSITY**
In the B-3, Community Shopping, District the maximum lot coverage shall be 30%.

**CHAPTER 1169
M MANUFACTURING DISTRICT**

- 1169.01 **PURPOSE**
The purpose of the M, Manufacturing, District is to accommodate industrial, manufacturing, warehousing, office, research and development, and related uses.
- 1169.02 **PRINCIPALLY PERMITTED USES**
Principally permitted uses are as follows:
A. Scientific Research Facilities
B. Wholesale Businesses
C. Manufacturing
D. Laboratories
E. Warehousing
F. Food Processing
G. Mixed Uses
- 1169.03 **PERMITTED ACCESSORY USES**
Permitted accessory uses are as follows:
Any use or structure customarily accessory to any M District permitted use.

- 1169.04 **CONDITIONALLY PERMITTED USES**
Conditionally permitted uses are as follows:
- A. Public Recreation
 - B. Public Service Facilities
 - C. Grain Elevators and Feed Mills
 - D. Offices
 - E. Day Care Facilities
 - F. Building and Related Trades
 - G. Petroleum Refining and Storage
 - H. Oil and Gas Wells
 - I. Junk Storage and Sales
 - J. Transport Trucking Terminals
 - K. Farm and Heavy Equipment Sales and Service
 - L. Stockyards
 - M. Mining
 - N. Home Occupations
- 1169.05 **MINIMUM LOT AREA AND WIDTH**
The minimum lot area and width for properties in the M District shall not be less than 45,000 square feet and a width of not less than 200 feet.
- 1169.06 **MINIMUM FRONT YARD SETBACK**
- A. The minimum front yard setback for properties in the M District shall be 50 feet.
 - B. No accessory buildings shall be located in the front yard area.
- 1169.07 **MINIMUM SIDE YARD SETBACK**
- A. The minimum side yard setback for properties in the M District shall be 30 feet.
 - B. Accessory buildings shall be located no closer than ten (10) feet to any side yard property line. They are also restricted from platted easement areas.
- 1169.08 **MINIMUM REAR YARD SETBACK**
- A. The minimum rear yard setback for properties in the M District shall be 40 feet.
 - B. Accessory buildings shall be located no closer than ten (10) feet to the rear property line. They are also restricted from platted easement areas.
- 1169.09 **MAXIMUM HEIGHT REGULATION**
The maximum height for structures in the M District is as follows:
No principal or accessory structure shall exceed 45 feet in height.
- 1169.10 **OFF-STREET PARKING AND LOADING**
Off-street parking and loading shall be as specified in Chapter 1181, Off-Street Parking and Loading.
- 1169.11 **LAND USE INTENSITY**
In the M, Manufacturing, District the maximum lot coverage shall be 50%.

**CHAPTER 1180
SUPPLEMENTAL REGULATIONS**

- 1180.01 **FLOOR AREA REQUIREMENTS FOR DWELLINGS**
The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Common areas such as utility rooms, laundry areas, mechanical rooms, halls, and stairways are to be excluded. Also excluded are garages, carports, porches, and basements.

MINIMUM FLOOR AREA PER EACH FAMILY UNIT

(Expressed in square feet)

District	Apartment of Multiple Dwellings			
	Single and Two Family Dwellings	Efficiencies	1 Bedroom Unit	2 or More Bedrooms
"R-1"	1100	N/A	N/A	N/A
"R-2"	900	N/A	575	820
"R-3"	750	285	575	750
"R-O"	N/A	285	575	750

In other districts where residences are allowed as conditional uses, R-3 standards apply.

- 1180.02 **SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING "R" DISTRICTS**
- A. **Minimum Yard Requirements.** Nonresidential buildings or uses shall not be located nor conducted closer to any lot line of "R-1", "R-2" or "R-3" District than the distance specified in the following schedule, except as provided in subsection (B) hereof.
- Minimum Side or Rear Yard Modification**

Abutting any "R" District (ft.)	Use
25	Off-street parking and loading spaces and access drives for nonresidential uses.
50	Churches, schools and public or semipublic buildings.
60	Recreation facilities, entertainment facilities, motels, trailers and mobile home parks, all commercial uses and billboards.
100	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed herein.
500	Auto and metal salvage operations; mineral extraction or processing.

- B. **Landscaping or Screening Provisions.** For nonresidential uses abutting "R" Districts the minimum yards may be reduced to fifty percent (50%) of the requirements stated in subsection (B) hereof if landscaping or screening, approved by the Zoning Inspector, is provided.

1180.03 HEIGHT REGULATIONS FOR INSTITUTIONAL, OFFICE, INDUSTRIAL AND APARTMENT BUILDINGS AND STRUCTURES

- A. Institutional, industrial and apartment buildings with a height in excess of the maximum height specified in the respective district for such buildings shall be permitted provided the required front, side and rear yards are increased by one foot for each foot of additional building height above the maximum specified in the respective district.
- B. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to a safe landing and take-off of aircraft at an established airport.
- C. No building shall exceed a maximum height of 100 feet without prior approval of the Planning Commission.

1180.04 EXISTING LOTS OF RECORD

The following applies to all lots of record at the effective date of this Zoning Ordinance.

- A. Any existing lot of record forty feet or wider in districts allowing single family residences as permitted uses may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein.
- B. On lots of record setbacks for new, altered or expanded residences and their accessory structures shall be determined according to the following:
1. The minimum side yard setback shall be determined by the proportional reduction of the requirements specified in the district up to a maximum of 50% of the minimum setback stated in the district.
 2. The front and rear setbacks shall be established by the corresponding prevailing setbacks for the front and rear yards on the same side of the block on which the structure is located up to a maximum of 50% of the minimum setback stated in the district.
- B. On existing single-family structures and their accessory structures, an existing wall may be extended parallel to the side yard property line if the following conditions are met:
1. No buildings on the adjacent lot are within 10 feet of the wall extension.
 2. Extension is no longer than 50% of the length of the wall at the time of the adoption of the Ordinance.
 3. Limited to a minimum setback of three (3) feet in all cases.

1180.05 ARCHITECTURAL PROJECTIONS

Certain architectural features may project into required minimum yard setbacks as follows:

- A. Front, side and rear yards. The following architectural features may project into the minimum yard setback of any front, rear or side yard adjoining a side street:
1. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two feet, six inches.
 2. Fire escapes may project a distance not exceeding four feet, six inches.
 3. An uncovered stair, including landings, may project a distance not to exceed six (6) feet. Such stair and landing shall not extend above the entrance floor with the exception of handrailings. Handrailings may extend an additional three (3) feet above the floor level.
 4. Bay windows, balconies, uncovered porches or decks, and chimneys may project a distance not to exceed three (3) feet. These features shall not occupy more than one-third (1/3) the width of the building toward the yard in question.
- B. Interior side yards. The structures or features as listed in (A) above, may project into an interior side yard (those side yards not facing a side street) a distance up to one-fifth (1/5) the required setback distance.

However, such projection shall not exceed three (3) feet. Structures or features which extend into more than one minimum side yard setback are subject to all combined limitations.

- 1180.06 **SPECIAL YARD REQUIREMENTS**
- A. Lots having frontage on more than one street shall provide the required front yard on the principal street and the minimum side yard required in that district, but not less than fifteen feet on the side street.
 - B. In the case of lots having frontage on more than one street, accessory structures in that side yard shall meet the prevailing front yard setback on the street on which it is located.
 - C. Where a building lot is comprised of more than one lot of record, building setbacks for all interior lot lines shall be as for any property line. However, a building may overlap an interior lot line.
- 1180.07 **TRAFFIC VISIBILITY ACROSS CORNER LOTS**
- In any district, except in the B-2 district, on any corner lot, no fence, structure or planting shall be erected or maintained within a triangle 20 feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.
- 1180.08 **CONVERSION OF DWELLINGS**
- In "R-2" and "R-3" Districts, an existing residence may be converted to accommodate an increased number of dwelling units provided:
- A. The yard dimensions meet the yard dimensions required by the zoning regulations for new structures in that district.
 - B. The lot area per family is equal to the lot area requirements for new multi-family structures in that district.
 - C. The number of square feet of living area per family unit is not less than that which is required for new construction in that district.
- 1180.09 **MOBILE HOME PARKS**
- All mobile home parks shall conform to and be pursuant to the conditional use provisions set forth in Chapter 1145. Furthermore, all site, utility and construction plans are to be approved by the Ohio Department of Health and the City prior to the permitting of a mobile home park.
- Mobile home parks shall be subject to the following conditions in addition to various district regulations:
- A. No mobile home shall be permitted to locate in the Municipality except in a mobile home park in the "R-3" High Density Residence District.
 - B. The mobile home park shall conform to the following requirements:
 - 1. It shall contain at least five acres.
 - 2. It shall provide a clearly defined minimum area of 3,000 square feet including a minimum width of forty feet for each mobile home or trailer.
 - 3. It shall have a minimum of 800 square feet of floor area per family in each mobile home.
 - 4. It shall provide a minimum of twenty-foot clearance between individual mobile homes or trailers and a thirty-foot setback from any property line bounding the mobile home park.
 - 5. All mobile home spaces shall abut upon a concrete or asphalt driveway of not less than twenty feet in width, which shall have unobstructed access to a private or public street.
 - 6. The developer shall provide a recreational area equal to a minimum of 10% of the gross land area of the mobile home park development. In lieu of providing this recreational area the developer can pay a fee to the city of comparable value for utilization at the nearest public recreational area.
 - 7. It shall conform to all City, County and State Health Department requirements.
- 1180.10 **RESIDENTIAL PARKING RESTRICTIONS**
- The following restrictions shall apply to residential districts:
- A. Parking mobile home units in any area outside of mobile home parks or sales areas for more than forty-eight (48) hours is prohibited.
 - B. Parking of commercial vehicles, motor homes and all trailers, including utility, boat, recreational and commercial, on residential streets or in the front yard of any residential lots for more than forty-eight (48) hours is prohibited.
 - C. Unoccupied motor homes and camping trailers, boats and noncommercial utility trailers may be parked in rear and side yards.
- 1180.11 **SWIMMING POOLS**
- Swimming pools shall be subject to the following conditions:
- A. **Private Swimming Pool:** No swimming pool, exclusive of portable swimming pools with a diameter less than twelve feet or with an area of less than 100 square feet, shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements.
 - 1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - 2. It shall not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located.
 - 3. The swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall be constructed not less than five feet in height and maintained in good condition, with a gate and lock.
 - B. **Community or Club Swimming Pools:** Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:
 - 1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

2. The pool and accessory structures, including the area used by bathers, shall not be closer than the distances listed as the principal building setbacks for the zoning classification within which the pool is located.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition.

1180.12 COMMUNITY DEVELOPMENT PROJECTS

- A. An authorized agency of the Municipality, State or Federal government or the owners of any tract of land in an "R" District comprising an area of not less than ten acres may submit to Council a plan for the use and development of all of the tract of land for residential and associated non-residential purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Chapter 1157 for hearings on changes and amendments. If the Commission approves the plans, these shall be submitted to Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence showing that the proposed community development project meets with the following conditions:
1. The property adjacent to the area included in the plan will not be adversely affected.
 2. The plan is consistent with the intents and purpose of the Zoning Ordinance to promote public health, safety, morals and general welfare.
 3. The use of the land shall be similar to the uses permitted in the district in which the plan is located.
 4. That the average lot area per family contained in the site exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is to be located.
- B. If the Planning Commission and Council approve the plans, a Zoning Certificate shall be issued, even though the use of the land, the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plans do not conform in all respects to the district regulations of the district in which the project is located.

1180.13 RESIDENTIAL ACCESSORY BUILDINGS AND FENCES

- A. Accessory Buildings:
1. Single family residences are limited to one (1) accessory building except for properties with detached garages, which may also have a small storage building not exceeding 150 square feet in area. Properties with more than one dwelling unit may have one accessory building for each dwelling unit.
 2. The ground floor area of all accessory buildings shall not exceed the ground floor area of the dwelling.
- B. Fences and planting screens shall be subject to the following regulations:
1. Fences, plant material, and similar screening devices up to three (3) feet high are permitted in the front yard areas. Fences up to six (6) feet in height are permitted in the remaining yard areas.
 2. Injurious materials such as barbed wire, electrically charged fences, or spike fences are not permitted in any case.
 3. No fencing, or other similar structures, are permitted in easement areas.
 4. No fence or planting screen shall violate the visibility requirements of Section 1180.07.

1180.14 ENVIRONMENTAL PERFORMANCE STANDARDS

Environmental performance standards are regulations which are intended to promote a peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable or other undesirable effect on persons or properties outside of the subject property. These restrictions apply to a uses' construction as well as its operation. Materials and/or products of a use shall be maintained in a method so that the health, safety and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

- A. **Applicability and Compliance**
The Environmental Performance Standards are applicable to all land uses in all zoning districts in the City, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this code at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.
- B. **Noise**
No activity on private property shall emit noise in excess of sound levels indicated in the table below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

MAXIMUM PERMITTED SOUND LEVELS

SOURCE PROPERTY		RECEIVING PROPERTY		
NOISE SOURCE	TIME	RESIDENTIAL	COMMERCIAL	INDUSTRIAL

Residential	Daytime ¹ Nighttime ²	55 dBA 50	55 dBA 50	55 dBA 50
Commercial	Daytime ¹ Nighttime ²	55 50	60 50	60 50
Industrial	Daytime ¹ Nighttime ²	55 50	60 50	70 60

¹ Daytime shall be considered as the hours between 7:00 AM and 10:00 PM.
² Nighttime shall be considered as the hours between 10:00 PM and 7:00 AM.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Firearms on authorized ranges.
2. Legal blasting.
3. Temporary construction activity and equipment.
4. Installation of utilities.
5. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

1. Aircraft.
2. Railroads.
3. Emergency vehicles and equipment.
4. Warning devices operating continuously for not more than five (5) minutes.
5. Bells, chimes or carillons operating continuously for not more than five (5) minutes per hour.
6. The repair of essential utility services.
7. Officially sanctioned parades or other events.

D. Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point outside the property line of the property on which the use is located.

E. Glare

Any process producing intense light or heat, which may cause physical harm, including high temperature processes such as combustion or welding, shall not be visible beyond any lot line bounding the property wherein the use is conducted.

All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or rights-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

F. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

G. Hazardous Materials

The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

H. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

I. Fire Hazards

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire suppression equipment and by safety devices. Such potentially hazardous activities shall be kept from adjacent activities at a distance determined by the National Fire Protection Code.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state and federal erosion control regulations or standards.

**CHAPTER 1181
OFF-STREET PARKING AND LOADING**

1181.01 OFF-STREET PARKING GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for motor vehicles in accordance with the provisions of this Chapter. A parking plan shall be required for all uses except single family detached dwellings and two family dwellings. The parking plan shall be submitted to the City as part of the application for the Zoning Certificate. The plan shall show the boundaries of the property, parking

spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

1181.02

OFF-STREET PARKING AND DESIGN STANDARDS

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

- A. **Parking space dimensions.** Each off-street parking space shall be no less than nine (9) feet in width and shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of useable shape and condition.
- B. **Access.** There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:
 1. For single family detached dwellings or two family dwellings, the access drive shall be a minimum of eight (8) feet in width.
 2. For all other uses, the access drive shall be a minimum of sixteen (16) feet in width.
 3. All parking spaces, except those required for single family detached dwellings and two and three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward direction.
 4. Parking areas shall be considered extensions of the principal use with which they are associated. Only parking associated with uses permitted in the residential district are allowed in that residential district. In addition, residential district property shall not be used as an access for a nonresidential parking use.
 5. Where possible, shared drives shall be utilized by businesses to access properties and limit curb cuts on thoroughfares.
- C. **Screening.** In addition to the setback requirements specified in this Chapter for off-street parking for more than five (5) vehicles, screening shall be provided on each side of the parking area that abuts any residential district, R-O District, or S-1 District. Screening plans shall be approved by the Zoning Inspector.
- D. **Paving.** Any off-street parking area for more than five (5) vehicles, and its driveway, shall have a durable, dustless surface.
- E. **Drainage.** Any off-street parking area for more than five (5) vehicles shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City.
- F. **Barriers.** Wherever a parking lot extends to a property line, fencing, wheelstops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line or from destroying the screening materials.
- G. **Visibility.** Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
- H. **Marking.** All parking areas for more than five (5) vehicles shall be marked with paint lines, curb stones or in some other manner approved by the City and shall be maintained in a clearly visible condition.
- I. **Signage.** Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or free-standing directional signs in accordance with Chapter 1185 of this Ordinance.
- J. **Lighting.** Any lights used to illuminate a parking area shall be so arranged as to direct the light away from the adjacent properties and street rights-of-way.

1181.03

DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Ordinance, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, the floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or, indicated for each twenty (20) lineal inches of bench type seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this Ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Planning Commission.
- E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

- F. If two or more uses occur on one property, off-street parking requirements for all uses shall be computed and added together to obtain the total required spaces for the property.

1181.04

PARKING SPACE REQUIREMENTS

With the exception of the B-2 District, the number of off-street parking spaces to be provided shall not be less than the following:

A.	Airport	One space per four aircraft tie downs plus one space per four aircraft storage areas.
B.	Animal Hospital and Clinic	Four spaces for each examination room.
C.	Automotive Filling Stations	One space per fuel pump. Plus two spaces for each service bay. Plus one space for each 100 square feet of convenience type retail.
D.	Automotive Services	Two spaces for each service bay. Drive through automotive services such as car washes and quick lubes shall provide sufficient stacking spaces for three vehicles per bay.
E.	Automotive Sales	Three spaces minimum, or one space for each 5,000 square feet of lot sales area, whichever is greater.
F.	Bed and Breakfast	One space for each guest room plus two spaces for the permanent residence.
G.	Building and Related Trades	One space per each 500 square feet of floor area, plus one space for each 1,000 square feet of warehouse space.
H.	Cemetery	One space per each employee.
I.	Clinics	One space for each 100 square feet of floor area.
J.	Club	One space for each 100 square feet of floor area.
K.	Commercial Entertainment	One space per five seats or one space for each 100 square feet of floor area.
L.	Day Care Facility	One space for each three children per licensed design capacity.
M.	Educational Institution	Two spaces for each classroom, plus one space for each four seats in the places of assembly. High schools, colleges, and vocational schools shall also include one space for each five students at design capacity.
N.	Farm and Heavy Equipment Sales and Service	One space for each service bay, plus one space for each 4,000 square feet of lot area used for product display.
O.	Financial Institution	One space for each 200 square feet of floor area, plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of drive-up teller windows or drive-up ATM machines.
P.	Food Processing	One space for each 1,000 square feet of floor area.
Q.	Funeral Home	One space for each 50 square feet of floor area.
R.	Grain Elevators and Feed Mills	One space for each 400 square feet of floor area plus a minimum of 200 feet of stacking space for each loading and unloading bay.
S.	Group Home	One space for each four beds.
T.	Hospitals	One space for each bed.
U.	Hotel/Motels	One space for each sleeping room, plus one space for each 100 square feet of public meeting area and/or restaurant space.
V.	Lock and Store Warehousing	One space for each 1,000 square feet of net leasable floor area.
W.	Manufacturing	One space for each 1,000 square feet of floor area.
X.	Mixed Uses	Spaces shall be determined by the application of all use requirements.
Y.	Nursing Home	One space for each three beds.
Z.	Office	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
AA.	Personal Services	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
BB.	Public Service Facility	One space for each 150 square feet of floor area with a minimum of four (4) spaces required.
CC.	Recreational, Non-Commercial	One space for each participant at maximum utilization.
DD.	Recreational, Commercial	One space for each three seats, one space for each 100 square feet of floor area, or one per each participant at maximum utilization, whichever is greater.
EE.	Religious Places of Worship	One space for each four seats in the place of assembly.
FF.	Residential, Mobile Home	Two spaces for each unit, plus one space for each five units for guest parking.
GG.	Residential, Multi-Family	Two spaces for each dwelling unit.
HH.	Residential, Single Family	Two spaces for each dwelling unit.
II.	Residential, Two Family	Two spaces for each dwelling unit.
JJ.	Scientific Research Facilities and Laboratories	One space for each 200 square feet of floor area.
KK.	Restaurants	One space for each 100 square feet of floor area with a minimum of six (6) spaces required.

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| | LL. Restaurants, Fast Food | One space for each 100 square feet of floor area, plus sufficient stacking space for five vehicles at each drive through window with a minimum of four (4) spaces required. |
| | MM. Retail Business | One space for each 150 square feet of floor area with a minimum of four (4) spaces required. |
| | NN. Shopping Center | Five spaces for each 1,000 square feet of floor area. |
| | OO. Stockyards | One space for each 1,000 square feet of floor area. |
| | PP. Taverns | One space for each 100 square feet of floor area with a minimum of six (6) spaces required. |
| | QQ. Transport Trucking Terminals | One space for each 1,000 square feet of floor area. |
| | RR. Warehousing | One space for each 2,000 square feet of floor area. |
| | SS. Wholesale Business | One space for each 250 square feet of floor area. |
- 1181.05 **JOINT USE**
Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Law Director and accepted by the Planning Commission shall be filed with the application for a Zoning Certificate.
- 1181.06 **OTHER LOCATIONS**
Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Commission, provided a written agreement, approved by the Law Director and accepted by the Planning Commission, shall be filed with the application for a Zoning Certificate.
- 1181.07 **HANDICAPPED PARKING REQUIREMENTS**
Parking spaces for the physically handicapped shall be as provided in and marked as per the Ohio Basic Building Code.
- 1181.08 **OFF-STREET LOADING REQUIREMENTS**
In any district, in connection with every building, or part thereof, hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by storage, warehouse, retail store, wholesale store, hotel, hospital, funeral home, or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet.
- 1181.09 **OFF-STREET LOADING DESIGN STANDARDS**
All off-street loading spaces shall be in accordance with the following standards and specifications:
- A. **Dimensions** - Each loading space shall have a minimum dimension not less than 12 feet in width, 28 feet in length and a vertical clearance of not less than 14 feet in height.
 - B. **Setbacks** - Notwithstanding other provisions of this regulation and other setback requirements, off-street loading spaces may be located in the required rear or side yard of any B-1 or M District provided that not more than 80% of the required rear yard or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet from any right-of-way or residential district unless wholly within a completely enclosed building.
 - C. **Screening** - In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any residential district. Screening plans shall be approved by the Zoning Inspector.
 - D. **Access** - All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward direction.
 - E. **Paving** - Any required off-street loading spaces, together with its driveways, aisles and other circulation areas, shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.
 - F. **Drainage** - All loading spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. A drainage plan shall be submitted for approval by the City.
 - G. **Lighting** - Any lights used to illuminate a loading area shall be arranged so as to reflect the light away from any adjacent properties or rights-of-way.
- 1181.10 **SUBMISSION TO PLANNING COMMISSION**
Detailed drawings as indicated in Chapter 1146, Site Plan Guideline Standards, indicating necessary parking and off-street loading facilities shall be submitted to the Planning Commission with the exception of single family detached dwellings and duplexes, for approval prior to the granting of any certificate. Such drawing shall show the number of spaces and locations, dimensions and descriptions of all features enumerated in this Section or as required elsewhere in this Zoning Code. The Planning Commission may require, in addition to those enumerated, further structural or landscaping features such as bumper guards, curbs, walls, fences, shrubs, trees, ground cover or hedges to further the intent and purposes of this Zoning Code. The Planning Commission, in addition, may recommend such changes in location, width and number of driveways as it shall determine are necessary to eliminate any potential traffic hazards.
- 1181.11 **MODIFICATIONS**

The Planning Commission may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that the peculiar nature of the residential, business, trade, industrial, other use, exceptional situation or condition would justify such action.

**CHAPTER 1183
ADDITIONAL PROVISIONS FOR INTEGRATED APARTMENT, OFFICE, RESEARCH AND INDUSTRIAL
USES**

1183.01 INTEGRATED APARTMENT, OFFICE, AND INDUSTRIAL CENTERS

The development of groups of properties for apartment, office, research and industrial centers in "R-O" and "M" Districts shall be subject to the following requirements:

A preliminary review process shall be followed to ensure compliance with location, size, and character aspects of the proposed development, and

A final development plan review process shall be followed to ensure compliance to design requirements of the development.

A. Preliminary Review

1. The owner of a tract located in any "R-O" or "M" District, and containing not less than four acres, shall submit to the Planning Commission for its review a preliminary plan showing the use and development of such tract of land for an apartment, office, research or industrial center. The proposed uses may be mixed, but shall be consistent with those allowed in the district within which the tract of land is located. If the proposed uses are not consistent with those in the existing zoning district, the owner can proceed with a concurrent request to change the zoning classification to the appropriate classification.
2. In accepting such plans for review, the Planning Commission must be satisfied that the proponents of the apartment, office, research or industrial center are capable to undertake and complete the proposed development, both financially and operationally. A reasonable timetable of development must be committed to by the proponents of the center and approved by the Planning Commission.

B. Preliminary Plan Requirements

1. The Preliminary Plan shall show a development consisting of one or more groups of establishments in buildings of an integrated and harmonious design, together with adequate and properly arranged utilities, traffic and parking facilities and landscaping, which will complement the general character of the adjoining development and surrounding area.
2. The applicant shall submit a traffic circulation plan which should present:
 - a. the location of the proposed development in relation to the City Thoroughfare Plan;
 - b. the anticipated levels of vehicular and pedestrian traffic to be generated by the development;
 - c. the arrangement of on-site traffic circulation and parking facilities and landscaping elements;
 - d. any physical and/or other traffic improvements required, requested, or proposed to alleviate anticipated congestion being created by the proposed development; and
 - e. such other information as the Planning Commission shall require.
3. The applicant shall submit utility and drainage plans for the proposed development which shall show the following:
 - a. The connection points to the City's water and wastewater utilities;
 - b. The connection points and locations of the electric, telephone, gas, telecommunications, and any other utility services;
 - c. The size, depth and location of required water and wastewater utility facilities;
 - d. Water detention plan and calculations based on two and ten year events, emergency storm water plan for hundred year events; and
 - e. The location of storm sewer lines and related facilities.

C. Design Regulations

The following additional regulations shall apply to apartment, office, research and industrial centers:

1. **Yards.** No building shall be less than thirty feet distant from any zoning district boundary. Loading and storage shall be permanently screened from all adjoining properties located in an "R" District by building walls, or a free standing wall, fence or hedge at least six feet in height. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
2. **Tract Coverage.** Where parking spaces are provided within the main buildings of the development, the ground area occupied by all buildings may be expanded by 10% beyond the stated maximum lot coverages listed for the zoning district.
3. **Access Drives.** Access drives shall be located at a minimum interval of 300 feet.
4. **Loading Space.** There shall be provided one off-street loading or unloading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor trailer type.
5. **Signs.** Signs for apartment, office, research or industrial centers shall be limited to wall-type signs on the principal building, except that a free standing identification and directional sign not larger than 15 square feet in area may be erected at entrances to the center. Illuminated signs shall not have the light source visible from off-site.

D. Submission and Approval of Final Development Plan

Upon approval of the preliminary plan by the Planning Commission, the following procedure shall be followed to achieve final approval of an apartment, office, research or industrial center.

1. The proponents shall prepare and submit a final development plan which will comply with the design requirements, and will incorporate all changes or modifications required by the Planning Commission in the preliminary review stage.
2. If the final development plan complies with the requirements set forth in this Chapter, and other pertinent sections of the Zoning Ordinance, the Planning Commission shall submit the plan with its report and recommendations to City Council for its review. Council shall set a public hearing, following the required 30 day public notification process, to review the plan. If a zoning classification change is being sought concurrently, this public hearing could incorporate both issues.
3. Following the public hearing, Council may modify the plan, provided such modification is consistent with the intent and meaning of the Zoning Ordinance. Any plan approval, in situations where a zoning classification change is required, will not be effective until such zoning classification change occurs.
4. After the final development plan is approved by Council, any minor changes in carrying out this plan, such as adjustments to or rearrangements of buildings, parking areas, drive entrances, heights or yards, must be approved by the Planning Commission. These changes must conform to the standards established by the final development plan and the Zoning Ordinance. Any other changes must follow the final development plan procedure and receive authorization by Council.

CHAPTER 1184

SPECIAL PROVISIONS FOR ADULT ENTERTAINMENT FACILITIES

1184.01

DEFINITIONS

- A. **Adult Entertainment Facility:** A commercial entertainment facility having a significant portion of its function as adult entertainment which includes "Adult book/video store", "Adult entertainment theater", or "Adult entertainment business".
- B. **Adult Book/Video Store:** A facility, in which at least ten (10%) percent of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under "Specified Sexual Activities" or "Specified Anatomical Areas". A facility meeting this definition shall meet the requirements of a commercial entertainment facility.
- C. **Adult Entertainment Theater:** A commercial entertainment facility which devotes at least 10% of its presentation time to the display of material distinguished or characterized by all items listed in "Specified Sexual Activities" or "Specified Anatomical Areas."
- D. **Adult Entertainment Business:** Any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation or participation in, by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "Specified Sexual Activities".
- E. **Specified Sexual Activities:** Activities such as:
 1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- F. **Specified Anatomical areas:** Areas of the human body as follows:
 1. Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered;
 2. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

1184.02

LOCATION STANDARDS

Adult commercial entertainment facilities, as defined in Section 1184.01, are subject to the following standards regulating their location.

- A. No adult entertainment facility shall be established within one thousand (1,000) feet of any R-1, R-2, R-3, and R-O district.
- B. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any school, library, or teaching facility that is attended by persons under the age of eighteen (18) years of age. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any permanently established place of religious services.
- D. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any day care center or type A or B family day care home as established by the Ohio Revised Code.
- E. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any other adult entertainment facility.
- F. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any two of the following:
 1. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 3. Pool or billiard halls.
 4. Pinball palaces or halls.
 5. Dance halls or discotheques.
 6. Massage parlors.

7. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated in by persons under eighteen (18) years of age.

1184.03 MEASUREMENT STANDARDS
Distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in Section 1184.02.

1184.04 ADVERTISEMENT DISPLAY STANDARDS
No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas.
No screens, speakers, or sound equipment shall be used for adult motion picture theater, or other adult entertainment facility, that can be seen or discerned by the public from any public, semi-public, or quasi-public areas.

CHAPTER 1185 SIGNS

1185.01 PURPOSE
It is the purpose of these sign regulations to promote the public health, safety, and general welfare by permitting the use of signs as a means of communication in the City of Celina:

- A. To maintain and enhance the City's natural and manmade environment;
- B. To implement community design standards to encourage an attractive and healthy economic environment;
- C. To reduce possible safety hazards to vehicle and pedestrian traffic through good signage;
- D. To minimize the possible adverse effects of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign regulations.

The purpose, as stated above, is based on the following findings or conditions concerning signs:

- A. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the City, and as such are detrimental to the public health, safety, and general welfare of the City; and
- B. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

1185.02 DEFINITIONS
The following terms are defined for use under this section.

- A. **Abandoned Sign:** Any sign remaining in place which no longer advertises or identifies an ongoing or active business, product, or service available; or a sign which is no longer maintained in a serviceable condition. The serviceability of a sign ceases when deterioration becomes as visibly recognizable as the image of the subject of the sign.
- B. **Address Marker:** A numeric reference of a structure or site not included as part of a wall or monument sign. These are not normally considered a sign under this section.
- C. **A-Frame Card Sign:** A free standing sign usually hinged at the top. Such signs are considered portable and temporary.
- D. **Animated or Moving Sign:** Any sign, other than a time and temperature display, which uses motion, lighting, or special materials to depict action or create a special effect or scene.
- E. **Awning, Canopy, or Marquee Sign:** A non-electric sign that is printed on, painted on, attached to an awning, canopy, or marquee and is only permitted on the vertical surface.
- F. **Banner, Flag, Pennant or Balloon:** Any cloth, bunting, plastic, paper, or similar material, used for advertising purposes attached to, pinned on, or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs, but not including official flags of local, state, national or foreign governmental organizations.
- G. **Billboard or Off-Site Sign:** A sign, including supporting structure, advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.
- H. **Building Face:** The length of the single front building elevation in which the primary entrance to the business is located. Where more than one business occupies a building, the frontage for sign purposes for each business is determined by multiplying the building front elevation width by the percentage of total floor space occupied by each business or potential business space.
- I. **Changeable Copy Sign:** A sign designed to allow the changing of copy through manual, mechanical, or electrical means. Time and temperature displays are not considered against the allowable advertising sign footage as long as no business identification or advertising is presented as part of the display.
- J. **Civic Event Sign:** A temporary sign posted to advertise a civic event sponsored by a public agency, school, church, civic/fraternal organization, or similar non-profit organization.
- K. **Construction Sign:** A temporary sign erected on the parcel on which construction is taking place. The sign may list the project name, owners, developers, professional services and contractors involved and any other major sponsors of the development.
- L. **Development or Subdivision Sign:** A temporary sign promoting a new development or subdivision which has received City Planning Commission review.
- M. **Directional Signs:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entry" or "exit". These signs giving direction are not considered part of the advertising

signage and do not require permitting. If additional advertising display is posted on the directional signs the Zoning Inspector may consider them as part of the square footage restrictions.

- N. **Double-Faced Sign:** A post, pedestal, or monument display where the sign's faces are back to back and the sign copy is similar on both sides. The area of double-faced signs is considered based on dimensions of one side.
- O. **Garage or Yard Sale Sign:** A temporary sign advertising the sale of personal items at a residential property.
- P. **Incidental Signs:** Incidental signs are signs no larger than 3 square feet in size that display notices required by law, or show affiliations or services provided. Items displayed may be credit cards accepted, trade affiliations, business hours, or other similar information necessary to identify limits of or qualifications of service or product.
- Q. **Institutional Sign:** A permanent sign identifying the premises of a church, school, governmental office, or non-profit institutional facility.
- R. **Kiosk:** A three dimensional structure designed and constructed with the explicit purpose of displaying information and advertising. This structure must supply a public service and can only receive a permit following review and approval of the Planning Commission.
- S. **Logo Sign:** A sign consisting of a symbol or mark associated with a business, service or product entity.
- T. **Monument Sign:** A sign displayed on a pedestal or base that has a footprint 50% or more than the sign's horizontal dimensions.
- U. **Nonconforming Sign:** A legally established sign existing prior to the establishment of this Ordinance which fails to conform to the regulations of this Ordinance.
- V. **Political Sign:** A temporary sign directly associated with a local, state, or national political election or issue.
- W. **Portable Sign:** A sign designed and constructed to be easily set up and removed or relocated.
- X. **Promotional Sign:** A temporary commercial sign posted to promote the sale of new products, new management, new hours, new service or to promote a special sale.
- Y. **Projecting Sign:** Any sign which is attached to the face of a building and projects more than eighteen (18) inches from the face.
- Z. **Real Estate Sign:** An on-site temporary sign pertaining to the sale, lease or rental of a building or premises. These signs include Open House signs which indicate when salespersons are available to represent the property subject to sale, lease or rent.
- AA. **Roof Sign:** A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof, and which is wholly or partly supported by the building.
- BB. **Sign:** Any display that shows any product, service, business, name, or other enterprise in a promotional manner. A sign may consist of wording, logos or images.
- CC. **Sign Program:** A coordinated program of signs as allowed under the "Commercial Shopping Center" and "Apartment, Office, Research, and Industrial Center" developments.
- DD. **Temporary Sign:** Any sign that is approved to be displayed for a limited time period as set forth in this Ordinance or by the Planning Commission.
- EE. **Wall Sign:** A sign painted on, printed on, or attached to a wall which has its face substantially perpendicular to the building face.
- FF. **Window Sign:** Any sign that is applied, painted, or attached to a wall which is not a projecting sign.

1185.03

ADMINISTRATION

These sign regulations shall be administered as stated under the conditions as listed in Chapter 1143 of this Ordinance.

- A. **Permit Required**

No sign, unless exempted by this Chapter, shall be constructed, displayed, or altered without an approved permit. The permits shall be issued by the Zoning Inspector when the conditions of this Ordinance are met. Each permit application shall be accompanied by the following:

 1. A drawing showing the design proposed.
 2. Dimensioned site plan showing the sign location in relation to property lines, buildings, walks, and drives.
 3. Dimensioned elevation drawing showing the size, sign type, height, illumination method, support or mounting method, and construction materials.

A sign for which a permit has been issued shall not be modified, relocated, altered or replaced unless a new permit or an amended permit is issued by the Zoning Inspector.
- B. **Signs Requiring a Permit**

Any sign erected, painted, posted or placed in any district within the City shall require an approved permit from the Zoning Inspector in conformance with Sections 1144.02-1144.05, except those signs identified as exempt from such permit. Sign structure, size, height, setback, location and number shall be determined by the requirements set forth in this Chapter.

Changes or relocation of nonconforming signs require permits and any alterations must also meet the requirements set forth in this Chapter. See Section 1185.04 D. for nonconforming signs.
- C. **Signs Not Requiring a Permit**

The following signs are exempt and do not require a permit from the Zoning Inspector. To maintain an exempt status these signs must comply with restrictions as established in this Chapter.

 1. Political signs, Real Estate signs, and Civic Event signs when conforming to the requirements established under this Ordinance.
 2. Temporary signs painted on the outside of the windows for display on holiday or special occasions.
 3. Signs located inside a building or behind a window and not exceeding the prohibitions set forth in Section 1185.03 D.8., do not require a permit.
 4. Memorial signs and plaques installed by recognized civic organizations.
 5. Official and legal notices and signs issued by governmental agencies.

6. Official flags of all governmental and civic/fraternal organizations.
 7. Construction signs when conforming to the conditions set forth under Section 1185.04 F.2.
 8. Incidental signs for businesses like automobile services, gasoline service stations, automobile dealers with service repairs, motels and hotels provided that all of the following conditions exist: the signs are attached to a structure or building; the signs number no more than four (4) per street frontage, and no sign shall exceed an area per face of three (3) square feet. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law are permitted and not counted against the number allowed.
 9. Directional signs provided that such signs are located on-site, have a maximum area which does not exceed three (3) square feet per sign, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained.
 10. Garage and yard sale signs provided they conform to the regulations set forth in this Ordinance.
- D. Prohibited Signs**
The following signs are inconsistent with the sign standards established in this Chapter and are therefore prohibited. Permits cannot be issued for:
1. Abandoned signs after 90 days of meeting the abandoned sign definition. The property owner will be responsible for removal.
 2. Animated, moving, flashing, blinking, reflecting, revolving or other similar signs, with the exception of permanently mounted Changeable Copy Signs and time and temperature displays as allowed in this Chapter.
 3. Portable or A-Frame signs. For exceptions see Section 1185.04 F.7.
 4. Roof signs
 5. Signs placed in, or overhanging, the public right-of-way. Signs with exception are: governmental signs and informational signs authorized by the Planning Commission and in conformance with state or federal regulations. Such informational signs shall not exceed two and a half (2½) square feet in area and shall not be illuminated.
 6. Signs designed or constructed to resemble or imitate highway or traffic control signs or signals.
 7. Temporary signs, found not in conformance to the regulations set forth in this Ordinance. These signs may be confiscated by the Zoning Inspector, or his representatives, in addition to being subject to the conditions of Chapter 1199.
 8. Windows signs when they are located in a residentially zoned district are larger than the allowable signage for that district or are illuminated.
- E. Measurement Standards**
The area of the sign is determined by the dimensions of the background structure, unifying background area, or by the maximum dimensions of the display area if posted on a common background. The following standards shall be used to determine the area and height measurements for all signs erected or posted within the City:
1. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign, but not including the supporting frame or bracing.
 2. The area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
 3. In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.
 4. The height of a sign shall be determined by measuring the vertical distance between the highest point of the sign to the ground elevation at the base of the sign. If mounding was used at the sign base, the ground elevation shall be determined as the average ground elevation of the developed site at the sign base prior to mounding.
 5. The setback of a sign shall be measured from the vertical projection of the property line or street right-of-way line to the closest part of the sign.
 6. Lots in B or M zones having frontage on more than one street shall have a maximum allowable sign area equal to twice that of its shortest frontage, not to exceed twice the maximum number of square feet otherwise allowed in the zone. These lots shall also be permitted twice the number of signs otherwise allowed in their zone; however, there shall be no increase in the number of free-standing signs allowed.
- F. Fees**
A schedule of fees for permits shall be established and amended from time to time by City Council.

1185.04

GENERAL REGULATIONS

- A. Cross-corner Sight Restrictions:**
No sign, or part of a sign structure wider than one (1) foot, shall be erected in the cross-corner line of sight between the heights of three (3) feet and eight (8) feet, as measured from the center lines of the relevant pavements, in the following locations:
1. At street intersections, within a triangle, two sides of which are measured from the point of intersection of the street rights-of-way, a distance of 40' parallel to the through street and a distance of 15 feet parallel to the stop street. At 4-way stops the distance shall be 40 feet parallel to each street.
 2. At drives - within a triangle, two sides of which are measured from the point of intersection of the street right-of-way and the centerline of the drive, a distance of 50 feet parallel to the street, and a distance of 15 feet parallel to the centerline of the drive.
- B. Distracting Signs:**

Signs which have moving parts, replaceable letters, or changing illumination shall conform to the conditions listed within this Ordinance. See section 1185.03 D for restrictions on signs which use animation, flashing lights, shapes reserved for traffic control, and motion.

- C. **Sign Illumination:**
All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light; provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises; and provided that such illumination shall not lead to confusion, or create a hazard to traffic, or conflict with traffic control signs or lights. An exception to the above is that signs illuminated with neon lighting are also allowed even though the light source is visible. See Section 1185.05 for districts where sign illumination is prohibited.
- D. **Non-conforming Signs:**
All signs which are in existence on the effective date of this Ordinance shall be considered nonconforming uses and shall be subject to the following provisions:
1. No nonconforming sign shall have any changes made in the words, symbols or message displayed on the sign unless the sign is specifically designed for periodic change of message.
 2. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated until it meets the requirements of this Chapter and receives a permit.
- E. **Development or Subdivision Entry Signs:**
The conditions for the placement of permanent signs identifying a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.
- F. **Temporary Signs:**
Temporary signs require a permit unless they are identified as not requiring a permit under Section 1185.03 C. All temporary signs, unless specifically identified under 1185.02, Definitions, shall be considered temporary commercial signs. The following regulations shall apply to temporary signs:
1. **Civic Event Signs:**
These signs shall be registered with the Zoning Inspector listing the organization responsible, a contact person, dates of posting, sign size, and location of sign. All posting periods and placements must receive approval of the Zoning Inspector. Any signs not receiving this approval shall be considered in violation of this Ordinance.
 2. **Construction Signs:**
These signs shall be shown as part of the development's site plan. The number of signs, their location and sizes, shall be approved by the Zoning Inspector before installation. If conditions warrant, the Zoning Inspector may allow placement of the construction sign off-site. The posting of the sign(s) shall be limited to the construction period which begins one week before the actual work begins or with the ground breaking, whichever ever is first, to the conditional final acceptance by the owner.
 3. **Development or Subdivision Signs:**
The conditions for the placement of these signs at a development or subdivision shall be set by review by the City Planning Commission. These conditions are to be forwarded to the Zoning Inspector by the Planning Commission for issuance of a permit.
 4. **Real Estate Signs:**
Real estate signs are not allowed in public right-of-way areas. They are allowed a maximum area of 6 square feet in residential districts and 32 square feet in all other districts. One sales sign is allowed per property frontage. In addition, an open house sign is allowed for a week period prior to the open house date. Sales signs shall be removed from a property within one week of closing.
 5. **Garage and Yard Sale Signs:**
These signs are to be posted only on private property. The signs shall not exceed 6 square feet in area. They shall be posted only the day of the sales. No signs shall be posted on any public utility or light poles.
 6. **Temporary Commercial Signs:**
The Zoning Inspector, in accordance with the provisions herein, is authorized to issue permits for the erection and maintenance of temporary commercial signs. Such permit shall be issued for a period not to exceed fourteen (14) days, nor more frequently than once in each three month period for the same premises. Temporary commercial signs shall not be illuminated. No temporary signs containing commercial messages shall be permitted in residential districts. No permit shall be issued for aerial signs, or signs designed to be moved on trailer wheels, skids, or on other similar devices. The area, height and number of temporary commercial signs shall be determined by the requirements established in the regulations for each zoning district.
 7. In the B-2 district, if a property has a 12 feet or wider sidewalk, each business may have one (1) A-Frame sign, or similar type portable sign, provided all the following conditions are met:
 - a. The sign shall only be on display during business hours of the business if advertises.
 - b. The sign shall not exceed 30 inches in width and 48 inches in height.
 - c. The sign shall be placed on the sidewalk only with the approval of the owner of the front property, and
 - d. Its nearest edge must be placed either a maximum of one (1) foot from the right-of-way line or between one (1) and one and a half (1.5) feet from the curb.
 - e. Signs should be of a design that resists being moved or blown over by the wind. However, they shall not be attached to publicly owned sign

1185.05

DISTRICT REGULATIONS

The following regulations shall apply to all signs, permitted and otherwise, according to each Zoning District.

A. S-1, R-1, R-2, R-3 and R-O DISTRICTS:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed six (6) square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be four (4) feet.
 - d. The maximum number of signs allowed shall be two (2), only one of which may be a freestanding sign.
 - e. Signs shall not be illuminated.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to one (1) square foot of sign area for each four (4) feet of lot width, not to exceed a maximum of 50 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 25 feet from all side property lines, and
 - 25 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be eight (8) feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be two (2), only one of which may be a freestanding sign.
3. Signs identifying or marking subdivision developments shall be reviewed and approved by the Planning Commission as part of the subdivision review process. The Planning Commission shall set the number, size and location of these non-temporary development or subdivision signs.

B. B-1 GENERAL BUSINESS DISTRICT:

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall be equal to 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 6 feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1) foot of lot width, not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

C. B-2 CENTRAL BUSINESS DISTRICT

1. Lots used for dwellings of 10 or fewer units and their accessory uses:
 - a. The maximum total sign area shall not exceed 20 square feet.
 - b. The minimum sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines, except as provided in Section 1185.03 D. 5.
 - c. The maximum height of any freestanding sign shall be six (6) feet.
 - d. The maximum number of signs, which require a permit, shall be two (2), only one of which may be a freestanding sign.
2. Lots having a primary use that is nonresidential and apartment complexes with more than 10 units:
 - a. The maximum total area of all permitted signs shall be equal to 4 square feet of sign area for each one (1) foot of lot width, not to exceed a maximum of 100 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.

- d. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

D. B-3 COMMUNITY SHOPPING DISTRICT

- 1. **Integrated Commercial Centers**
 - a. The maximum total area of all wall signs for any one business shall be equal to two (2) square feet of sign area for each one (1') foot of building width, not to exceed a maximum of 200 square feet.
 - b. The total area of any freestanding sign shall be 200 square feet.
 - c. The minimum freestanding sign setbacks shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 50 feet from all side property lines, and
 - 50 feet from all rear property lines.
 - d. The maximum height of any freestanding sign shall be 35 feet.
 - e. The maximum number of wall signs for any one business shall be two (2).
 - f. The maximum number of freestanding signs shall not exceed the number of abutting streets.
- 2. **Other lots in the B-3 district, including outlots of integrated commercial centers having their own street frontage and separate ownership:**
 - a. The maximum total area of all signs shall be equal to four (4) square feet of sign area for each one (1') foot of lot width not to exceed a maximum of 200 square feet.
 - b. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 10 feet from all side property lines, and
 - 10 feet from all rear property lines.
 - c. The maximum height of any freestanding sign shall be 25 feet.
 - d. The maximum number of signs allowed, regardless of the number of tenants, shall be four (4), with only one freestanding sign.

E. M MANUFACTURING DISTRICT

- 1. The maximum total area of all signs shall be equal to two (2) square feet of sign area for each one (1') foot of lot width, not to exceed a maximum of 200 square feet.
- 2. The minimum setbacks for all freestanding signs shall be as follows:
 - 0 feet from all street right-of-way lines,
 - 20 feet from all side property lines, and
 - 20 feet from all rear property lines.
- 3. The maximum height of any freestanding sign shall be 15 feet.
- 4. The maximum number of signs, which require a permit, regardless of the number of tenants, shall be four (4), with only one freestanding sign allowed per abutting street.

**CHAPTER 1199
VIOLATION, REMEDIES AND FEES**

1199.01 VIOLATION

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint to the Zoning Inspector. Such complaint shall state the cause or basis of the violation. The Zoning Inspector shall record the complaint, promptly investigate it and take the necessary action to resolve the complaint.

In addition, any person can pursue the other remedies by law to initiate appropriate action or proceedings to prevent, restrain, correct or abate such violation.

1199.02 NOTICE OF VIOLATION

The notice of any violation of the Zoning Ordinance shall be as follows:

- A. Whenever the Zoning Inspector determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:
 - 1. Be in writing;
 - 2. Identify the violation;
 - 3. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Ordinance being violated; and
 - 4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
 - 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person aged sixteen (16) years or older; or
 - 2. By Certified Mail, addressed to the property owner of record on the County Auditor's records. Service shall be deemed complete when the fact of the mailing is recorded.
 - 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1199.03 REMEDIES

The following remedies shall apply to violations of the Zoning Ordinance:

A. Prohibitions

1. No person shall fail or refuse to comply with an order issued by the Zoning Inspector. A separate offense shall be deemed committed each day upon which a violation occurs or continues.
2. No person shall construct, modify, alter, use or occupy any structure or property in violation of the Celina Zoning Ordinance. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

B. Penalties

1. Whosoever violates this section is guilty of a minor misdemeanor for each offense.
2. If, within one year of the date of the offense, the offender has been convicted of or pleads guilty to another violation of Section 1199.03(A) the offender is guilty of a misdemeanor of the third degree.

C. Civil Remedies For Violations

In case any building is located or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used or is proposed to be used in violation of the Zoning Ordinance or any amendment or supplement thereto, the Zoning Inspector, shall institute or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

1199.04

FEES

The fees for all applicant costs incurred in this Chapter shall be established by City Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the City.

The applicant shall be responsible for the expenses incurred by the City in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services, including expenses and legal fees in connection with reviewing the plan, prepared reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

SECTION TWO

THAT, any city legislation such as, Ordinance 26-74-0, and all the amendments to it and its map, which are inconsistent with this Ordinance be hereby repealed.

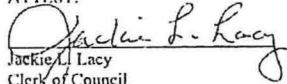
SECTION THREE

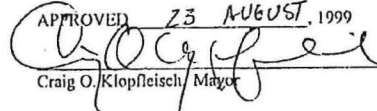
THAT, this ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

Passed this 23 day of August, 1999.


 William T. Sell, Council President

ATTEST:

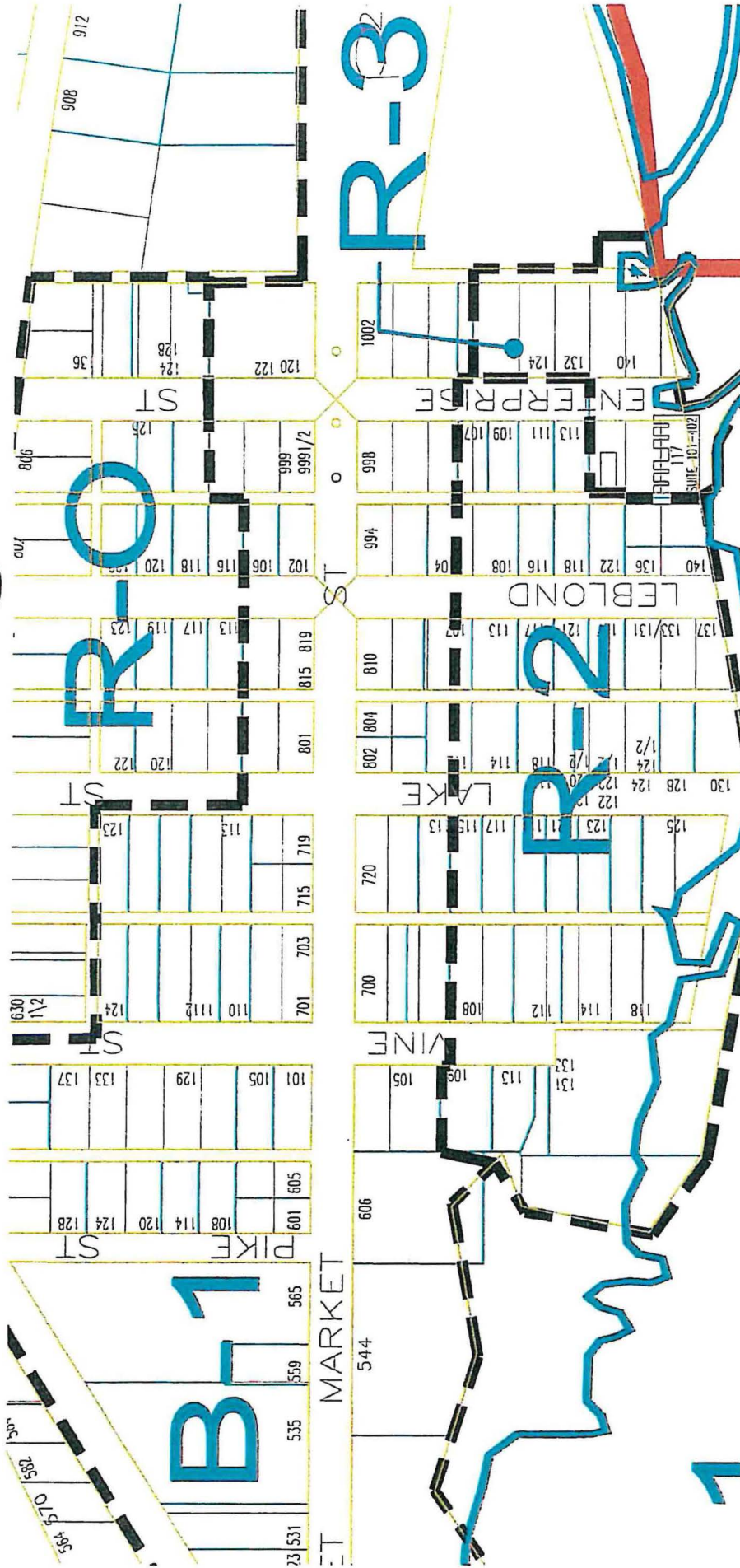

 Jackie L. Lacy
 Clerk of Council

APPROVED 23 AUGUST, 1999

 Craig O. Klopfeisch, Mayor

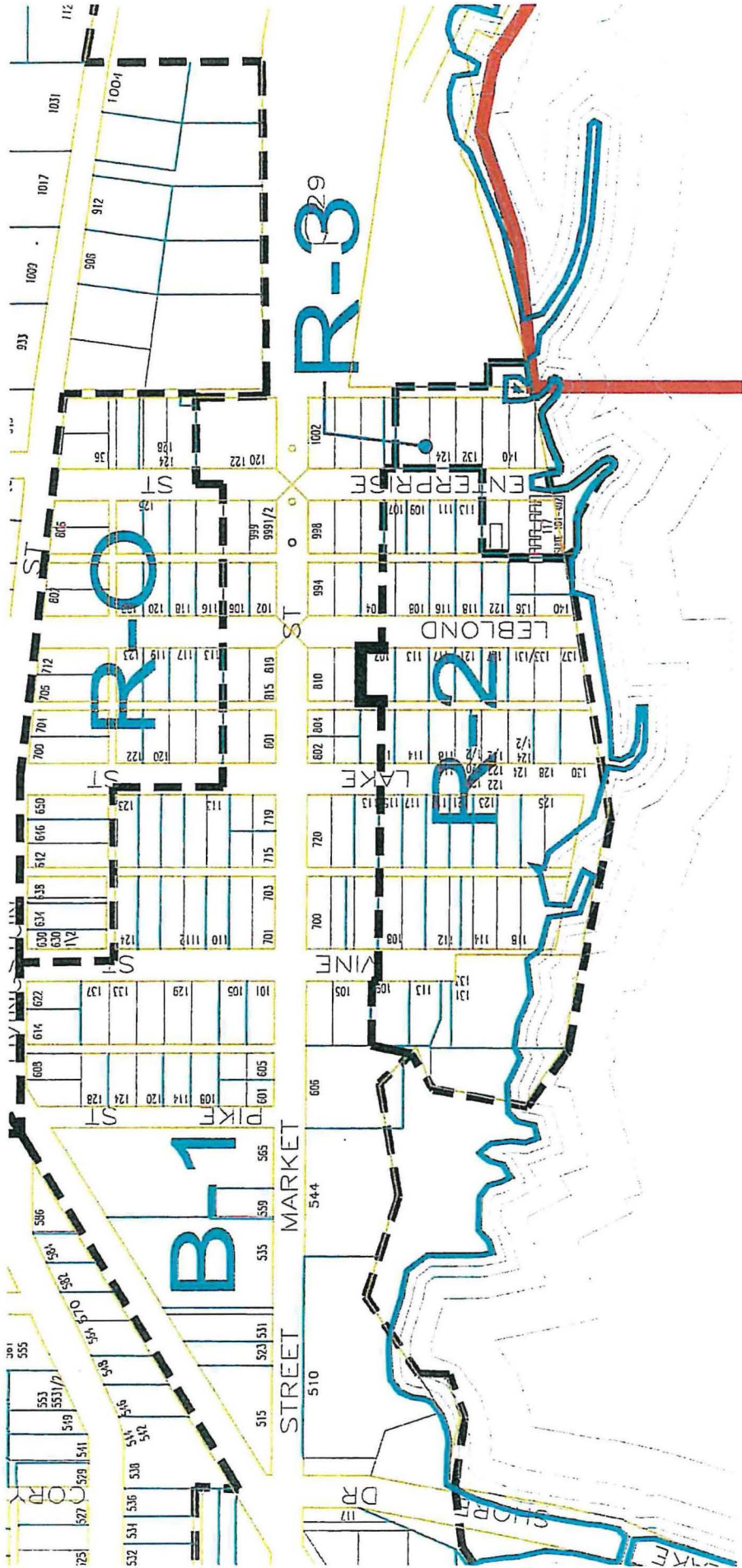
Approved as to Form:

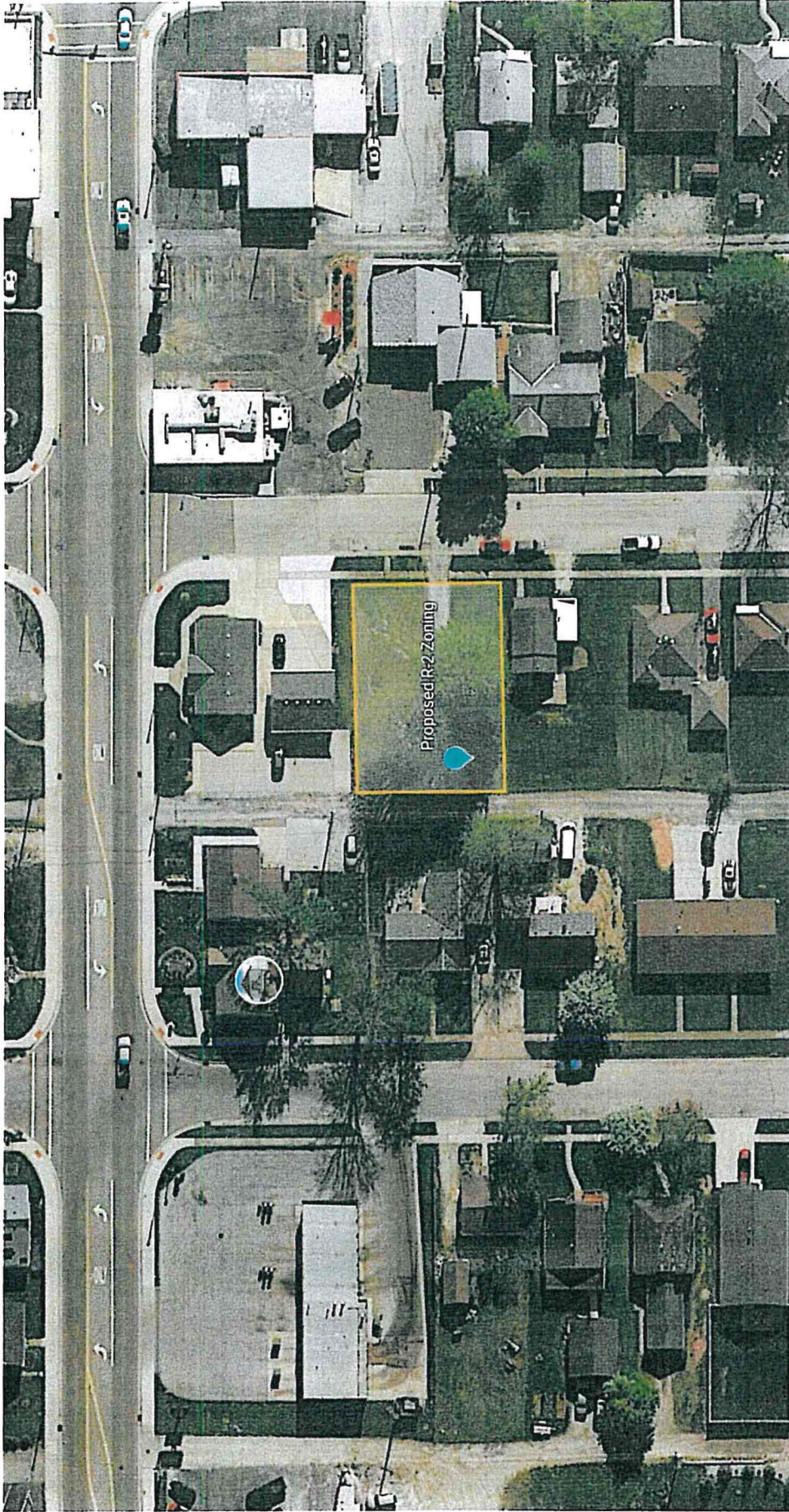

 Kevin M. McKirnan
 City Law Director

Existing



Proposed





100%



ORDINANCE 19-21-O

AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN
ORDINANCE 32-20-0 AS THE FIFTH SUPPLEMENT TO THE 2021
ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Stolly Insurance Annual Expense is higher than budgeted and additional funds now need appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **General Fund:**

General Insurance (110.190.5281) \$5,940.00

Appropriate from unappropriated balance **Electric Fund:**

Elec Adm/Gen General Insurance (661.624.5281) \$5,760.00

Appropriate from unappropriated balance **Water Fund:**

Water Adm/Gen General Insurance (663.634.5281) \$3,150.00

Appropriate from unappropriated balance **Waste Water Fund:**

WW Sys Adm/Gen General Insurance (666.644.5281) \$3,150.00

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations to pay the annual insurance expense. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.


PASSED this 12th day of April, 2021


Jason D. King, President of Council

ATTEST:

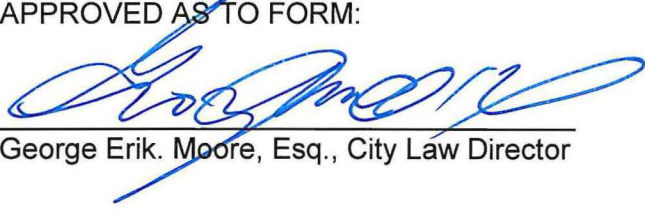

Joan S. Wurster, Clerk of Council

APPROVED April 12, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik. Moore, Esq., City Law Director

ORDINANCE 20-21-O

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Small Cities Community Development Block Grant (CDBG) Revolving Loan Fund (RLF) Administration Agreement was received by the Administration of the City of Celina; and

WHEREAS, the purpose of the Agreement is to maintain adequate program oversight and ensure that communities understand and adhere to the terms of the Revolving Loan Fund Agreement in conjunction with the administration of the Community Development Block Grant Revolving Loan Fund; and

WHEREAS, the Agreement will be effective for a term of three years beginning on January 1, 2021 and terminating December 31, 2023; and

WHEREAS, said Agreement is attached hereto as Exhibit A which is fully incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio.

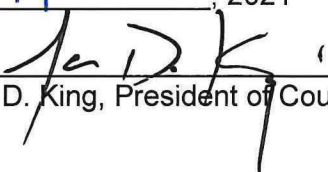
SECTION ONE

THAT, the Mayor be and is hereby authorized to enter into a Revolving Loan Fund Administration Agreement with the State of Ohio Department of Development, in a form substantially similar to the Agreement attached hereto as Exhibit A which is fully incorporated herein by reference.

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the further reason that such agreement must be returned to the Ohio Department of Development Office of Housing and Community Partnerships by the earliest date possible. NOW, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 12th day of April, 2021



Jason D. King, President of Council

ATTEST:

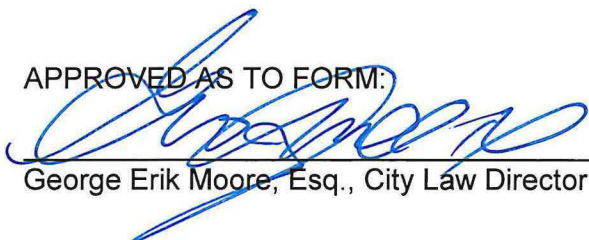


Joan S. Wurster, Clerk of Council

APPROVED April 12, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

This Economic Development Revolving Loan Fund Administration Agreement (the "Agreement") is made and entered into by and between the Ohio Development Services Agency (the "Grantor") and **Celina, City of** (the "Grantee") for the period beginning **January 1, 2021** (the "Effective Date") and ending **December 31, 2023** (the "Termination Date").

Background Information

- A. Grantor, through its Office of Community Development ("OCD"), administers the federal Community Development Block Grant ("CDBG") Program for the State of Ohio.
- B. Grantee has been determined to be an eligible recipient of CDBG funds and Grantee has been awarded CDBG funds from the Grantor to finance eligible activities that may generate Program Income as defined herein.
- C. Grantor has recognized the positive impact on community development initiatives when the use of Economic Development Program Income is locally determined. Grantor has permitted the establishment of Economic Development Revolving Loan Funds within local political subdivisions to meet the primary development goals of:
 - 1. encouraging the expansion and stability of the economic base of the designated area of the Economic Development Revolving Loan Fund; and
 - 2. encouraging increased employment opportunities, particularly for low- and moderate-income persons in designated areas of the Economic Development Revolving Loan Fund.
- D. Grantor desires to have Grantee administer an Economic Development Revolving Loan Fund using the CDBG Program Income and Grantee desires to administer an Economic Development Revolving Loan Fund using the CDBG Program Income for the purposes stated above.
- E. Grantee has adopted a Resolution or Ordinance authorizing the execution of this Agreement.

NOW THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Statement of The Agreement

- 1. **Economic Development Revolving Loan Fund Capitalization.** Grantee shall deposit any and all Economic Development Program Income into an Economic Development Revolving Loan Fund account held by the Grantee.

2. **Definitions.**

- a. Economic Development Revolving Loan Fund ("RLF") is a separate fund established for the purpose of accounting for Program Income and of carrying out the specific activities designated in OCD's Program Income Policies and Procedures Manual, available on OCD's Technical Assistance website, which, in turn, generate payments to the fund ("RLF Funds") for the continued use in carrying out the same activities.
- b. Economic Development Program Income is defined as gross income received by the recipient directly generated from the use of Ohio State Administered CDBG Program funds for economic development, downtown revitalization, and microenterprise business development activities.
- c. CDBG Economic Development RLF Consolidation. Grantee shall consolidate all existing Economic Development RLF, Downtown RLF, and Microenterprise RLF accounts into an Economic Development RLF Account held by the Grantee.

3. **RLF Plan and Use of Funds.** Grantee has adopted an RLF Plan that includes the policies and procedures established by Grantor in the OCD Program Income Policies and Procedures Manual. The plan must include any designated administrative agent, an established board structure, loan review criteria, and procedures for workouts, delinquencies and defaults. Grantee shall use the RLF Funds solely for the stated purposes set forth in this Agreement, OCD's Program Income Policies and Procedures Manual, the Local RLF Plan, and the current Ohio Consolidated Plan.

4. **Loan and Grant Approvals.** Grantee shall submit to Grantor an RLF loan or grant approval request for each project being considered for RLF assistance. Grantee must receive Grantor's written approval prior to the commencement of the Grantee's local RLF project.

5. **National Objective Requirements.** Grantee shall ensure that all projects funded as a result of this Agreement meet the CDBG national objective of creating or retaining jobs for low-and-moderate income persons. Any projects not meeting this requirement must submit a request for waiver to Grantor. Grantor will review the waiver request to determine if the project meets a CDBG National Objective. Written approval from Grantor must be received prior to the local RLF issuing approval for the project.

6. **Subrecipient Agreements.** Except under circumstances subject to OCD Program Policy 20-04, Use of Subrecipients for Public Services Activities, Grantee shall not subgrant or subloan the Economic Development Program Income funds to any other local political jurisdiction or non-profit agency. Grantee may contract with a non-profit agency to administer the RLF Funds, but the funds are to remain with the Grantee in the Revolving Loan Fund Account. If there is a change in the designated administrative agent of the RLF Funds, it is the responsibility of the Grantee to notify OCD within fifteen (15) days of any change in status of the designated administrative agent.

7. **Accounting of RLF Funds.** RLF Funds shall be deposited and maintained in a separate interest-bearing fund account upon the books and records of Grantee (the "Account"). Grantee shall keep all records of the Account in a manner that is consistent with generally accepted accounting principles. All disbursements from the Account shall be for obligations incurred in the performance of this Agreement and shall be supported by contracts, invoices, vouchers, and other data, as appropriate, evidencing the necessity of such expenditure.
8. **Reporting Requirements.** Grantee shall submit RLF Status Reports to Grantor no more than thirty (30) days after notification of the RLF Status Report request. RLF Status Reports may include but are not limited to the following: program income; program activities; and program outcomes.
9. **Compliance with General CDBG Requirements.** Grantee shall comply with all applicable provisions of the statutes, rules, regulations and guidelines as passed by Congress or promulgated by the Secretary of the Department of Housing and Urban Development (HUD).
10. **Compliance with Environmental Requirements.** Grantee shall comply with the provisions of 24 CFR Part 58, Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, for all activities funded with Economic Development Program Income.
 - a. If Grantee proposes to commit Economic Development Program Income to an OCD Grant-funded activity for which it is the responsible entity, the environmental procedures associated with the OCD Grant shall fulfill the environmental requirements for the Economic Development Program Income. Grantee does not submit separate Request for Release of Funds and/or Certification documentation to Grantor for the Economic Development Program Income, and Grantor does not issue a Project Specific Release of Funds Respecting Environmental Grant Conditions for the Economic Development Program Income.
 - b. For any other eligible use of Economic Development Program Income, Grantee must prepare environmental review records, publish any applicable public notices, and submit Request for Release of Funds and/or Certification documentation to Grantor for the aggregated activity assisted with Economic Development Program Income. Grantee may not commit Economic Development Program Income or initiate project work until Grantor issues a Project Specific Release of Funds Respecting Environmental Grant Conditions for the Economic Development Program Income.
11. **Acquisition and Relocation.** Grantee shall comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations set forth in 24 CFR 570.488 and 49 CFR Part 24 as they apply to the activities covered by this Agreement. Grantee shall comply with the process established under the Anti-Displacement and Relocation Plan.

12. **Term of the Agreement.** This Agreement shall begin on the Effective Date and shall terminate on the Termination Date, unless otherwise modified pursuant to Section 29 (f) herein. At least sixty (60) days prior to the Termination Date, Grantor will determine if the Grantee continues to have the capacity to administer the RLF Funds based on the performance of the Grantee and its designated administrative agent. Grantor shall promptly notify Grantee in writing of a determination questioning administrative capacity. Grantor reserves the right to determine if the State of Ohio will renew the Agreement to allow the Grantee to administer the RLF, have the Grantee close out the RLF by executing a CDBG Closeout Agreement or recapture the RLF Funds.
13. **Records, Access and Maintenance.** Grantee shall establish and maintain for at least three (3) years from the expiration of this Agreement, all direct information and such records as are reasonably related to the administration of an RLF as set forth in the OCD Program Income Policies and Procedures Manual. Both parties further agree that records required by the Grantor with respect to any questioned costs, audit disallowances, litigation or dispute between the Grantor and the Grantee shall be maintained for the time needed for the resolution of said question and that in the event of early termination of this Agreement as provided in Section 20 of this Agreement, or if for any other reason the Grantor shall require a review of the records related to the RLF Funds, the Grantee shall, at its own cost and expense, segregate all such records related to the RLF Funds from its other records of operation.
14. **Inspections.** At any time during normal business hours upon three days prior written notice and as often as Grantor may deem necessary and in such a manner as not to interfere unreasonably with the normal business operations, Grantee shall make available to Grantor, and to appropriate state agencies or officials, for examination, all of its records with respect to matters covered by this Agreement including, but not limited to, records of personnel and conditions of employment and shall permit Grantor to audit, examine and make excerpts or transcripts from such records.
15. **Audits.** An audited Grantee shall submit to the Federal Audit Clearinghouse and make available for public inspection a copy of the audit, data collection form and reporting package as described in 2 CFR 200 Subpart F – Audit Requirements within the earlier of 30 days after receipt of the auditor’s report(s) or nine months after the end of the audit period. In addition, Grantees must notify the Grantor when their audit reporting package is submitted to the Federal Audit Clearinghouse. Notification should be sent to singleaudit@development.ohio.gov and must take place within seven (7) days following submission of the reporting package to the Federal Audit Clearinghouse. In lieu of or in addition to the notification, Grantees may electronically submit their single audit report to singleaudit@development.ohio.gov or mail one copy of the single audit report to Special Projects Coordinator, Audit Office, P. O. Box 1001, Columbus, Ohio 43216-1001.

16. Equal Employment Opportunity. Grantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, age, military status, or ancestry. Grantee will take affirmative action to ensure that applicants are considered for employment and that employees are treated during employment, without regard to their race, religion, color, sex, national origin, disability, age, military status, or ancestry. Grantee will, in all solicitations or advertisements for employees placed by or on behalf of Grantee, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, age, military status or ancestry. Grantee will incorporate the requirements of this paragraph in all of its respective contracts for any of the work for which the Grant Funds are expended (other than subcontracts for standard commercial supplies or raw materials), and Grantee will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

17. Prevailing Wage Rates and Labor Standards. In the commission of any Project(s) wherein federal funds are used to finance construction work as defined in the Code of Federal Regulations (CFR) Title 29, Part 5 to the extent that such activity is subject to the Davis-Bacon Act (40 United States Code (U.S.C.) 3141 to 3148, as amended), all laborers and mechanics employed by contractors or subcontractors on any such construction work assisted under this Agreement shall be paid the wages that have been determined by the U.S. Secretary of Labor to be the wages prevailing for the corresponding classes of laborers and mechanics employed on project(s) of a character similar to the contract work in the civil subdivision of the state wherein the work is to be performed. In addition, all laborers and mechanics employed by contractors or subcontractors on such construction work assisted under this Agreement shall be paid overtime compensation in accordance with the provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3701 to 3708. Furthermore, Grantee shall require that all contractors and subcontractors shall comply with all regulations issued pursuant to these acts and with other applicable federal and state laws and regulations.

In the event that the construction work to be undertaken does not lie within the purview of the Davis-Bacon Act, and neither the federal government nor any of its agencies prescribes predetermined minimum wages to be paid to mechanics and laborers to be employed in the construction work to be assisted by this Project(s), Grantee will comply with the provisions of Ohio Revised Code (ORC) Sections 4115.03 to 4115.16, inclusive, as applicable, with respect to the payment of all mechanics and laborers employed in such construction work.

18. Use of Federal Grant Funds. Grantee acknowledges that this Agreement involves the use of federal funds and as such, is subject to audit by the agency of the United States Government granting the funds to Grantor for the purposes of performing the work and activities as listed in the Grantee's RLF project report forms and in conformance with OCD's Program Income Policies and Procedures Manual, and the Local RLF Plan. Grantee shall fully reimburse Grantor for any cost of Grantee which is disallowed by said federal agency and which must be refunded thereto by Grantor.

19. Property and Equipment Purchases. All items purchased by Grantee are and shall remain the property of Grantee, except if Grantor exercises its right to terminate this Agreement pursuant to paragraph 20, in which case all property and equipment purchased by Grantee with any Grant Funds herein awarded shall revert to Grantor. Grantee shall provide for the security and safekeeping of all items obtained through this Agreement.

20. Termination.

- a. Grantor may immediately terminate this Agreement by giving reasonable written notice of termination to Grantee for any of the following occurrences:
 - i. Failure of Grantee to fulfill in a timely and proper manner any of its obligations under this Agreement.
 - ii. Failure of Grantee to submit any report required by this Agreement that is complete and accurate.
 - iii. Failure of Grantee to use the Grant Funds for the stated purposes in this Agreement.
 - iv. Cancellation of the grant of funds from HUD.
- b. Early Termination: Grantor may also terminate this Agreement if Grantee (i) defaults under another Agreement between the Grantor (ii) admits Grantee's inability to pay its debts as such debts become due, (iii) Grantee commences a voluntary bankruptcy, (iv) an involuntary bankruptcy action occurs against Grantee which remains undismissed or unstayed for 60 days, (v) Grantee fails to meet the minimum funding requirements under the Employee Retirement Income Security Act or other such employee benefits plan, or (vi) Grantor has reason to believe Grantee has ceased operations at the Project location. The events permitting early termination by Grantor shall be considered a default by Grantee and subject to the Effects of Termination under Section 21 of this Agreement.
- c. Grantor reserves the right to suspend the administration of the RLF at any time for failure of the Grantee or its designated administrative agent to administer the local RLF in compliance with the OCD's Program Income Policies and Procedures Manual which is not attached but incorporated herein by reference. Throughout this Agreement, Grantee and any designated administrative agent must continue to demonstrate administrative capacity in the administration of the RLF. Failure to accurately report on the RLF Funds could result in Grantor placing the RLF Funds on hold or recapturing the RLF Funds. Grantor also reserves the right to request the RLF Funds be returned to the State of Ohio upon failure to comply with the OCD Program Income Policies and Procedures Manual.

21. **Effects of Termination.** Within 60 days after termination of Agreement, Grantee shall surrender all reports, documents, and other materials assembled and prepared pursuant to Agreement, which shall become the property of Grantor, unless otherwise directed by Grantor. After receiving written notice of termination, Grantee shall incur no new obligations and shall cancel as many outstanding obligations as possible. Upon compliance with this Section, Grantee shall receive compensation for all activities satisfactorily performed prior to the effective date of termination.
22. **Forbearance Not a Waiver.** No act of forbearance or failure to insist on the prompt performance by Grantee of its obligations under Agreement, either express or implied, shall be construed as a waiver by Grantor of any of its rights hereunder.
23. **Conflict of Interest.** No personnel of Grantee, contractor of Grantee or personnel of any such contractor, and no public official who exercises any functions or responsibilities in connection with the review or approval of any work completed under this Agreement, shall, prior to the completion of such work, voluntarily or involuntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge or fulfillment of his or her functions or responsibilities with respect to the completion of the work contemplated under this Agreement. Grantee shall immediately disclose in writing to Grantor any such person who, prior to or after the execution of this Agreement, acquires any personal interest, voluntarily or involuntarily. Grantee shall cause any such person who, prior to or after the execution of this Agreement, acquires any personal interest, voluntarily or involuntarily, to immediately disclose such interest to Grantor in writing. Thereafter, such person shall not participate in any action affecting the work under this Agreement unless Grantor determines that, in light of the personal interest disclosed, his or her participation in any such action would not be contrary to the public interest. Additional information found in OCD [Program Policy 15-07: Resolving a Potential Conflict of Interest](#).
24. **Liability.** Unless Grantee is an Ohio political sub-division and can prove to Grantor that it is self-insured, Grantee shall maintain liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property (including property of Grantor) caused by the negligent acts or omissions, or negligent conduct of Grantee, to the extent permitted by law, in connection with the activities of this Agreement. Furthermore, each party to this Agreement agrees to be liable for the negligent acts or negligent omissions by or through itself, its employees, agents and subcontractors. Each party further agrees to defend itself and themselves and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any such liability from one to the other.

25. Adherence to State and Federal Laws, Regulations.

- a. **General.** Grantee shall comply with all applicable federal, state and local laws in the performance of Grantee's obligations under Agreement, the completion of the Project and the operation of the Project as long as Grantee has any obligation to Grantor under Agreement. Without limiting the generality of such obligation, Grantee shall pay or cause to be paid all unemployment compensation, insurance premiums, workers' compensation premiums, income tax withholding, social security withhold, and any and all other taxes or payroll deductions required for all employees engaged by Grantee in connection with the Project, and Grantee shall comply with all applicable environmental, zoning, planning and building laws and regulations.
- b. **Ethics.** Grantee, by its signature on this document, certifies: (1) it has reviewed and understands the Ohio ethics and conflicts of interest laws including, without limitation, ORC Section 102.01 et seq., Sections 2921.01, 2921.42, 2921.421, 2921.43, and 3517.13(I) and (J), and (2) will take no action inconsistent with those laws, as any of them may be amended or supplemented from time to time. Grantee understands that failure to comply with the Ohio ethics and conflict of interest laws, is in itself, grounds for termination of Agreement and the grant of funds made pursuant to Agreement and may result in the loss of other contracts or grants with the State of Ohio.

26. Outstanding Liabilities. Grantee represents and warrants that it does not owe: (1) any delinquent taxes to the State of Ohio (the "State") or a political subdivision of the State; (2) any amount to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other amount to the State, a state agency or a political subdivision of the State that are past due, whether or not the amounts owed are being contested in a court of law.

27. Falsification of Information. Grantee affirmatively covenants that it has made no false statements to Grantor in the process of obtaining this award of the Grant Funds. If Grantee has knowingly made a false statement to Grantor to obtain this award of the Grant Funds, Grantee shall be required to return all the Grant Funds immediately pursuant to ORC Section 9.66(C) (2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C) (1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(F)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than one hundred eighty (180) days.

28. Public Records. Grantee acknowledges that Agreement and other records in the possession or control of Grantor regarding the Project are public records under ORC Section 149.43 and are open to public inspection unless a legal exemption applies.

29. Miscellaneous.

- a. **Governing Law.** Agreement shall be governed by the laws of the State of Ohio as to all matters, including but not limited to matters of validity, construction, effect and performance.

- b. Forum and Venue.** Grantee irrevocably submits to the non-exclusive jurisdiction of any federal or state court sitting in Columbus, Ohio, in any action or proceeding arising out of or related to Agreement, Grantee agrees that all claims in respect of such action or proceeding may be heard and determined in any such court, and Grantee irrevocably waives any objection it may now or hereafter have as to the venue of any such action or proceeding brought in such court or that such court is an inconvenient forum. Nothing in this Agreement shall limit the right of Grantor to bring any action or proceedings against Grantee in the courts of any other jurisdiction. Any actions or proceedings by Grantee against Grantor or the State of Ohio involving, directly or indirectly, any matter in any way arising out of or related to Agreement shall be brought only in a court in Columbus, Ohio.
- c. Entire Agreement.** This Agreement, including its exhibits and documents incorporated into it by reference, constitutes the entire agreement and understanding of the parties with respect to its subject matter. Any prior written or verbal agreement, understanding or representation between parties or any of their respective officers, agents, or employees is superseded and no such prior agreement, understanding or representation shall be deemed to affect or modify any of the terms or conditions of Agreement.
- d. Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.
- e. Notices.** All notices, consents, demands, requests and other communications which may or are required to be given hereunder shall be in writing and shall be deemed duly given if personally delivered or sent by United States mail, registered or certified, return receipt requested, postage prepaid, to the addresses set forth hereunder or to such other address as the other party hereto may designate in written notice transmitted in accordance with this provision.

 - i. In the case of Grantor, to:

Ohio Development Services Agency
Office of Community Development
77 South High Street, P.O. Box 1001
Columbus, Ohio 43216-1001
Attn: Deputy Chief
 - ii. In the case of Grantee, to:

Celina, City of
426 W Market St, Celina
OH 45822-2127

- f. **Amendments or Modifications.** Either party may at any time during the term of this Agreement request amendments or modifications, as described in the applicable State of Ohio Consolidated Plan Submission. Requests for amendment or modification of Agreement shall be in writing and shall specify the requested changes and the justification of such changes. The parties shall review the request for modification in terms of the regulations and goals relating to the Project(s). Should the parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original agreement.
- g. **Pronouns.** The use of any gender pronoun shall be deemed to include all the other genders, and the use of any singular noun or verb shall be deemed to include the plural, and vice versa, whenever the context so requires.
- h. **Headings.** Section headings contained in Agreement are inserted for convenience only and shall not be deemed to be a part of Agreement.
- i. **Assignment.** Neither Agreement nor any rights, duties, or obligations described herein shall be assigned, subcontracted or subgranted by Grantee without the prior express written consent of Grantor.
- j. **Permissible Expenses.** If "travel expenses", as defined in Ohio Administrative Code Section 126-1-02 (the "Expense Rule"), are a cost of the Project eligible for reimbursement with Grant Funds, Grantee shall be reimbursed accordingly. Grantee agrees that it shall not be reimbursed and Grantor shall not pay any items that are deemed to be "non-reimbursable travel expenses" under the Expense Rule, whether purchased by the Grantee or Grantor or their respective employees or agents.
- k. **Binding Effect.** Each and all of the terms and conditions of this Agreement shall extend to and bind and inure to the benefit of Grantee, its successors and permitted assigns.
- l. **Survival.** Any provision of this Agreement which, by its nature, is intended to survive the expiration or other termination of this Agreement shall so survive and shall benefit the parties and their respective successors and permitted assigns.
- m. **Counterparts; PDF Accepted.** This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement. Copies of signatures sent by facsimile transmission or provided electronically in portable document format ("PDF") shall be deemed to be originals for purposes of execution and proof of this Agreement.

Signature

Each of the parties has caused this Economic Development Revolving Loan Fund Administration Agreement to be executed by its authorized representatives as of the dates set forth below their respective signatures.

Grantee:
Celina, City of

Grantor:
State of Ohio
Development Services Agency
Lydia L. Mihalik, Director

Authorized Official

Printed Name:

Title:

Date:

ORDINANCE 21-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A SERVICE AGREEMENT CONTRACT WITH P&R COMMUNICATIONS SERVICE, INC. FOR RADIO SERVICE FOR THE CELINA POLICE DEPARTMENT AND THE CELINA FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Celina Police Department and the Celina Fire Department desires to enter into a Service Agreement Contract with P&R Communications Service, Inc. for radio service; and

WHEREAS, P&R Communications Service, Inc. will service 40 APX portables, 9 APX mobiles, and 2 MIP5000 console positions with 11 MIP gateways in accordance with the terms and conditions and non-supported equipment will be repaired at the best effort; and

WHEREAS, the cost for the radio service is \$5,333.35 annually that will expire March 31, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

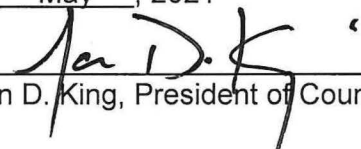
SECTION ONE

THAT, the Safety-Service Director be and is hereby authorized to enter into a Service Agreement Contract with P&R Communications, Inc. in a form substantially similar to the attached Exhibit "A" which is fully incorporated herein by reference.

SECTION TWO

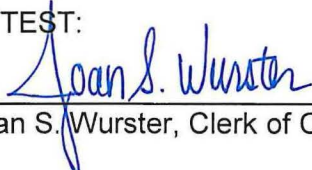
THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the further reason that such agreement must be returned to P&R Communications Service, Inc. by the earliest date possible. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 10th day of May, 2021



Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

APPROVED May 10, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director



P&R Communications Service, Inc.
Anything Wireless. Everything That Matters.

SERVICE AGREEMENT CONTRACT

Date: February 26, 2021

City of Celina
202 N. Main Street
Celina, OH
Attn: Chief Doug Wolters

Customer # 12334 / Contract # 207-01
Contract Begin Date: 04/01/21 / Contract End Date: 03/31/22
New or Renewal: Renewal

When this agreement is accepted by P&R Communications and the FCC Licensee named above, the equipment noted below will be serviced by P&R in accordance with the terms and conditions printed in the attached Terms & Conditions statement. Also, please note that any non-supported equipment will be repaired at best effort.

Contract covers the following equipment:

- 40) APX portables
- 9) APX mobiles
- 2) MIP5000 console positions with 11) MIP gateways

Monthly Amount: \$444.45
Annual Amount: \$5,333.35

Any additional or new equipment purchased will be added to this contract at the customer's request.

As warranties expire, the service agreement price per until will increase once the customer is notified.

For any equipment not covered on this service contract, P&R's normal time and material rates will apply.

Service hours on equipment covered in this contract is 24x7, except for non-infrastructure equipment which will be covered Monday-Friday, 8 a.m. to 5 p.m.

CUSTOMER

P&R COMMUNICATIONS SERVICE, INC.

By:

By: *Katie Ward*

Print Name:

Print Name: Katie Ward

Title:

Title: CEO

Date:

Date: 02/26/2021

ORDINANCE 22-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A "FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT" WITH T-MOBILE CENTRAL LLC, TO MODIFY AND AMEND CERTAIN PROVISIONS OF THE ORIGINAL LEASE.

WHEREAS, T-Mobile Central LLC, a Delaware limited liability company ("Tenant"), successor-in-interest to Bright Personal Communications Services, LLC has previously entered into a Water Tower Lease Agreement with the City of Celina ("Owner") (Collectively the "Parties") dated December 4, 2007 (the "Lease") for leased premises (the "Site") located at 503 Summit Street, Celina OH 45822 (the "Property"); and

WHEREAS, the City of Celina and T-Mobile Central LLC, desire to enter into this First Amendment in order to modify and amend the certain provisions of the Lease reflected in the attached **Exhibit "A"** which is fully-incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio:

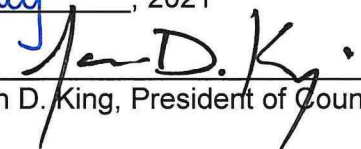
SECTION ONE

THAT, the Safety Service Director be and hereby is authorized to enter into the First Amendment to Water Tower Lease Agreement on behalf of the City of Celina with T-Mobile Central LLC in substantially the same form as that attached hereto as "Exhibit A", modifying the provisions contained in **Exhibit "A"**, with all other provisions from the original lease remaining in full force and effect, and to take all further actions to effectuate the intent of Council.

SECTION TWO

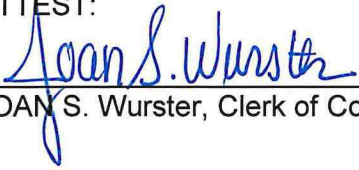
NOW, THEREFORE, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 24th day of May, 2021



Jason D. King, President of Council

ATTEST:



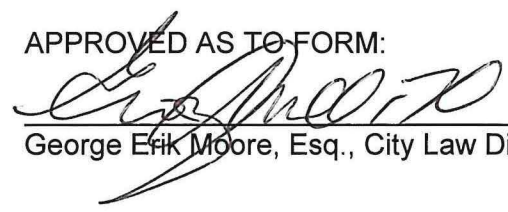
JOAN S. Wurster, Clerk of Council

APPROVED May 24, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT

THIS FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT ("First Amendment") is made and entered into on _____, 2021 ("Effective Date"), by and between City of Celina, an Ohio municipal corporation ("Owner"), and T-Mobile Central LLC, a Delaware limited liability company ("Tenant"), successor-in-interest to Bright Personal Communications Services, LLC (Collectively the "Parties").

Recitals

The Parties hereto recite, declare and agree as follows:

A. Owner and Tenant entered into a WATER TOWER LEASE AGREEMENT, dated December 4, 2007 (the "Lease") for leased premises (the "Site") located at 503 Summit Street, Celina, OH 45822 (the "Property").

B. Owner and Tenant desire to enter into this First Amendment in order to modify and amend certain provisions of the Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Tenant covenant and agree as follows:

1. Owner Consent. Owner hereby grants Tenant the right and consents to Tenant's ~~5' x 6' (30 sq. ft.)~~ temporary expansion of the Site from 80 sq. ft. to 94.5 sq. ft. for the installation of two (2) additional ground cabinets along with the replacement of all existing antennas, remote radio units, cables and junction boxes on top of the water tank as described and depicted in on Exhibit "A", which is attached hereto and by this reference incorporated herein, which equipment shall be considered part of the "Site" under the Lease. The expansion of the Site is a temporary measure and Tenant agrees to remove equipment eliminating the need for the expansion of the Site or relocate to a new area agreed to by the parties within one year after the Effective Date of this Amendment.

2. Rent and Costs. The Rent that Tenant pays Owner will be increased by \$0.00 Zero Dollars per month as of thirty (30) days from the date of commencement of construction for the modification of the Site. Thereafter, Rent shall be payable in accordance with the terms of the Lease. Notwithstanding the foregoing or anything to the contrary contained in the Lease, further additions, upgrades or modifications to the Site shall not require Owner consent or an increase in Rent or the payment of any other additional charges or fees. The parties hereby agree that, as of the date of this First Amendment, there are no payment obligations of Tenant under the Lease, including but not limited to the payment of Rent, or other costs or fees, that are overdue; and that any future charges payable under the Lease by Tenant shall be billed by Owner to Tenant within twelve (12) months from the date the charges were incurred or due; otherwise the charges shall be deemed time-barred, waived and released by Owner .

3. Tenant's Notice Address. Tenant's notice addresses in the Lease are deleted in their entirety and replaced with the following:

If to Tenant:

T-Mobile USA, Inc.
12920 S.E. 38th Street
Bellevue, WA 98006
Attn.: Lease Compliance
Site No. CI16904A Celina OH Water Tank

4. Owner Obligations. Notwithstanding anything to the contrary contained in the Lease, Owner shall be responsible, at its sole cost and expense, for maintaining all portions of the Property in good order and condition and in compliance with all applicable laws, including without limitation, the roof, any support structure owned by Owner, HVAC, plumbing, elevators, landscaping and common areas.

5. Assignment. The Lease is hereby modified such that Section 5 is deleted in its entirety and replaced with the following:

~~Owner~~ While acknowledging that Owner has the absolute right and ability to transfer/sell the Property, ~~Owner~~ shall have the right to assign and transfer this Lease only to a successor owner of the Property. Only upon Tenant's receipt of written verification of a sale, or transfer of the Property shall Owner be relieved of all liabilities and obligations and Tenant shall look solely to the new Owner for performance under this Lease. Owner shall not attempt to assign, or otherwise transfer this Lease separate from a transfer of ownership of the Property (the "Severance Transaction"), without the prior written consent of Tenant, which consent may be withheld or conditioned in Tenant's sole discretion. If Tenant consents to a Severance Transaction, Owner and its successors and assigns shall remain jointly and severally responsible for the performance of all duties and obligations of the Owner under this Lease. Subject to Tenant's consent as required above, however, if a Severance Transaction occurs, Owner and its successors and assigns shall remain responsible for the performance of all of the on-going duties and obligations of the Owner under this Lease, including, without limitation, any provisions relating to the furnishing of access or utilities and neither Owner nor its assignee or any Rent payee shall suffer or permit any interference with Tenant's rights or operations of the Antenna Facilities. A Severance Transaction shall not modify the terms of this Lease in any way.

6. Terms: Conflicts. The terms and conditions of the Lease are incorporated herein by this reference, and capitalized terms used in this First Amendment shall have the same meanings such terms are given in the Lease. Except as specifically set forth herein, this First Amendment shall in no way modify, alter or amend the remaining terms of the Lease, all of which are ratified by the parties and shall remain in full force and effect. To the extent there is any conflict between the terms and conditions of the Lease and this First Amendment, the terms and conditions of this First Amendment will govern and control.

7. Approvals. Owner represents and warrants to Tenant that the consent or approval of no third party, including, without limitation, a lender, is required with respect to the execution of this First Amendment, or if any such third party consent or approval is required, Owner has obtained any and all such consents or approvals.

8. Authorization. The persons who have executed this First Amendment represent and warrant that they are duly authorized to execute this First Amendment in their individual or representative capacity as indicated.

IN WITNESS WHEREOF, the Parties have executed this First Amendment on the day and year first written above.

Owner :
City of Celina, an Ohio municipal corporation

Tenant:
T-Mobile Central LLC, a Delaware limited liability company

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A

(insert site plan drawing here)

ORDINANCE 23-21-O

**AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN
ORDINANCE 32-20-0 AS THE SIXTH SUPPLEMENT TO THE 2021
ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.**

WHEREAS, the Personnel Consultants account has insufficient funds appropriated and additional funds must be appropriated to pay for consulting attorney services; and

WHEREAS, the dedicated server for the Celina Police Department suffered a catastrophic failure and must be immediately replaced.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **General Fund:**

Personnel Consultants (110.190.5230)	\$5,445.00
--------------------------------------	------------

Appropriate from unappropriated balance **Electric Fund:**

Elec Adm/Gen Personnel Consultants (661.190.5230)	\$5,280.00
---	------------

Appropriate from unappropriated balance **Water Fund:**

Water Adm/Gen Personnel Consultants (663.190.5230)	\$2,887.50
--	------------

Appropriate from unappropriated balance **Waste Water Fund:**

WW Sys Adm/Gen Personnel Consultants (666.190.5230)	\$2,887.50
---	------------

Appropriate from unappropriated balance of **Police Capital Fund:**

Police Capital Fund (361.210.5550)	\$50,000.00
------------------------------------	-------------

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations to pay consulting attorney service expense and the extreme need for the police server to be upgraded. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 20th day of April, 2021

Jason D. King
Jason D. King, President of Council

ATTEST:

Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED April 20, 2021
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore
George Erik Moore, Esq., City Law Director

ORDINANCE 24-21-O

AN ORDINANCE APPROVING A RE-PLAT OF THE GRAND LAKE INDUSTRIAL PARK, AND DECLARING AN EMERGENCY.

WHEREAS, a re-plat for The Grand Lake Industrial Park, has been presented to the City of Celina for final approval, a copy of which is collectively attached as Exhibit A-1, A-2, A-3, and A-4 and fully incorporated herein; and

WHEREAS, the City Planning Commission met on April 22, 2021, and recommends to Council approval of said plat.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the City Council of the City of Celina, does hereby approve the re-plat for The Grand Lake Industrial Park as shown on Exhibits A-1, A-2, A-3, and A-4, and accepts the dedication of easements and rights-of-way shown on said plat.

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to allow the development of this site at the earliest date possible. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 26th day of April, 2021.

J. D. King
Jason D. King, President of Council

ATTEST:

Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED April 26, 2021
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore
George Erik Moore, Esq, City Law Director

PORTION OF BRAUN DRIVE VACATION PLAT OF THE GRAND LAKE INDUSTRIAL PARK

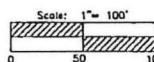
LOCATED IN THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION THIRTY-THREE 33, TOWN 5 SOUTH, RANGE 3 EAST, JEFFERSON TOWNSHIP CITY OF CELINA, MERCER COUNTY, OHIO

LEGEND

- IRON PIN FOUND
- 5/8" DIA. X 30" IRON PIN SET
- * GIN SPINDLE FOUND
- ⊗ MAG NAIL FOUND

BASIS OF BEARINGS

BASIS OF BEARINGS FROM THE MERCER COUNTY LOCAL COORDINATE DATUM.



CURVE TABLE					
CURVE NUMBER	RADIUS	DELTA	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	450.00'	20°59'26"	164.86'	163.94'	S 78°19'39" E
C2	550.00'	05°42'05"	54.73'	54.71'	S 70°40'59" E
C3	550.00'	15°17'21"	146.76'	146.33'	N 81°10'42" W
C4	550.00'	20°59'26"	201.49'	200.37'	S 78°19'39" E

PLANNING COMMISSION CERTIFICATE
WE HEREBY CERTIFY THAT THE PLAT HAS BEEN FOUND TO COMPLY WITH THE STANDARDS OF THE PLANNING COMMISSION, CITY OF CELINA, OHIO. APPROVED THIS ___ DAY OF _____, 2021.

CHAIRMAN _____
SECRETARY _____

VACATION KNOWN ALL MEN BY THESE PRESENTS;
THAT THE UNDERSIGNED OWNER OF THE LAND EMBRACED TO THIS PLAT DO CERTIFY THAT THE SAID PLAT IS A TRUE REPRESENTATION OF THE SAME AND THAT WE VACATE PART OF THE THE STREET APPEARING HEREON TO THE USE OF THE PUBLIC FOREVER.

CITY OF CELINA _____ DATE _____

REFERENCES:

RE-PLAT OF THE GRAND LAKE INDUSTRIAL PARK
INSTRUMENT #201000003616

ALL DEEDS AS REFERENCED

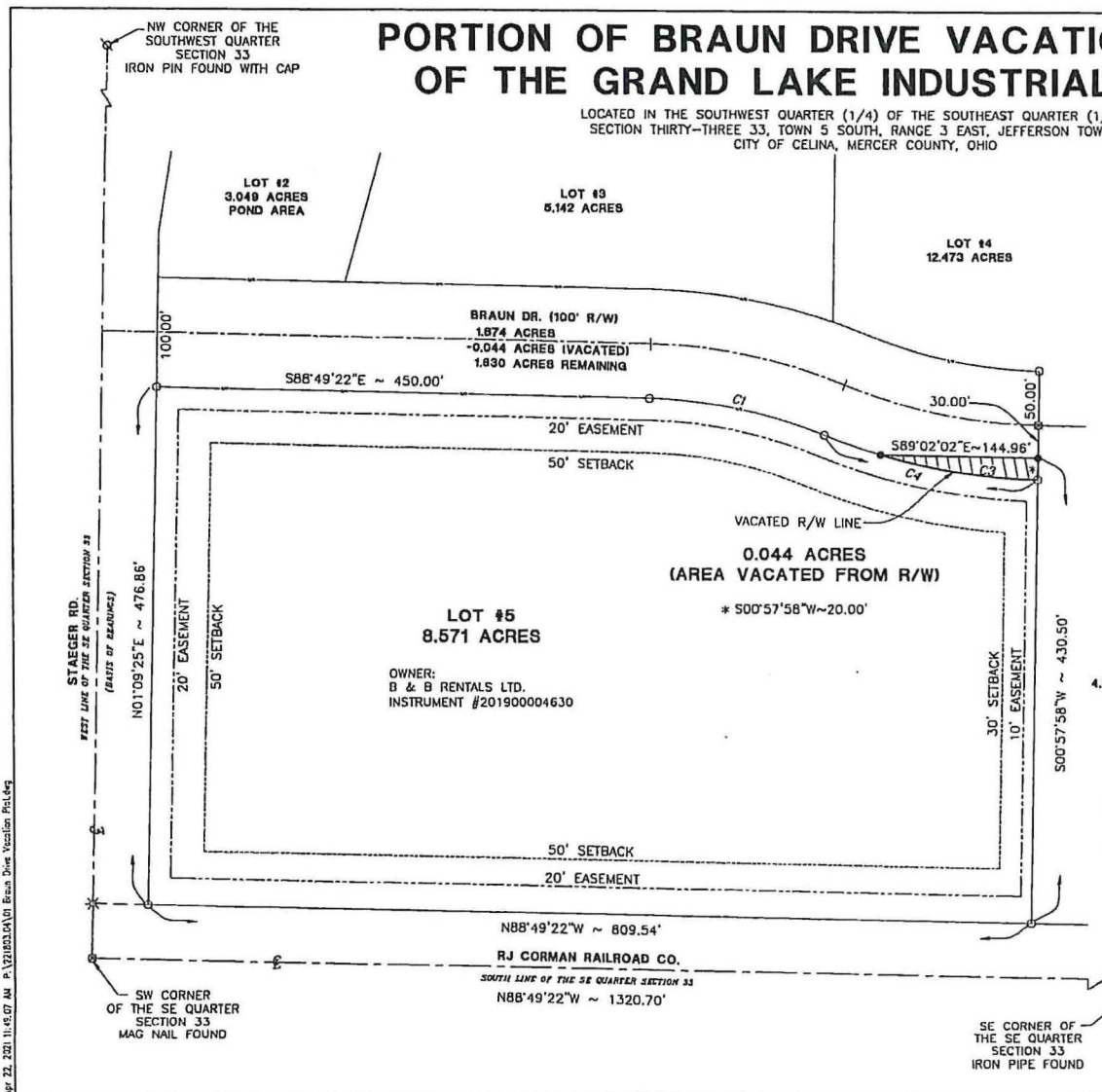
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE BY CRAIG W. MESCHER REGISTERED SURVEYOR NO. 8237, APRIL OF 2021. MONUMENTATION TO BE SET AS SHOWN ON THE PLAT.

CRAIG W. MESCHER
PROFESSIONAL SURVEYOR #8237



ACCESS
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Apr. 21, 2021 11:45:07 AM P:\22100000\01\ Braun Drive Vacation Plat.dwg



**Description for
Parcel A
(Partial Braun Drive Vacation)
0.044 Acres**

Being part of Braun Drive as shown on the Re-Plat of the Grand Lake Industrial Park as recorded by Instrument Number 20100003616 and located in the Southwest Quarter of the Southeast Quarter of Section 33, Town 5 South, Range 3 East, Jefferson Township, City of Celina, Mercer County, Ohio, being more particularly described as follows:

Commencing at an Iron Pin Found at the Northeast Corner of Lot 5 and the Southeast Right-of-Way Corner of Braun Drive and the **TRUE POINT OF BEGINNING**;

Thence along the North line of Lot 5 and South Right-of-Way Line of Braun Drive, on a curve to the right with a radius of 550.00', a delta angle of 15°17'21", an arc distance of 146.76', and chord bearing North 81°10'42" West, 146.33' to a 5/8"x30" Iron Pin Set;

Thence South 89°02'02" East a distance of one hundred forty-four and ninety-six hundredths feet (144.96') to a 5/8"x30" Iron Pin Set on the East Right-of-Way Line of Braun Drive;

Thence South 00°57'58" West along the East Right-of-Way Line of Braun Drive, a distance of twenty and zero hundredths feet (20.00') to the **TRUE POINT OF BEGINNING**, containing **0.044 Acres** of land more or less.

Said tract being subject to all highways and any other easements or restrictions of record.

Previous Deed Reference: Instrument Number 20100003616

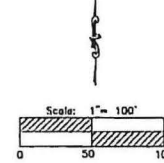
Description based on a survey by Craig W. Mescher Registered Surveyor No. 8237 in April of 2021 and is on file with the Mercer County Engineers Office.

PARCEL A OF THE GRAND LAKE INDUSTRIAL PARK

LOCATED IN THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION THIRTY-THREE 33, TOWN 5 SOUTH, RANGE 3 EAST, JEFFERSON TOWNSHIP CITY OF CELINA, MERCER COUNTY, OHIO

LEGEND

- IRON PIN FOUND
- 5/8" DIA. X 30" IRON PIN SET
- * GIN SPINDLE FOUND
- ⊗ MAG NAIL FOUND



BASIS OF BEARINGS

BASIS OF BEARINGS FROM THE MERCER COUNTY LOCAL COORDINATE DATUM.

CURVE TABLE

CURVE NUMBER	RADIUS	DELTA	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	450.00'	20°59'26"	164.86'	163.94'	S 78°19'39" E
C2	550.00'	05°42'05"	54.73'	54.71'	S 70°40'59" E
C3	550.00'	15°17'21"	146.76'	146.33'	N 81°10'42" W
C4	550.00'	20°59'26"	201.49'	200.37'	S 78°19'39" E

VACATION

KNOWN ALL MEN BY THESE PRESENTS; THAT THE UNDERSIGNED OWNER OF THE LAND ENBRACED TO THIS PLAT DO CERTIFY THAT THE SAID PLAT IS A TRUE REPRESENTATION OF THE SAME AND THAT WE VACATE PART OF THE STREET APPEARING HEREON TO THE USE OF THE PUBLIC FOREVER.

CITY OF CELINA _____ DATE _____

REFERENCES:

RE-PLAT OF THE GRAND LAKE INDUSTRIAL PARK INSTRUMENT #201000003616
ALL DEEDS AS REFERENCED

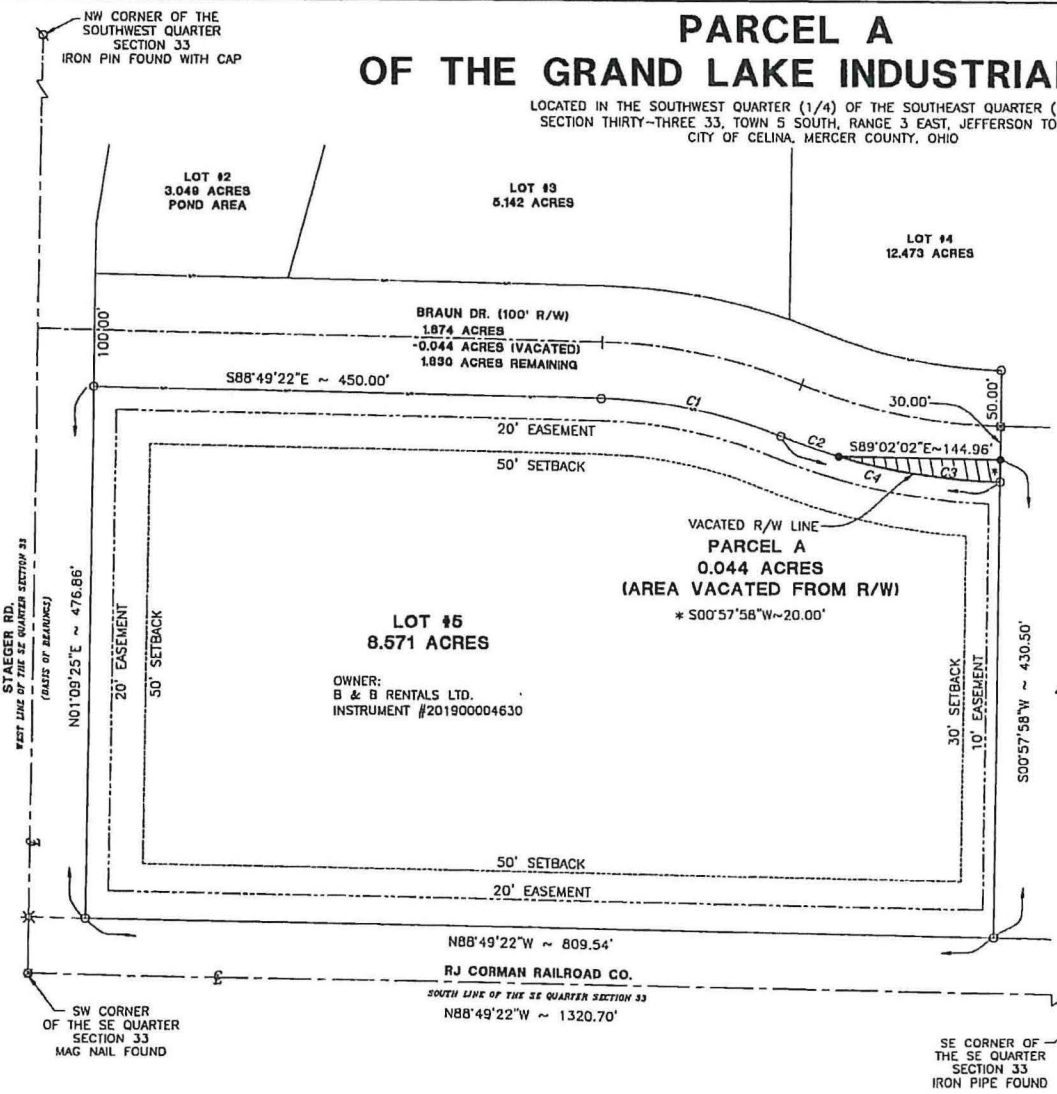
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE BY CRAIG W. MESCHER REGISTERED SURVEYOR NO. 8237, APRIL OF 2021. MONUMENTATION TO BE SET AS SHOWN ON THE PLAT.

CRAIG W. MESCHER
PROFESSIONAL SURVEYOR #8237



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Apr. 22, 2021 11:55:33 AM P:\21000000\Parcel A File\cra

REPLAT OF LOT #5 OF THE RE-PLAT OF THE GRAND LAKE INDUSTRIAL PARK

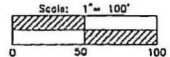
LOCATED IN THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION THIRTY-THREE 33, TOWN 5 SOUTH, RANGE 3 EAST, JEFFERSON TOWNSHIP CITY OF CELINA, MERCER COUNTY, OHIO

LEGEND

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BASIS OF BEARINGS

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C2	550.00'	05°42'05"	54.73'	54.71'	S 70°40'59" E

PLANNING COMMISSION CERTIFICATE
WE HEREBY CERTIFY THAT THE PLAT HAS BEEN FOUND TO COMPLY WITH THE STANDARDS OF THE PLANNING COMMISSION, CITY OF CELINA, OHIO. APPROVED THIS ___ DAY OF ___, 2021.

CHAIRMAN _____
SECRETARY _____

REFERENCES:
RE-PLAT OF THE GRAND LAKE INDUSTRIAL PARK INSTRUMENT #201000003516
ALL DEEDS AS REFERENCED

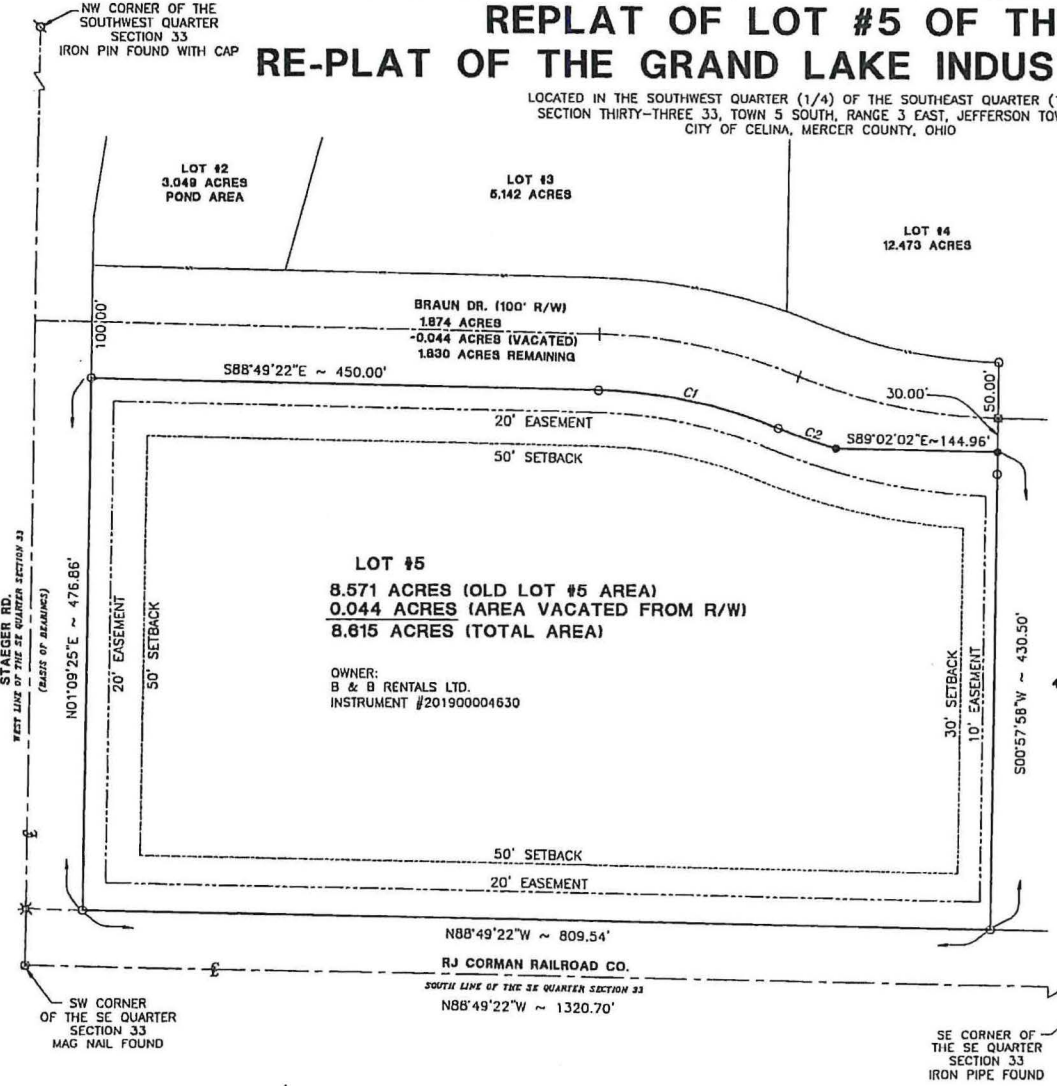
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE BY CRAIG W. MESCHER REGISTERED SURVEYOR NO. 8237, APRIL OF 2021. MONUMENTATION TO BE SET AS SHOWN ON THE PLAT.

CRAIG W. MESCHER
PROFESSIONAL SURVEYOR #8237



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Apr 22, 2021 11:52:07 AM P:\27\FIELD\2020\Replat of Lot 5 Grand Industrial Park.dwg

ORDINANCE 25-21-O

AN ORDINANCE APPROVING THE FORFEITURE OF REAL ESTATE COMMONLY KNOWN AS 130 HAMILTON STREET, CELINA, OHIO, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code § 5723.01 empowers a municipal corporation to acquire by forfeiture certain tracts of land and town lot, which, pursuant to foreclosure proceedings under, *inter alia*, § 5721.18 of the Revised Code, have been advertised and offered for sale on two separate occasions, not less than two weeks apart, and not sold for want of bidders; and

WHEREAS, the premises commonly known as 130 Hamilton Street, Celina, Mercer County, Ohio, and which is more-formally described in “In the Matter of: Foreclosure of Liens for Delinquent Taxes by Action In Rem Pursuant to O.R.C. § 5721.18(B), Dave Wolters, Treasurer of Mercer County, Ohio, Plaintiff, v. Parcels of Land Encumbered with Delinquent Tax Liens, and Sean Rice, et. al., Defendants” case number 19-CIV-086 in the Mercer County Court of Common Pleas (hereinafter the “premises”) is subject to the forfeiture of property statutory provision under § 5723.01 with the premises being forfeited to the City of Celina in the event that the City of Celina elects and requests of the Mercer County Court of Common Pleas to have the premises so forfeited to the City of Celina; and

WHEREAS, in the event that the City of Celina elects and chooses to have the premises so forfeited to the City of Celina, all of the right, title, claim, and interest of the former owner will be transferred to and be vested in the City of Celina, with the City of Celina taking the premises subject to all taxes and assessments (including any and all outstanding and future amounts of taxes and assessments); additionally, the court costs of 19-CIV-086 shall be paid by the City of Celina as part of the dispositional Order of the Court; and

WHEREAS, the current amount of outstanding taxes and assessments pertaining to the premises pro-rated to May 5, 2021 is Eight Thousand Seven Hundred Seventy-six and 05/100 Dollars (\$8,776.05), and the “court costs” in said litigation as of May 6, 2021 is Two Thousand Five Hundred Eighty-Eight and 47/100 Dollars (\$2,588.47); and

WHEREAS, the Celina City Council expressly finds and declares that said real estate would be beneficial for governmental purposes of the City of Celina; and

WHEREAS, there are sufficient funds remaining in the Contingency Fund, appropriated by City Council through Ordinance 32-20-0 which was passed on December 21, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, City Council hereby approves the City of Celina acquiring all of the right, title, claim, and interest of the former owner of the premises described hereinabove, with the City of Celina taking the premises by forfeiture as described above subject to all taxes and assessments associated with the premises (including any and all outstanding and future amounts of taxes and assessments); additionally, the court costs of 19-CIV-086 shall be paid by the City of Celina.

SECTION TWO

THAT, the Celina City Council expressly finds and declares that said real estate would be beneficial for governmental purposes of the City of Celina.

SECTION THREE

THAT, the Law Director is hereby authorized to take any and all actions and sign any and all documents necessary to effectuate the intent of Council including notifying the Mercer County Court of Common Pleas that the City desires to have the premises so forfeited to the City of Celina under the terms and conditions as set forth within this legislation; and that the Mayor and Safety-Service Director and/or their designee(s) are hereby authorized to take any and all actions and sign any and all documents necessary to effectuate the intent of Council.

SECTION FOUR

THAT, the Auditor is hereby authorized to draw warrants in an amount not to exceed \$20,000 from the Contingency Fund for the purpose of effectuating the intent of Council, including paying all outstanding taxes and assessments, as well as the court costs associated with 19-CIV-086.

SECTION FIVE

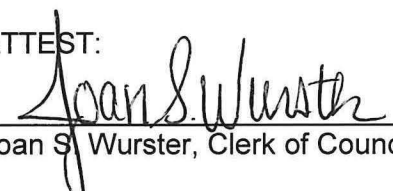
THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the fact that the Court would prefer to know the City of Celina's intentions by the next-scheduled hearing in 19-CIV-086, which is scheduled for June 30, 2021. NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 14th day of June, 2021



Jason D. King, President of Council

ATTEST:



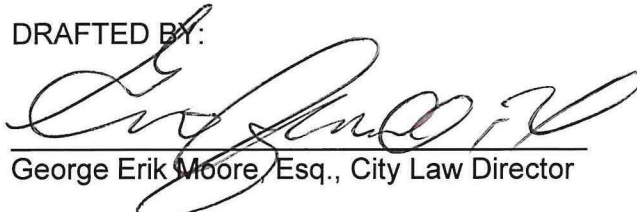
Joan S. Wurster, Clerk of Council

APPROVED June 14, 2021



Jeffrey S. Hazel, Mayor

DRAFTED BY:



George Erik Moore, Esq., City Law Director

ORDINANCE 26-21-O

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF CELINA AND SMALL TOWN PRIDE FOR THE LEASE OF THE BRYSON PARK DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina, Ohio (hereinafter "City") is committed to the promotion of community activities and use of its public parks; and

WHEREAS, Small Town Pride "Celina Pride" (hereinafter "Committee") is holding a one-day non-alcohol festival event to promote equality for all people at the Bryson Park District to enjoy live music along with food vendors and crafts for sale during the event; and

WHEREAS, a written lease with the City is necessary for the Committee to reserve exclusive use of the park area for their scheduled event; and

WHEREAS, the City finds cooperation with the Committee's request to be reasonable and necessary to assist in facilitating the entertainment and coordination of activities and encourage community participation in the event.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio:

SECTION ONE

THAT, the Mayor and Safety Service Director is hereby authorized from year to year to enter into a Lease Agreement with Small Town Pride in the amount of One Dollar (\$1.00) per annum plus the current rental fee for the use of the Amphitheater and other valuable considerations for use of the City's Bryson Park District during the Small Town Pride "Celina Pride" event in a form substantially similar to the Lease Agreement which is attached hereto as Exhibit A and incorporated herein referenced.

SECTION TWO

THAT, Council declares this to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that a lease is required as soon as possible to facilitate Small Town Pride coordination of entertainment and activities on June 26, 2021. NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 14th day of June, 2021

Jason King, President of Council

ATTEST: Joan S. Wurster, Clerk of Council

APPROVED June 14, 2021 Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM: George Erik Moore, Esq., City Law Director

FESTIVAL LEASE AGREEMENT

THIS AGREEMENT is made and entered into on this ____ day of _____, 2021, by and between the **City of Celina**, a municipal corporation, of 225 N. Main Street, Celina, Ohio 45822 (hereinafter "Lessor") and **Small Town Pride**, whose mailing address is 3505 State Route 703, Celina, Ohio 45822 (hereinafter "Lessee").

WITNESSETH:

WHEREAS, Lessee conducts an annual non-alcohol festival event, open to the general public, to promote equality for all people and enjoy other activities and entertainment; and

WHEREAS both parties have agreed that it is best to enter into an agreement to preserve the right of Lessee to utilize Lessor's park property for scheduled festival activities; and

WHEREAS, in the spirit of community betterment, this agreement shall be for the use of the park property during the Small Town Pride "Celina Pride", June 26, 2021, for the sum of One Dollar (\$1.00) per annum plus the current rental fee for the use of the Amphitheater and other good and valuable consideration.

NOW, THEREFORE, in consideration of the mutual promises hereinafter contained, IT IS AGREED AS FOLLOWS:

1. Description of Premises: Lessor agrees that Lessee shall have exclusive use of the following premises for a one-day non-alcohol festival event as follows:

See attached map which is attached hereto and labeled as "Exhibit 2" which is fully incorporated herein by reference.

Together with all buildings, improvements, structures, rights, privileges, easements and appurtenances thereto belonging, in their current condition (hereinafter referred to as "the premises".)

2. Fixtures: The premises shall include all items presently attached or appurtenant to the real property described above or used in the operation thereof.

3. Terms: The cost to lease the property and facilities described in number 1 and 2 above shall be One Dollar (\$1.00) per annum plus the current rental fee for the use of the Amphitheater and shall be paid on or by June 1, 2021.

4.. Possession: Lessee shall have the right to exclusive possession of the premises 24 hours prior to and 24 hours after any scheduled festival event. Lessee bears the responsibility of notifying Lessor's Park's and Public Work's Department of the festival activities at least ninety (90) days in advance so as to avoid conflicts in scheduling.

5. Duration: This agreement shall be effective immediately, and shall be perpetual in nature; provided, however, that the same shall be subject to review on an annual basis. Either

party may terminate this agreement upon providing ninety (90) days written notice to the other party hereto of their intent to do the same.

6. Maintenance: Lessor shall remain responsible for all maintenance to the premises, including, but not limited to, refuse disposal, lawn care, and facility repair. Further Lessor shall remain responsible for all utilities utilized on the premises. Lessee shall be responsible for clean-up and disposal of trash, debris and structures resulting directly from the festival event.

7. Insurance, Waiver, Hold Harmless and Indemnifications: Lessee represents that it presently has in place and in force a policy of adequate and proper insurance covering the premises. Further, Lessee acknowledges that it has read and voluntarily executed the "Waiver of Liability/ Release of Claims" which is attached hereto and labeled as "Exhibit 1", which is fully incorporated herein by reference.

This Agreement shall be governed by the laws of the State of Ohio and shall not be assignable by either party without the written consent of the other.

IN WITNESS WHEREOF the parties have executed this Agreement on the date first above written.

The City of Celina, Ohio by:

Witness -

Jeffrey S. Hazel, Mayor

Witness -

Thomas J. Hitchcock, P.E.,
Safety Service Director

Small Town Pride by:

Witness -

Jules Morrison, Vice President

Approved as to Form:

George Erik Moore, Esq.
Celina Law Director

Waiver of Liability / Release of Claims

I/we, being desirous of entering into a "Festival Lease Agreement" with the City of Celina, Ohio for the exclusive use of certain real property within the City of Celina, Ohio (describe activity), hereinafter known as the "activity", for myself/ourselves and for my/our assigns, agents, representatives, servants, successors, heirs, executors, administrators, insurers, directors, officers, managers, employees, shareholders, trusts, trustees, agents, and any and all other persons, firms, corporations, parent companies, subsidiaries, associations, partners, and partnerships, **hereby knowingly and freely and voluntarily assume all such risks** associated with the use of / participation in / engagement in the activity with the City of Celina, Ohio (hereinafter "Celina", with such term herein encompassing but not limited to the City of Celina, Ohio itself, as well as Celina's owners, officers, employees, agents, assigns and successors, agents, representatives, servants, heirs, executors, administrators, insurers, directors, officers, managers, employees, shareholders, trusts, trustees, agents, and any and all other persons, firms, corporations, parent companies, subsidiaries, associations, partners, and partnerships).

It is further expressly agreed and understood that Celina **shall not be liable for any injuries (including personal) or any damage** to any person and/or entity, or to the property of any such individual and/or entity, or be subject to any claim, demand, injury or damages whatsoever, **including** without any limitation, those **damages resulting from acts or active or passive negligence on the part of Celina**. I/we, for himself/herself/ourselves and on behalf of his/her/their executors, administrators, heirs, assigns and successors, **does hereby expressly forever release and discharge Celina from all such claims, demands, injuries, damages, actions or causes of action.**

It is further understood that only individuals/entities who have executed a Waiver of Liability / Release of Claims are permitted to use / participate in / engage in the activity with Celina, and that the undersigned shall ensure that any prospective user / prospective participant complete all paperwork required, from time to time, by Celina associated with such use / participation; such responsibility to ensure said paperwork is completed and properly submitted to Celina lies solely with any such person/entity who has extended such an invitation to any other person/entity; **any person/entity who has invited any other person/entity to so use / participate in the activity hereby agrees to be held liable, whether individually and/or jointly and severally with any such individual, entity, or otherwise, for any and all damages associated with their failure to so comply with the provisions set forth within this paragraph, and further agrees to indemnify, defend and hold harmless Celina from any and all claims, demands, injuries and/or damages whatsoever flowing therefrom and/or associated therewith, and agrees to pay the attorney fees of any such person/entity associated in any manner with defending any such claims.**

This document prepared by:
George E. Moore, Esq.
Celina City Law Directory
Ohio Attorney no. 0082391
Indiana Attorney no. 27604-38
225 N. Main Street
Celina, Ohio 45822
(567) 890-4141 (Tel)
CelinaLawDirector@gmail.com

Signature

Date

Witness

Date

ORDINANCE 27-21-O

AN ORDINANCE ACCEPTING A DONATION FROM CELINA ANIMAL HOSPITAL, INC. TO THE CELINA PARK AND RECREATION DEPARTMENT FOR THE BRYSON PARK DISTRICT TO ADD SHELTER HOUSES, CONCESSION AND RESTROOM FACILITIES AND APPROPRIATING FUNDS.

WHEREAS, Celina Animal Hospital, Inc. has offered a monetary donation of Two Thousand Five Hundred Dollars (\$2,500.00) to the Celina Park and Recreation Department for the Bryson Park District to add shelter houses, concession and restroom facilities; and

WHEREAS, the shelter houses, concession and restroom facilities will be completed this year and the funds must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of Two Thousand Five Hundred Dollars (\$2,500.00) from Celina Animal Hospital, Inc. to the Celina Park and Recreation Department for the Bryson Park District shelter houses, concession and restroom facilities.

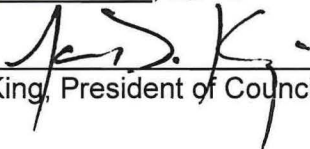
SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate Two Thousand Five Hundred Dollars (\$2,500.00) from the unappropriated balance of the Park and Recreation Fund into the Bryson Park Donations Capital (224.410.5530) account for the shelter houses, concession and restroom facilities.

SECTION THREE

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 28th day of June, 2021.




Jason D. King, President of Council

ATTEST:

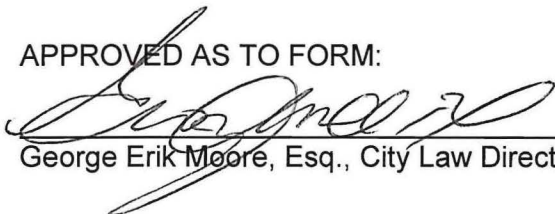


Joan S. Wurster, Clerk of Council

APPROVED June 28, 2021.


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 28-21-O

AN ORDINANCE ACCEPTING A DONATION FROM RALPH E. HECHT, D.V.M. AND SUSAN J. HECHT TO THE CELINA PARK AND RECREATION DEPARTMENT FOR THE BRYSON PARK DISTRICT TO ADD SHELTER HOUSES, CONCESSION AND RESTROOM FACILITIES AND APPROPRIATING FUNDS.

WHEREAS, Ralph E. Hecht, D.V.M. and Susan J. Hecht have offered a monetary donation of One Thousand Five Hundred Dollars (\$1,500.00) to the Celina Park and Recreation Department for the Bryson Park District to add shelter houses, concession and restroom facilities; and

WHEREAS, the shelter houses, concession and restroom facilities will be completed this year and the funds must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of One Thousand Five Hundred Dollars (\$1,500.00) from Ralph E. Hecht D.V.M. and Susan J. Hecht to the Celina Park and Recreation Department for the Bryson Park District shelter houses, concession and restroom facilities.

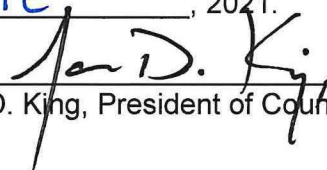
SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate One Thousand Five Hundred Dollars (\$1,500.00) from the unappropriated balance of the Park and Recreation Fund into the Bryson Park Donations Capital (224.410.5530) account for the shelter houses, concession and restroom facilities.

SECTION THREE

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 28th day of June, 2021.




Jason D. King, President of Council

ATTEST:

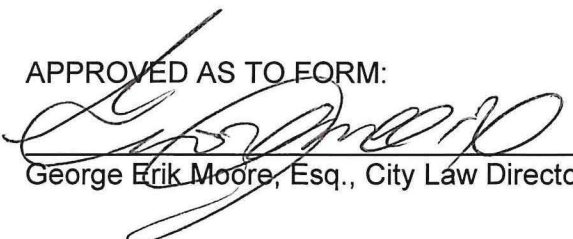


Joan S. Wurster, Clerk of Council

APPROVED June 28, 2021.


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 29-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO AWARD THE ELECTRIC STORAGE BUILDING PROJECT TO ARCON BUILDERS, APPROPRIATE FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Celina Electric Department has determined the need to construct a 7,200 square foot storage building; and

WHEREAS, the City of Celina has received five bids, which is attached hereto as Exhibit A, for the construction of a 7,200 square foot stick frame storage building with metal exterior wall and roof panels, and metal interior ceiling panels. The building will have a concrete foundation, concrete floor and a 1'-10" high concrete curb wall; and

WEREAS, Arcon Builders has the lowest and best bid amount of Three Hundred Thirty-Nine Thousand Seven Hundred Eighty Dollars (\$339,780.00).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Safety-Service Director is authorized to award the Electric Storage Building Project to Arcon Builder for the construction of a 7,200 square foot storage building for the Celina Electric Department and the Safety-Service Director is further authorized to sign all documents and take all actions necessary to effectuate the intent of Council.

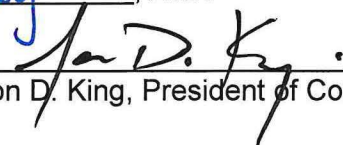
SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate Three Hundred Thirty-Nine Thousand Seven Hundred Eighty Dollars (\$339,780.00) from unappropriated balance of the Electric Fund into the Electric Distribution Capital Building and Grounds (661.622.5540) account for the construction of the Electric Storage Building.

SECTION THREE

THAT, this Ordinance shall be declared an emergency measure for the preservation of the public health, safety, and welfare, and for the further reason that the construction of the electric storage building can be done at the earliest date possible. NOW, therefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 24th day of May, 2021



Jason D. King, President of Council

ATTEST:



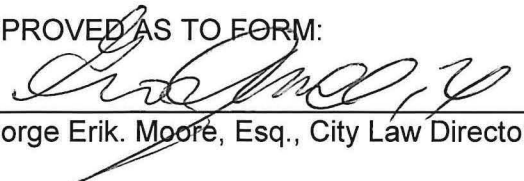
Joan S. Wurster, Clerk of Council

APPROVED May 24, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director



BID OPENING

PROJECT: Storage Building
City of Celina
220803.02B

DATE: May 13, 2021
TIME: 11:00 A.M.
ENGINEER'S ESTIMATE: \$475,000

No.	Name of Contractor	Location	Bid Bond	Lump Sum Bid Price
1	Heyne Construction	Minster, OH	X	\$373,600.00
2	Muhlenkamp Building	Coldwater, OH	X	\$367,599.00
3	Westerheide Construction	Sidney, OH	X	\$398,300.00
4	Precise Pile Driving, Inc.	Fort Recovery, OH	X	\$343,000.00
5	Arcon Builders	Arcanum, OH	X	\$339,780.00
6	Oshcon LLC	Greenville, OH		No Bid
7	R.G. Zachrich Construction	Greenville, OH		No Bid
8				
9				
10				

ORDINANCE 30-21-O

**AN ORDINANCE ACCEPTING AN ANONYMOUS DONATION TO THE
CELINA PARK AND RECREATION DEPARTMENT FOR THE BRYSON
DISTRICT PARK TO ADD EIGHT PARK BENCHES AND
APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.**

WHEREAS, this anonymous donation of Eleven Thousand Seventy-Four Dollars (\$11,074.00) to the Celina Park and Recreation Department for the Bryson District Park to add eight park benches and funds must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of Eleven Thousand Seventy-Four Dollars (\$11,074.00) to the Celina Park and Recreation Department for the Bryson District Park to add eight park benches.

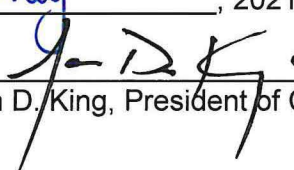
SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate Eleven Thousand Seventy-Four Dollars (\$11,074.00) from the unappropriated balance of the Park and Recreation Fund into the Bryson Park Donations Capital (224.410.5530) account for said park benches.

SECTION THREE

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to expedite the purchase of said park benches. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 24th day of May, 2021.



Jason D. King, President of Council

ATTEST:



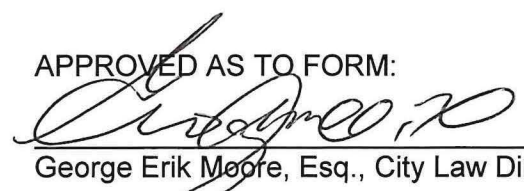
Joan S. Wurster, Clerk of Council

APPROVED May 24, 2021.



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 31-21-O

AN ORDINANCE AUTHORIZING THE JUDGE OF THE CELINA MUNICIPAL COURT TO ACCEPT A GRANT FROM THE SUPREME COURT OF OHIO FOR "THE TECHNOLOGY GRANT FUND" TO FUND A SECURITY PROJECT FOR THE CELINA MUNICIPAL COURT TO IMPROVE COURT SECURITY, TO ESTABLISH AND APPROPRIATE FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the Celina Municipal Court applied for the Technology Grant Funds through the Supreme Court of Ohio, for the purchase of improved court security equipment; and

WHEREAS, City Council passed Resolution 5-21-R on February 8, 2021 authorizing the Judge of the Celina Municipal Court to apply for said grant; and

WEREAS, the Supreme Court of Ohio has notified the Judge of the Celina Municipal Court on May 18, 2021 that Project #922 in the amount of Forty-One Thousand Four Hundred Sixty-Eight Dollars (\$41,468.00) has been awarded to the court.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Celina City Council hereby accepts The Technology Grant Fund Project #922 in the amount of Forty-One Thousand Four Hundred Sixty-Eight Dollars (\$41,468.00) and directs the City Auditor to establish a fund called "2021 Technology Grant Fund" for the purpose of accounting for the receipt and expenditure of said funds.

SECTION TWO

THAT, the amount of Forty-One Thousand Four Hundred Sixty-Eight Dollars (\$41,468.00) be appropriated from the unappropriated balance in the 2021 Technology Grant Fund, and that the Auditor is hereby authorized to draw warrants for payment of project for said fund.

SECTION THREE

THAT, the Celina Municipal Court Judge be and is hereby authorized to hire a licensed contractor to perform the necessary work to complete the Celina Municipal Court improved court security project.

SECTION FOUR

THAT, the Celina Municipal Court Judge is hereby authorized to accept the proposal to enter into necessary agreements for the Celina Municipal Court improved court security project.

SECTION FIVE

NOW, therefore this Ordinance shall be declared an emergency measure for the preservation of the public health, safety, and welfare, and for the further reason for the Celina Municipal Court improved court security project to be completed at the earliest date possible. NOW, therefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 24th day of May, 2021

J.D.K.
Jason D. King, President of Council

ATTEST:

Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED May 24th, 2021

J.S. Hazel
Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore, Esq.
George Erik Moore, Esq., City Law Director

ORDINANCE 32-21-O

AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN
ORDINANCE 32-20-0 AS THE SEVENTH SUPPLEMENT TO THE 2021
ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Electric Distribution Capital Equipment account has additional funds appropriated that will not be needed this year and the Electric Distribution Contract Engineer Fees account does not have sufficient funds appropriated; and

WHEREAS, funds from the Electric Distribution Capital Equipment account needs to be moved to the Electric Distribution Contract Engineer Fees account.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Unappropriate from the Appropriated balance **Electric Fund:**

Elec Dist Capital Equip (661.622.5510) \$100,000.00

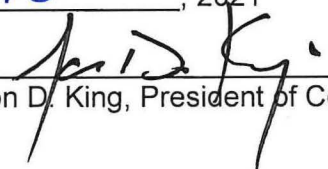
Appropriate from unappropriated balance **Electric Fund:**

Elec Dist Contract Engineer Fees (661.622.5230) \$100,000.00

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 28th day of June, 2021




Jason D. King, President of Council

ATTEST:

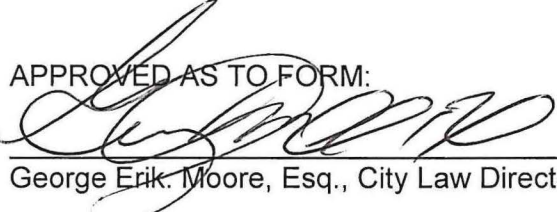


Joan S. Wurster, Clerk of Council

APPROVED June 28, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 33-21-O

AN ORDINANCE ESTABLISHING RATES FOR ELECTRIC ENERGY SALES AND CONSUMPTION WITHIN THE CELINA ELECTRIC UTILITY SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 26-17-O established the current electric rate schedule and it is in need of revision to meet the changing electric market and favorable rates; and

WHEREAS, the City of Celina contracted with Sawvel Associates to undertake a "Cost of Service" study of Celina's Electric Utility and design a rate schedule based on this study; and

WHEREAS, committees of City Council have met and reviewed the proposed electric rate design and resulting schedules.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio to-wit:

SECTION ONE

THAT, for the purpose of placing into effect the provisions of this Ordinance, the following electric rates (Section 3) along with the Energy Acquisition Adjustment (*EAA*) (Section 4) and the Excise Kilowatt-hour Tax Adjustment (Section 5), shall be placed in effect with the first bill due in the month of October 2021 for the September 2021 usage.

SECTION TWO

THAT, all electric rates, Ordinances, or parts of Ordinances in conflict with this Ordinance herewith are hereby repealed. The validity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

SECTION THREE

THAT, the users of Celina's Electric Utility shall be billed and collected from at the following rate schedules by Customer Rate Class and subject to the adjustments as defined in Sections Four and Five:

RATE 1 RESIDENTIAL

Availability: All residential Customers using general service inside the city's incorporated area (Urban) and outside (Rural) served through a single delivery point and measured through a single meter.

Character of Service: Single-phase, alternating current at standard secondary voltage as designated by the Utility.

Monthly Bill:

Urban:

Customer Charge (\$/Month): 16.00

Energy Charge (\$kWh): 0.09500

Rural:

Customer Charge (\$/Month): 17.00

Energy Charge (\$kWh): 0.10000

Aggregated bills will be charged a customer charge for each unique service.

Applicable Rate Adjustments: This rate shall be subject to Riders A and B. If a customer installs behind-the-meter renewable or cogeneration facilities, this rate shall also be subject to Rider C or Rider D.

**RATE 2
SMALL COMMERCIAL SERVICE**

Availability: Any non-residential Customers, urban and rural, with a monthly peak less than or equal to 50 kW. Includes use of electric for commercial residential services such as trailer courts or apartments (where not metered individually), supplied to one location of the customer's premises.

Character of Service: Single-phase or three-phase, alternating current at standard secondary voltage as designated by the Utility.

Monthly Bill:

Urban:

Non-Demand

Customer Charge (\$/Month): 30.00

Energy Charge (\$/kW): 0.09200

Demand

Customer Charge (\$/Month): 45.00

Demand Charge (\$/kW): 14.00

Energy Charge (\$/kWh): 0.04100

Rural:

Non-Demand

Customer Charge (\$/Month): 32.00

Energy Charge (\$kWh): 0.09700

Demand

Customer Charge (\$/Month): 48.00

Demand Charge (\$/kW): 14.70

Energy Charge (\$/kWh): 0.04300

Aggregated bills will be charged a customer charge for each unique service. Demand and energy charges shall be calculated for each unique service prior to bill aggregation.

Minimum Bill: Minimum charge per month equals Customer Charge plus Demand Charge for Demand customers.

Determination of Billing Demand: The billing demand shall be based on the maximum kilowatts supplied as measured by a demand meter and the greater of:

1. Maximum 30-minute integrated demand ascertained in kilowatts by instruments suitable for this purpose for the current month, or
2. 60% of the largest demand measured during the preceding 11 months.

Applicable Rate Adjustments: This rate shall be subject to Riders A and B. If a customer installs behind-the-meter renewable or cogeneration facilities, this rate shall also be subject to Rider C or Rider D.

RATE 3

LARGE COMMERCIAL SERVICE

Availability: Available to any non-residential Customers, urban and rural, with a monthly peak demand equal to or less than 200 kW. This rate is intended for customers supplied at one location primarily for business use. Each service point is demand metered on the secondary side of the transformer.

Character of Service: Single-phase or three-phase, alternating current at standard secondary voltage as designated by the Utility.

Urban:

Customer Charge (\$/Month): 150.00

Demand Charge (\$/kW): 14.50

Energy Charge (\$/kWh): 0.03800

Rural:

Customer Charge (\$/Month): 158.00

Demand Charge (\$/kW): 15.50

Energy Charge (\$/kWh): 0.04100

Aggregated bills will be charged a customer charge for each unique service. Demand and energy charges shall be calculated for each unique service prior to bill aggregation.

Minimum Bill: Minimum charge per month equals Customer Charge plus Demand Charge.

Determination of Billing Demand: The billing demand shall be based on the maximum kilowatts supplied as measured by a demand meter and the greater of:

1. Maximum 30-minute integrated demand ascertained in kilowatts by instruments suitable for this purpose for the current month, or
2. 50 Kw, or
3. 60% of the largest demand measured during the preceding 11 months.

Credit For Transformer Ownership: Customers metered at a primary voltage who own, operate and maintain all transforming, controlling, regulating and protective equipment will be given an ownership credit of \$0.35 per kW applicable to the monthly billing demand.

Metering Adjustment: If a customer has primary service and is metered at secondary voltage, metered kWh and kW will be increased by 1% for billing purposes.

Applicable Rate Adjustments: This rate shall be subject to Riders A and B. If a customer installs behind-the-meter renewable or cogeneration facilities, this rate shall also be subject to Rider C or Rider D.

RATE 4 LARGE POWER SECONDARY SERVICE

Availability: Large commercial Customers and industrial Customers, urban and rural, who use electric at secondary voltage at one location on the customer's premises and with monthly peak demands that are equal to, or greater than, 200 kW and do not exceed 2,000 kW. Each service point is demand metered on the secondary side of the transformer at one location on the Customer's premises.

Character of Service: Three-phase, alternating current at standard secondary voltage as designated by the Utility.

Monthly Bill:

Urban:

Customer Charge (\$/Month): 400.00

Demand Charge (\$/Kw): 18.00

Energy Charge (\$/kWh): 0.03700

Rural:

Customer Charge (\$/Month): 420.00

Demand Charge (\$/Kw): 19.00

Energy Charge (\$/kWh): 0.03900

Aggregated bills will be charged a customer charge for each unique service. Demand and energy charge shall be calculated for each unique service prior to bill aggregation.

Minimum Bill: Minimum charge per month equals Customer Charge plus Demand Charge.

Determination of Billing Demand: The billing demand shall be based on the maximum kilowatts supplied as measured by a demand meter and the greater of:

1. Maximum 30-minute integrated demand ascertained in kilowatts by instruments suitable for this purpose for the current month, or
2. 200 kW, or
3. 60% of the largest demand measured during the preceding 11 months.

Power Factor Correction: The service supplied by the Utility should be taken by the Customer preferably at an average power factor of not less than 95% lagging. If the service is taken at an average power factor of less than 95% lagging, the maximum demand for billing purposes shall be corrected in accordance with the following formula:

$$\text{Billing Demand} = \frac{\text{Maximum Demand} \times 0.95}{\text{Average Monthly Power Factor less than 95\%}}$$

A power factor correction will not be applied for power factors at 95% or greater. The Average Power Factor for the month shall be determined by computation from the registration of a watt-hour meter, and a reactive volt-ampere-hour meter, by dividing the registration of the watt-hour meter by the square root of the sum of the square of the registration of the watt-hour meter and the square of the registration of the reactive volt-ampere-hour meter.

Credit for Transformer Ownership: Customers metered at a primary voltage who own, operate and maintain all transforming, controlling, regulating and protective equipment will be given a discount credit of \$0.35 per kW applicable to the monthly billing demand.

Metering Adjustments: If a Customer has primary service and metered at secondary voltage, metered kWh and kW will be increased by 1% for billing purposes.

Applicable Rate Adjustments: This rate shall be subject to Riders A and B. If a customer installs behind-the-meter renewable or cogeneration facilities, this rate shall also be subject to Rider C or Rider D.

RATE 5 LARGE POWER PRIMARY SERVICE

Availability: Available to all electric customers, urban and rural, with monthly peak demands equal to, or greater than, 200 kW per month supplied at one location on the customer's premises.

Character of Service: Three-phase, alternating current at standard primary voltage as designated by the Utility.

Monthly Bill:

Urban:

Customer Charge (\$/Month): 500.00

Demand Charge (\$/Kw): 18.00

Energy Charge (\$/kWh): 0.03300

Rural:

Customer Charge (\$/Month): 525.00

Demand Charge (\$/Kw): 19.00

Energy Charge (\$/kWh): 0.03500

Aggregated bills will be charged a customer charge for each unique service. Demand and energy charges shall be calculated for each unique service prior to bill aggregation.

Minimum Bill: Minimum charge per month equals Customer Charge plus Demand Charge.

Determination of Billing Demand: The billing demand shall be based on the maximum kilowatts supplied as measured by a demand meter and the greater of:

1. Maximum 30-minute integrated demand ascertained in kilowatts by instruments suitable for this purpose for the current month, or
2. 500 kW, or
3. 60% of the largest demand measured during the preceding 11 months.

Power Factor Correction: The service supplied by the Utility should be taken by the Customer preferably at an average power factor of not less than 95% lagging. If the service is taken at an average power factor of less than 95% lagging, the maximum demand for billing purposes shall be corrected in accordance with the following formula:

$$\text{Billing Demand} = \frac{\text{Maximum Demand} \times 0.95}{\text{Average Monthly Power Factor less than 95\%}}$$

A power factor correction will not be applied for power factors at 95% or greater. The Average Power Factor for the month shall be determined by computation from the registration of a watt-hour meter, and a reactive volt-ampere-hour meter, by dividing the registration of the watt-hour meter by the square root of the sum of the square of the registration of the watt-hour meter and the square of the registration of the reactive volt-ampere-hour meter.

Credit For Transformer Ownership: Customers metered at a primary voltage who own, operate and maintain all transforming, controlling, regulating and protective equipment will be given a discount credit of \$0.35 per kW applicable to the monthly billing demand.

Metering Adjustment: If a Customer has primary service and metered at secondary voltage, metered kWh and kW will be increased by 1% for billing purposes.

Applicable Rate Adjustments: This rate shall be subject to Riders A and B. If a customer installs behind-the-meter renewable or cogeneration facilities, this rate shall also be subject to Rider C or Rider D.

RATE 7 INDUSTRIAL SUBSTATION SERVICE

Availability: Available to any large industrial customers, urban and rural, who receive their power directly from the secondary side of a substation step-down transformer power supply in an existing substation and without primary distribution feeders.

Character of Service: Three-phase, alternating current at standard secondary voltage as designated by the Utility.

Monthly Bill:

Urban:

Customer Charge (\$/Month): 750.00

Demand Charge (\$/Kw): 21.00

Energy Charge (\$/kWh): 0.02500

Rural:

Customer Charge (\$/Month): 800.00

Demand Charge (\$/Kw): 22.00

Energy Charge (\$/kWh): 0.02600

Aggregated bills will be charged a customer charge for each unique service. Demand and energy charges shall be calculated for each unique service prior to bill aggregation.

Minimum Bill: Minimum charge per month equals Customer Charge plus Demand Charge.

Determination of Billing Demand: The billing demand shall be based on the maximum kilowatts supplied as measured by a demand meter and the greater of:

1. Maximum 30-minute integrated demand ascertained in kilowatts by instruments suitable for this purpose for the current month, or
2. 1000 kW, or
3. 60% of the largest demand measured during the preceding 11 months.

Power Factor Correction: The service supplied by the Utility should be taken by the Customer preferably at an average power factor of not less than 95% lagging. If the service is taken at an average power factor of less than 95% lagging, the maximum demand for billing purposes shall be corrected in accordance with the following formula:

$$\text{Billing Demand} = \frac{\text{Maximum Demand} \times 0.95}{\text{Average Monthly Power Factor less than 95\%}}$$

A power factor correction will not be applied for power factors at 95% or greater. The Average Power Factor for the month shall be determined by computation from the registration of a watt-hour meter, and a reactive volt-ampere-hour meter, by dividing the registration of the watt-hour meter by the square root of the sum of the square of the registration of the watt-hour meter and the square of the registration of the reactive volt-ampere-hour meter.

Applicable Rate Adjustments: This rate shall be subject to Riders A and B. If a customer installs behind-the-meter renewable or cogeneration facilities, this rate shall also be subject to Rider C or Rider D.

SECTION FOUR

SECURITY LIGHT SERVICE

Availability: Available to customers where Utility's standard outdoor lighting unit can be installed on Utility's existing pole and does not require any extension or addition to Utility's existing secondary or primary distribution facilities, including transformer. Any relocation of a lighting unit shall be at customer's expense.

Where additional facilities are required, the customer shall pay, in advance, the total installation cost for the additional distribution facilities (poles, wires, transformer, and appurtenances) as are required. In all cases, the lighting fixture itself, including lamp, will be installed, owned, operated, and maintained by Utility.

This service is available only where there is reasonable assurance that the service to be furnished will be permanent. Utility reserves the right to refuse to furnish such service when, in Utility's opinion, the installation will not be of permanent character.

All applications for Outdoor Security Lighting Service shall be on a 12-month year-round service basis. Where the premises are occupied by a tenant, Utility reserves the right to require the Application for Service to be made by the property owner with bills to be sent to the premises to the attention of the

tenant. However, the property owner shall be responsible for the payment of the bills.

Character of Service: The Utility will install, own, operate, and maintain, at its expense, the necessary mast arm mounted lighting unit and related appurtenances. The lighting unit shall be an LED luminaire, photo-electric or otherwise controlled so as to provide substantially dusk-to-dawn year-round operation per year.

Rates for New Service:

60 Watt LED:	\$8.00
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Rates for Existing Service:

60 Watt LED:	\$8.00
175 Watt Mercury Vapor:	\$8.00
150 Watt Sodium Vapor:	\$8.00
175 Watt Mercury Vapor 6 Lights:	\$48.00

Advance Payment: When determined by Utility that Customer's regular service is seasonal or non-permanent in character, Utility reserves the right to require 12 months advance payment before service is established and, thereafter, to require similar advance payments prior to the commencement of each succeeding 12 months of service.

SECTION FIVE

ENERGY ACQUISITION ADJUSTMENT (EAA)

The Energy Acquisition Adjustment set forth herein shall apply to the Electric Utility's Rate Schedules. The rates and charges set forth in the Rate Schedules include purchase power, fuel costs, purchase power billing adjustments, transmission costs and/or credits (including FTR/ARRs), rate levelization payments or credits and any costs associated with the design, planning and development of potential power supply facilities or resources.

The Base Power Cost included in the Utility's Electric Rate Schedules is \$0.07621 per kWh.

Every February and July, or more frequently if conditions warrant, the Utility shall determine the Energy Acquisition Adjustment, applicable to all bills rendered during the succeeding six months or other period as determined by the Utility and shall be as follows:

The Utility shall recover through the EAA the Power Cost Component (PCC) plus the Reconciliation

Adjustment (RA).

The formula for calculating the EAA shall be expressed as follows:

$$EAA = PCC + RA \dots\dots\dots(1)$$

Where:

- PCC: **Power Cost Component** as determined below, expressed in dollars per kWh.
- RA: **Reconciliation Adjustment** as determined below, expressed in dollars per kWh

The Utility shall recover through the PCC the Power Cost Component to be incurred during the succeeding six months or other period as determined by the Utility.

The formula for calculating the PCC shall be expressed as follows:

$$PCC = \frac{PPC}{PES} - BPC \dots\dots\dots(2)$$

Where:

- PPC: **Projected Power Costs** for the succeeding six months or other period as determined by the Utility, expressed in dollars.
- PES: **Projected Energy Sales** which shall be equal to the projected billing kWh for the succeeding six months or other period as determined by the Utility.
- BPC: **Base Power Cost** reflected in the rate schedules of \$0.07621 per kWh.

The Utility shall, through the RA, either:

1. Recover the Actual Power Costs, incurred during the prior six months or other period as determined by the Utility, which were in excess of the Power Costs collected during that same period; or
2. Refund the Power Costs, collected during the prior six months or other period as determined by the Utility, which were in excess of the Actual Power Costs incurred during that same period.

The formula for calculating the RA shall be expressed as follows:

$$RA = \frac{APC - PCR}{PES} \dots\dots\dots(3)$$

Where:

- APC: **Actual Power Cost** which incurred during the prior six months expressed in dollars calculated in a manner consistent with the PPC for that period plus the previous reconciliation amount.
- PCR: **Power Cost Revenue** which shall be equal to the

revenue billed during the prior six months or other period as determined by the Utility under the EAA and the base power cost (BPC) included in the base rates, expressed in dollars.

PES: **Projected Energy Sales** which shall be equal to the projected billing kWh for the succeeding six months or other period as determined by the Utility.

SECTION SIX

EXCISE KILOWATT-HOUR TAX ADJUSTMENT

The Excise Kilowatt-hour Tax Adjustment (kWh Tax) set forth herein shall apply to the Utility's Electric Rate Schedules. The applicable adjustment shall be added to the total amount billed to the customer under the applicable electric rate schedule. The kWh tax rate shall apply to the total kWh-sales billed to the customer for the current meter reading period.

The kWh tax is imposed on the City's electric distribution system under Ohio Revised Code §5727.81 and any adjustments or amendments thereto.

The following kWh tax charge is to be applied to the kWh on the customer's bill:

First 2,000 kWh at	\$0.00465	per kWh
2001-15,000 kWh at	\$0.00419	per kWh
All over 15,000 kWh	\$0.00363	per kWh

SECTION SEVEN

RENEWABLE PARALLEL GENERATION RIDER

Applicable: Applicable to City of Celina Electric (Utility) approved photovoltaic (solar) renewable Generation Facility connected in parallel operation to the Utility's Electric Distribution System in accordance with the Interconnection Standards, Interconnection Agreement and Utility Rules and Regulations and not certified as a Qualifying Facility as defined under Section 210 of the Public Utility Regulatory Policies Act (PURPA) of 1978. Customers served under this Rider must also take service under the applicable retail rate tariff under which the customer would otherwise be served, absent the customer-owned solar renewable Generation Facility.

Customer's solar renewable Generation Facility in kW_{AC} shall not exceed Customer's average monthly demand when historical demand (kW) meter readings are available for the previous 12-month period starting January 1 and ending December 31, or 250 kW, whichever is less. If historical demand meter readings are unavailable, a Customer's average monthly demand shall be calculated

by using said Customer's historical annual energy usage in kWh divided by 8,760 hours and then divided by 25%.

This rider is not applicable to temporary, shared, or resale service. This rider is applicable to service supplied at one point of delivery. This Rider is not applicable to any customer-owned solar Generation Facilities that include a combination of solar facilities and synchronous generators not used for emergency purposes.

Availability: This Rider applies to customer-owned solar renewable Generation Facilities with a design capacity of 250 kW_{AC} or less. The kW_{AC} capacity limitation shall include the kW_{AC} per hour output of any battery storage, if any. The Qualifying Facility tariff shall apply to any customer-owned solar Generation Facilities greater than 250 kW_{AC}. This Rider is limited to the lesser of; (1) total aggregate participation of Utility approved customer-owned renewable generation totaling 2,500 kW_{AC} (2) 5% of the Utility's previous year peak demand (kW) (3) the total aggregate when including the total Utility approved customer-owned behind-the-meter generation and Utility's own generation may cause reverse-power flow at the Utility's 69 kV interconnection points.

Sales to Customer: Sales to Customer shall be electricity delivered to Customer from Utility measured by a single bidirectional electric meter or meters capable of recording the flow of electricity in each direction. Sales to a Customer-owned solar renewable Generation Facility shall be consistent with the applicable retail rate tariff established by the Utility and in use by the Customer as if there were no Customer-owned solar Generation Facility.

Credit for Excess Generation from a Customer – Owned Generation Facility: Compensation of Excess Generation (kWh), as defined in the Interconnection Standards for Installation and Parallel Operation of Customer-Owned Renewable Electric Generation Facilities, from an approved Customer-owned solar renewable Generation Facility shall be at the rate listed. The credit rate is to be reviewed from time to time and adjusted as deemed necessary by the electric Utility. The Customer shall be required to enter into an Interconnection Agreement with the Utility to operate in parallel with Electric Distribution System.

The Customer shall be credited at the following rate for Excess Generation.

Solar Credit Rate (per kWh received): \$0.054/kWh

Wind Credit Rate (per kWh received): \$0.028/kWh

Billing: The billing period for excess energy from Customer solar Generation Facility shall be consistent with the billing period for Sales to Customer in accordance with Utility General Rules and Regulations. The Utility shall prepare an accounting of the excess energy (kWh) and associated credit (\$) for Excess Generation during each billing period and shall net the customer credit (\$) for Excess Generation on the applicable billing period. Should Customer's bill for the billing period be less than the minimum bill, the Customer's credit (\$) shall be credited to the next billing period. Customer credit (\$) shall be carried forward month to month. Customer shall not receive credit for any remaining accumulated credit balance (\$), if any, for Excess Generation at the end of a 12-month billing period, starting January 1 and ending December 1. In the event Customer discontinues taking service from the electric Utility the monetary credit balance, if any, will be set to zero if not used by Customer.

Utility shall credit Customer the Credit Rate for the quantity delivered to the utility approved Interconnection Point within each billing period. No credit to Customer will be accounted for until an Interconnection Agreement with Customer has been approved by Utility.

There shall be no "net metering" for customer-owned solar Generation Facilities. Net metering is defined as measuring the difference between the electricity supplied by the Utility and the electricity generated by the Customer's Generation Facility and delivered to the Utility Electric Distribution System over the operable time period. The Utility does not buy the electricity produced from the customer-owned solar Generation Facilities. A monetary credit is calculated and applied to the current bill, with any remaining credit carried forward to the next billing period. Customer will not receive compensation for any remaining accumulated credit (\$) at the end of a 12-month billing period, starting January 1 and ending December 1.

Utility is not obligated to make payments to Customer for energy delivered to Utility should Customer fail to meet the requirements of the Interconnection Standards, Interconnection Agreement or become delinquent for payments due to the City or Utility or not in good standing with the Utility or City codes and ordinances.

Metering: Electricity measured under this Rider shall be measured by suitable metering equipment approved by the Utility. The cost of such metering equipment and any necessary programming or reprogramming of an existing meter shall be at the expense of the Customer. Utility

shall maintain ownership of metering equipment. Customer may install his/her own meter in addition to the Utility equipment at Customer's expense.

Local Facility Charges: Customer is obligated to pay a monthly Local Facilities Charge to recover unavoidable costs incurred by the Utility in providing service to Customers receiving distribution service, such as, but not limited to distribution system maintenance, service transformers, debt service, capital improvements, etc. Customers applicable to this Rider shall be billed the following charges in addition to all charges indicated on Customer's existing retail rate tariff.

Local Facilities Charge: The Local Facilities Charge shall apply to the lesser of the Generation Facility Capacity (kW_{AC}) including storage capacity or the total Inverter Power Rating (kW_{AC}).

Residential Service:

Solar: \$2.50/kW_{AC} of Generation Facility Capacity per month

Wind: \$6.50/kW_{AC} of Generation Facility Capacity per month

Small Commercial Non-Demand Service:

Solar: \$2.00/kW_{AC} of Generation Facility Capacity per month

Wind: \$6.00/kW_{AC} of Generation Facility Capacity per month

Contracts: An Interconnection Agreement between the Customer and the Utility shall be required in all cases. There shall be no "grandfathering" pertaining to tariff or rider rates applicable to Customers operating Utility approved customer-owned Generation Facilities unless approved by Utility.

SECTION EIGHT

QUALIFYING FACILITY SERVICE (COGENERATION AND/OR SMALL POWER PRODUCTION)

Availability: This schedule is available to Customers with cogeneration and/or small power production facilities (Qualifying Facility) which qualify under Section 210 of the Public Utility Regulatory Policies Act (PURPA) of 1978. Such facilities shall be designed to operate properly in parallel with the Utility's electric system without adversely affecting the operation of equipment and services of the Utility and its Customers, and without presenting safety hazards to the Utility and Customer personnel.

Under the PURPA found at 16 U.S.C. § U.S.C. §824a-3(a) and the rules of the Federal Energy Regulatory Commission (FERC), a Qualifying Facility (QF) includes:

(1) A small power production facility whose primary energy source is renewable (hydro, wind or solar), biomass, waste, or geothermal resources. In order to be considered a qualifying small power production facility, a facility must meet all of the requirements of 18 C.F.R. §§ 292.203(a), 292.203(c) and 292.204 for size and fuel use.

and

(2) A cogeneration facility that sequentially produces electricity and another form of useful thermal energy (such as heat or steam) in a way that is more efficient than the separate production of both forms of energy. In order to be considered a qualifying cogeneration facility, a facility must meet all of the requirements of 18 C.F.R. §§ 292.203(b) and 292.205 for operation, efficiency and use of energy output.

The provisions of this schedule, along with any interconnection agreement and the provisions of any contractual agreement entered into between the Customer and Qualifying Facility shall govern such service, as applicable. Pursuant to FERC's Order, the Utility maintains its retail sales obligation. Any backup or supplemental services needed by a Customer with a Qualifying Facility will be sold pursuant to the Utility's applicable tariff/schedule provisions.

Applicable: Applicable to any Customer that is registered with FERC as a QF and is not being served under the Utility's Renewable Parallel Generation Rider.

The Utility shall purchase energy and capacity offered by a small power production facility with a net power production capacity of five (5) megawatts (MW) or less. It is presumed that a small power production facility with a net power production capacity greater than five (5) MW has non-discriminatory access to independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy and wholesale markets for sales of capacity as administered by PJM Interconnection, L.L.C.

The Utility shall purchase energy and capacity offered by a cogeneration facility with a net power production capacity of twenty (20) megawatts (MW) or less. It is presumed that a cogeneration facility with a net power production capacity greater than twenty (20) MW has non-discriminatory access to independently administered, auction-based day ahead and real time wholesale markets

for the sale of electric energy and wholesale markets for sales of capacity as administered by PJM Interconnection, L.L.C.

This schedule is not applicable to temporary, shared, or resale service. This schedule is applicable to service supplied at one point of delivery. Service under this schedule will be furnished only on a 12-month non-seasonal basis in accordance with the following stipulations and also in accordance with Utility's General Rules and Regulations or subsequent revisions thereof. The customer has the following options under this schedule:

Option 1 - The Customer sells to the Utility the energy produced by the Customer's QF in excess of the Customer's load, and purchases from the Utility its load requirements, if any, as determined by appropriate meters located at one delivery point.

Option 2 - The Customer sells to the Utility the total energy produced by the Customer's QF, while simultaneously purchasing from the Utility its total load requirements under the applicable rate schedule, as determined by appropriate meters.

Rate Charges for Service Delivered from Utility to Customer:

Supplemental Services

Available to the Customer to supplement another source of power supply owned by the Customer which will enable either or both sources of power supply to be utilized for all or any part of the Customer's total requirements. The Utility will sell the QF its power needs over and above its generating capabilities or, at the QF's request, supply the power requirements of the QF.

Monthly rates for Utility source energy and capacity shall be in accordance with the applicable rate tariff prior to the Customer-owned QF being in operation.

Monthly charges for Supplemental Services shall apply to the Utility metered energy and demand, where applicable, served by Utility source for each billing period in accordance with Customer's applicable rate schedule prior to the Customer-owned QF being in operation.

Backup/Maintenance Services (Not applicable under Option 2)

Utility shall have standby energy and capacity, where applicable, equivalent to Customer maximum energy and capacity requirements. The monthly energy generated by the QF net

of any energy received by the Utility from the Customer-owned QF shall be charged a Backup rate as listed below for Backup/Maintenance Services:

Backup/Maintenance Rate (\$/kWh):

Backup Rate (per kWh): \$0.02676

Rates for Purchases of Energy Delivered to Utility: The following time-of-day generation energy credits or payments from the Utility to the Customer shall apply for the electrical energy delivered to the Utility:

On-Peak per kWh: \$0.03410

Off-Peak per kWh: \$0.02470

The above energy payments will be applied for energy received from QF for the period 2021 through 2023. The Utility energy payments or credits are subject to revisions from time to time as approved by the Utility.

No payment or credit will be made to Customer until an Interconnection Agreement has been approved by Utility. Utility is not obligated to make payments to Customer for energy delivered to Utility should Customer fail to meet the requirements of the Interconnection Standards, Interconnection Agreement or become delinquent for payments due to the City or Utility.

Monthly Charges Example:

- Customer Generation: 5,000 kWh
- Utility Delivered: 5,750 kWh, 30 kW (demand if applicable)
- Utility Received On-Peak: 390 kWh
- Utility Received Off-Peak: 360 kWh

Supplemental Services:

- 5,750 kWh x Applicable Rate Schedule Charges (\$/kWh)
- 5,750 kWh x Applicable Power Cost Adjustment Charge (\$/kWh)
- 30 kW x Applicable Rate Schedule Charges (\$/kW-mo.)
- Applicable Customer Charge (\$/Mo.)
- Applicable Rate Schedule provisions and Riders

Backup/Maintenance Services:

(Customer Generation (kWh) – Utility Received (kWh)) x Backup Rate
(5,000 – 750) x \$0.02541/kWh

Purchase of Utility Received

Utility Received On Peak (kWh) x On-Peak Rate (\$/kWh)

390 kWh x \$0.03410/kWh

Utility Received Off-Peak (kWh) x Off-Peak Rate (\$/kWh)

360 kWh x \$0.02470/kWh

On-Peak and Off-Peak Hours: For purpose of this provision, the on-peak billing period is defined as 7 a.m. to 11 p.m. Eastern Prevailing Time (EPT) for all weekdays, Monday through Friday. The off-peak billing period is defined 11 p.m. to 7 a.m. for all weekdays, all hours of the day on Saturdays and Sundays, and the North American Electric Reliability Corporation (NERC) recognized holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Whenever New Year's Day, Independence Day or Christmas Day occur on a Sunday, the following Monday is recognized by NERC as an observed holiday. The entire twenty-four (24) hours of such Monday will be off-peak hours. The Utility shall have the right to adjust the on-peak/off-peak time periods by giving the Customer thirty (30) day notice.

Metering: A bidirectional wireless interval meter shall be required to register the flow of electricity in both directions on an interval basis. If a QF's existing meter is not a wireless bidirectional interval meter, the Utility shall install, at the QF's expense, a wireless interval meter capable of registering the flow of electricity in both directions on an interval basis.

A meter on Customer's generator shall be required to determine the Customer-owned QF generation (kWh). The QF net generation (QF Generation (kWh) – Utility Received energy (kWh)) shall be used to determine the QF customer monthly Backup/Maintenance Service Charge.

Terms and Conditions: All QFs must operate their interconnected facilities pursuant to the operating requirements of PJM and in accordance with the Company's specifications for interconnection and parallel operation.

All QFs interconnected at the transmission level must comply with PJM policies and procedures for interconnection, including interconnection procedures for small generators.

All QFs interconnected at the distribution or transmission level must comply with the Utility's General Rules and Regulations and enter into a standard interconnection agreement with the Utility.

All QFs interconnected shall be limited so as to not put the Utility in conflict with Utility's transmission interconnection agreement or cause reverse power flow at any Utility transmission delivery point.

Contracts under this schedule shall be made for a period not less than one year.


During any system emergency, Utility may discontinue purchases from QF if such purchases would contribute to the emergency and may discontinue sales to QF if continuing to do so would contribute to the emergency.

For Customers with a QF which qualify under Section 210 of the PURPA of 1978, and which have a total design capacity greater than 1,000 kW, or can provide firm capacity, the Utility may negotiate a contract for service on an individual case basis which shall include energy payments and may include capacity payments, if appropriate.

SECTION NINE

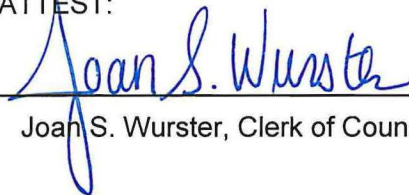
THAT, Council declares this is to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare such emergency arising out of the necessity to put the new rates in effect at the earliest date possible. Now, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 26th day of July, 2021.



Jason D. King, President of Council

ATTEST:

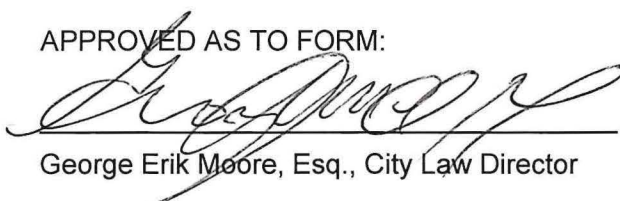


Joan S. Wurster, Clerk of Council

APPROVED July 20, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 34-21-O

AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN ORDINANCE 32-20-0 AS THE EIGHTH SUPPLEMENT TO THE 2021 ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City has updated the Insurance Policy with Stolly Insurance updating Auto, Cyber, and Inland Marine insurance coverage and additional funds now need appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **General Fund:**

General Insurance (110.190.5281) \$990.00

Appropriate from unappropriated balance **Electric Fund:**

Elec Adm/Gen General Insurance (661.624.5281) \$960.00

Appropriate from unappropriated balance **Water Fund:**

Water Adm/Gen General Insurance (663.634.5281) \$525.00

Appropriate from unappropriated balance **Waste Water Fund:**

WW Sys Adm/Gen General Insurance (666.644.5281) \$525.00

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 12th day of July, 2021

June Scott, President Pro-Tem

ATTEST: Joan S. Wurster, Clerk of Council

APPROVED July 12, 2021 Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM: George Erik. Moore, Esq., City Law Director

ORDINANCE 35-21-O

AN ORDINANCE ACCEPTING A DONATION FROM THE CELINA MOOSE LODGE #1473 FOR THE CELINA FIRE DEPARTMENT FOR IPAD PRO 11 PADS AND APPROPRIATING FUNDS.

WHEREAS, Celina Moose Lodge #1473 has offered a monetary donation of Two Thousand Dollars (\$2,000.00) to the Celina Fire Department; and

WHEREAS, the Celina Fire Department has a need to purchase iPad Pro 11 pads.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of Two Thousand Dollars (\$2,000.00) from the Celina Moose Lodge #1473 for the purchase of iPad Pro 11 pads.

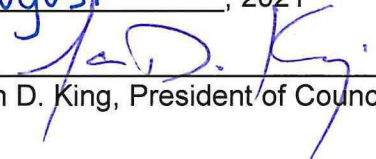
SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate Two Thousand Dollars (\$2,000.00) from the unappropriated balance of the Fire Capital Fund (360.221.5550) account for the purchase of said iPad Pro 11 pads.

SECTION THREE

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 23rd day of August, 2021




Jason D. King, President of Council

ATTEST:




Joan S. Wurster, Clerk of Council

APPROVED August 23, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 36-21-O

AN ORDINANCE AUTHORIZING THE CITY OF CELINA TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE CELINA CITY SCHOOLS FOR THE PURPOSE OF A SCHOOL RESOURCE OFFICER AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina desires to enter into an agreement with the Celina City Schools to allow for an Officer to provide duties as the School Resource Officer; and

WHEREAS, it is necessary for the City of Celina to execute a "School Resource Officer Agreement" to do so.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.


SECTION ONE

THAT, the City of Celina is hereby authorized to execute a School Resource Officer Agreement similar to the proposed School Resource Officer Agreement attached hereto and labeled as Exhibit A which is fully-incorporated herein by reference.

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity of being able to enact the position by the beginning of the school year. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 9th day of August, 2021




Jason D. King, President of Council

ATTEST:

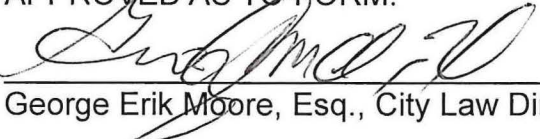


Joan S. Wurster, Clerk of Council

APPROVED August 9, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

SCHOOL RESOURCE OFFICER AGREEMENT

This Agreement is made, this _____ day of _____, 2021, by and between the School District of Celina (hereinafter the "School District"), and the City of Celina (hereinafter the "City") as follows:

WITNESSETH

WHEREAS, the City and the School District desire to set forth the specific terms and conditions of the service to be performed and provided by the School Resource Officer (SRO) in the School District.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Mission

The mission of the SRO program is to promote school safety by building a positive school climate in which everyone feels safe and students are supposed to succeed. The SRO program also seeks to reduce violent crime committed by and against youth in our community. The SRO program accomplishes this mission by supporting safe, secure, and orderly learning environments for students, teachers, and staff. The SRO will establish a trusting channel of communication with students, parents, and teachers and establish regular feedback opportunities. The role of the SRO is not to enforce school discipline or punish students. The SRO will serve as a positive role model to instill in student's good moral standards, good judgement and discretion, respect for other students, and a sincere concern for the school community. The SRO will provide information on community resources available to students and parents. Goals and objectives are designed to develop an enhance rapport between youth, families, police officers, school administrators, and the community in order to promote overall student achievement and success.

2. Cost of the SRO Program

The cost of the SRO Program shall be paid by the parties as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

3. Employment of School Resource Officer

A. The SRO shall be an employee of the City of Celina who is certified Peace Officer for the State of Ohio. The SRO is ultimately accountable to the City and shall perform duties in accordance with the administrative and operational procedures of the City; however, while at the school, the SRO will be additionally accountable to the School Superintendent or designee. The SRO's activity in the school is guided by the following procedures, and supervision and evaluation shall be provided by the School Superintendent to effectively support the SRO's efforts and monitor their progress.

- B. The SRO shall be subject to all personnel policies and practices of the City except as such policies or practices may be modified by the terms and conditions of this Agreement.
- C. The City, in its sole discretion shall have the power and authority to appoint, discharge, and discipline the SRO. The assigned SRO shall possess even temperament and set a good example for students and possess communication skills that would enable the officer to function effectively within the school environment.
- D. If the School District is dissatisfied with an SRO who has been assigned to the school, the School District may request a meeting with the Chief to remedy the situation.
- E. Preferably prior to entering service as an SRO, or no later than twelve (12) months, the officer shall complete training specifically designed for SROs.

4. SRO Responsibilities

The primary functions of the SRO are to help provide a safe and secure learning environment, foster a positive school climate, reduce/prevent crime, serve as an educational resource, and serve as a liaison between the School District and the City. Specific daily assignments to accomplish the function will vary by school. The SRO and School Superintendent or designee will meet on a regular basis to discuss plans and strategies to address specific issues or needs that may arise. As required by law, the SRO shall never be assigned to duties within schools in place of or in lieu of a certified teacher.

The SRO assigned to the School District shall:

- A. Enforce criminal law and protect students, staff, and public at large against criminal activity.
- B. Foster mutually respectful relationships with students and staff to support a positive school climate.
- C. Provide information concerning questions about law enforcement topics to students and staff.
- D. Coordinate investigative procedures between police and school administrators.
- E. Assist school administration with anyone who is causing a disruption, and assist with any criminal activities occurring on campus.
- F. Handle initial police reports of violent crimes committed on campus.

- G. Investigate criminal activity committed on or adjacent to school property.
- H. Take enforcement action on criminal matters when appropriate and inform school administrators.
- I. Perform ongoing security checks of the campus and make recommendations to the School District.
- J. Attend parent, student, and/or facility meetings when requested by the School district. (During normal business hours.)
- K. Attend school special events as needed. (During normal business hours.)
- L. Collect data on SRO activities, i.e., arrests, citations, etc.
- M. Report to assigned school campus according to the hours of duty directed by the School District in consultation with the City.
- N. If school is cancelled or delayed and the SRO is not needed at the schools, he shall report for duty at the Police Department. See *Duty Hours* below.
- O. Assist School District in developing and implementing plans and strategies to prevent and handle dangerous situations and formulating and practicing a school safety plan.
- P. Be familiar with community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, and juvenile authorities, and make referrals to such agencies when appropriate.
- Q. Keep names of students and actions taken by School District in the strictest confidence.
- R. Assist the School District with disciplinary hearings in which the SRO has knowledge of the incident and/or criminal laws that will assist in the adjudication of the matter.
- S. Participate in various programs in the school district to promote a positive relationship with students. Such as, riding buses, recess, work with DARE, speak in class rooms, facilitate career programs and other efforts to relate with students and faculty.
- T. The SRO shall not conduct any interviews with the news media concerning a school incident unless authorized by the School District and the Chief of Police.

5. Uniform

The SRO shall wear approved City department uniform or business casual uniform with appropriate logos and name badge depending on the type of school activity or program.

6. Duty Hours

- A. In the event an SRO has an unscheduled absence from SRO duties, the SRO shall notify both Police Dispatch and the School District by 0700 hours.
- B. The SRO shall notify the School District if he/she leaves their scheduled assignment.
- C. Normal hours of work for the SRO shall consist of eight (8) consecutive hours in a day and forty (40) hours per week.
- D. When school is not in session, unless otherwise requested by School administration, the SRO shall report to work at the Police Department or take holiday or vacation day.
- E. The SRO will be considered as non-replacement personnel in the event he is absent from the SRO duties for any reason.

7. Data Collection

The SRO shall submit a monthly activity report to the Superintendent of Schools and the Chief of Police by the tenth of each month. The report shall include description of activities engaged in by the SRO, including incidents, arrests / referrals to the prosecutor, or calls for service.

More detailed reports to include names of students and/or staff involved, student searches, arrests, citations and/or summons issued, and other referrals to the juvenile justice system shall be provided to the campus administration (principal) upon completion. The campus administration shall be made aware of these incidents as they happen.

8. Transporting Students

- A. It is agreed that the SRO shall not transport students except:
 - a. When the students are victims of a crime, under arrest, or some other emergency circumstances exist; or
 - b. When students are suspended and sent home from school pursuant to school disciplinary actions and if the student's parent or guardian has refused or is unable to pick-up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of others and school personnel, as determined by the SRO and School District; or
 - c. When such transportation is in line with duties as a City of Celina Police Officer.

- B. If circumstances require that the SRO transport a student, the school officials must provide a school official or employee of the same gender of the student to be transported to accompany the officer in the vehicle.
- C. All transports shall be communicated to the Police Department
- D. Students shall not be transported to any location unless it is determined that the student's parent, guardian, or custodian is at the destination to which the student is being transported. The SRO shall not transport students in their personal vehicle.

9. Role in Locker, Vehicle, Personal, and Other Searches

- A. The SRO may participate in a search of a student's person, possessions, locker, or vehicle only where there is probable cause to believe that the search will turn up evidence that the student has committed or is committing a criminal offense. The SRO will not ask a school employee to conduct a search for law enforcement purposes.
- B. Unless there is a serious and immediate threat to student, teacher, or school safety, the Superintendent of Schools in concert with the building principals shall have final authority in the building.
- C. The SRO may perform searches independent of the School District only during emergency situations and where criminal activity is suspected.
 - a. Strip searches of students by the SRO is prohibited.
 - b. Unless there is serious and immediate threat to a student, a teacher, or public safety, the SRO shall not initiate or participate in other physically invasive searches of a student.

10. Access to Education Record

- A. School officials shall allow SRO to inspect and copy any public records maintained by the school to the extent allowed by law.
- B. If some information in a student's record is needed in an emergency to protect the health or safety of the student or other individuals, school officials shall disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence.
- C. If confidential student record information is needed by an SRO, but no emergency situation exists, the information may be released only as allowed by law.

11. School District Responsibilities

The responsibilities of the School District will include, but not limited to, the following:

- A. When school personnel discover weapons, drugs, alcohol, or other illegal contraband on school property the SRO shall be notified as reasonably possible. If no juvenile or criminal charges are to be filed and no administrative action is to be taken by the School District, the contraband shall be confiscated by the SRO according to Police Department policy and properly disposed of.
- B. School personnel shall timely notify the SRO with the names of specific individuals who are not allowed on school property and shall notify the SRO of any anticipated parental problems resulting from disciplinary action taken against a student.
- C. The School District agrees to provide the SRO with a secure, private office, within one of the schools, supplied with the usual and customary office supplies, forms as well as a document scanner and printer required in performance of their duties. All I.T. must be independent and not on the school network.
- D. The School District will conduct an evaluation of the SRO and program in general on an annual basis and meet with the Chief of Police to review the evaluation and recommend changes, if any.

12. City Responsibilities

The responsibilities of the City will include, but not limited to, the following:

- A. Respond to all major criminal occurrences on school property and exercise law enforcement jurisdiction over such incidents.
- B. Assign SRO to the School District and comply with the training requirements established by this Agreement and by statute.
- C. Provide a standard patrol vehicle for the SRO and agrees to maintain such vehicle and purchase and maintain automotive insurance.

13. Termination

It is understood by the parties that the continuation of the SRO program requires the continuing and mutual consent of the City and the School District. Should either party of this Agreement elect to terminate the SRO program after a minimum of three (3) years, such party may do so, with or without cause, upon providing a ninety (90) days prior written notification.

14. This Agreement shall be governed by and in accordance with the laws of the State of Ohio.

15. This Agreement may be modified only by written instrument signed by the parties hereto.

NOW, THEREFORE, this Agreement has been agreed to by the parties as indicated by the authorized signatures below.

Ken Schmiesing
School Superintendent

Thomas Hitchcock
Safety Service Director

President, Board of Education

Tom Wale
Chief of Police

Date

George Erik Moore
City Law Director

**CONTRACT FOR THE PROVISION OF A SCHOOL RESOURCE OFFICER TO
THE CITY OF CELINA SCHOOLS BY THE CITY OF CELINA'S POLICE
DEPARTMENT**

This contract made and concluded at Celina, Ohio, this ____ day of _____, 2021, by and between the City of Celina, Ohio, hereinafter called the "CITY", and the Celina City Schools, hereinafter called the "SCHOOLS".

Witnesseth

WHEREAS, the SCHOOLS desire to have a School Resource Officer stationed at Celina High School for the 2021-2022, 2022-2023 and 2023-2024 school years; and

WHEREAS, the CITY, through its Police Department, is willing to provide a police officer to perform as a School Resource Officer;

THEREFORE, the parties agree as follows:

1. The CITY agrees to provide a City of Celina Police Officer, for the school year, beginning one (1) week prior to the start of each school year, 2021, 2022 and 2023. The CITY and SCHOOLS will be responsible for determining a schedule within those months.
2. The SCHOOLS agree to pay the CITY seventy-five percent (75%) of the School Resource Officer's total compensation and benefits for the patrolman assigned. Such compensation and benefits include wages, workers' compensation, Medicare, pension, health insurance, life insurance, and uniforms.
3. The SCHOOLS agree to reimburse the City one hundred percent (100%) of all costs associated with SRO training.
4. For the school year 2021-2022, the parties agree that the following is the correct itemization and calculation of these charges:

Wage	\$54,246	\$26.08
Workers' Compensation	\$1,058	1.95%
Medicare	\$787	1.45%
Pension	\$10,578	19.50%
Health Insurance	\$23,828	
Life Insurance	\$61	
Uniform Allowance	\$675	

TOTAL: \$91,233

SCHOOL's Cost:	75%	\$68,424.75
CITY' Cost:	25%	\$22,808.25

The terms of this contract will run from August 1, 2021, until May 31, 2024. Payments from SCHOOLS to the CITY shall be Bi-annual, first half paid on September 1, 2021, and second half paid on January 1, 2022. These charges will be adjusted on an annual basis to reflect the CITY'S actual costs.

5. CITY shall continue all liability insurance with respect to the School Resource Officer while performing duties for the SCHOOLS.
6. The parties agree that this contract shall be terminable by agreement of both parties.
7. Nothing in this contract shall, including without limitation, the insurance provisions herein before provided shall in any way serve to supersede, waive, limit, and/or otherwise effect any rights, privileges, and/or immunities afforded to any party under applicable law, including but not limited to, those contained in Chapter 2744 of Revised Code of the State of Ohio.
8. This agreement shall be governed by and in accordance with the laws of the State of Ohio.
9. This agreement may be modified only by written instrument signed by the parties hereto.

IN WITNESS WHEREOF, the parties have signed this agreement on the _____ day of _____, 2021.

THE CITY OF CELINA, OHIO

CELINA CITY SCHOOLS

By: _____
Thomas Hitchcock
Safety Service Director

By: _____
Treasurer

Approved As To Form

By: _____
George Erik Moore
City Law Director

By: _____
School Board President

ORDINANCE 37-21-O

AN ORDINANCE ACCEPTING DONATIONS FROM KLS CONSTRUCTION AND REDHAWK TO THE CITY OF CELINA PARKS FOR THE DONATION OF A FOOTBALL FIVE MAN BLOCKING SLED AND A THREE BAY COOLER TO APPROPRIATE FUNDS TO MEMO POST THESE DONATIONS AND DECLARING AN EMERGENCY.

WHEREAS, KLS Construction has offered a Football Five Man Blocking Sled a monetary donation valued at Three Thousand Two Hundred Dollars (\$3,200.00) to the City of Celina Eastview Park; and

WHEREAS, Redhawk has offered a slightly used Three Bay Cooler a monetary donation valued at Eight Hundred and Fifty Dollars (\$850.00) to the City of Celina Westview Park.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the Football Five Man Blocking Sled valued at Three Thousand Two Hundred Dollars (\$3,200.00) from KLS Construction to be used at the City of Celina Eastview Park.

SECTION TWO

THAT, the Celina City Council gratefully acknowledges and accepts the slightly used Three Bay Cooler valued at Eight Hundred and Fifty Dollars (\$850.00) from Redhawk to be used at the City of Celina Westview Park.

SECTION THREE

THAT, Celina City Council hereby directs the Auditor to appropriate the amount of Three Thousand Two Hundred Dollars (\$3,200.00) and the amount of Eight Hundred and Fifty Dollars (\$850.00) from the unappropriated balance of the Park/Recreation Fund into the Parks Capital-New (224.410.5520) account and that the Auditor is hereby authorized to memo post the valued amount of the Football Five Man Blocking Sled and the Three Bay Cooler.

SECTION FOUR

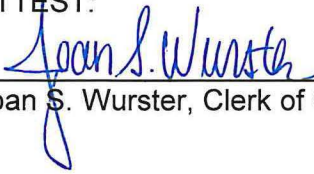
THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, and for the further reason that the City accept the Football Five Man Blocking Sled and the Three Bay Cooler and to memo post the value of these items. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 13th day of September, 2021



Jason D. King, President of Council

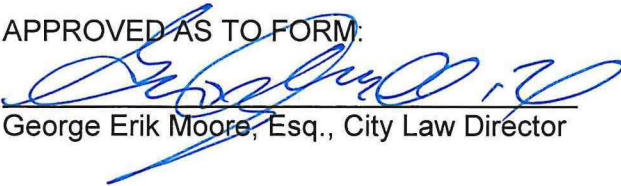
ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED September 13, 2021

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George Erik Moore, Esq., City Law Director

ORDINANCE 38-21-O

AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN ORDINANCE 32-20-0 AS THE NINTH SUPPLEMENT TO THE 2021 ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Celina Fire Department is in need of replacing the current jaws of life rescue equipment due to the pump failing and it is unrepairable; and

WHEREAS, the Celina Fire Department received a bid for a new Hurst jaws of life rescue equipment at a cost of Thirty-Four Thousand Dollars (\$34,000.00) and additional funds must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **Fire Capital Fund:**

Fire Capital Fund (360.221.5550) \$34,000.00

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 9th day of August, 2021

Jason D. King, President of Council

ATTEST:

Joan S. Wurster, Clerk of Council

APPROVED August 9, 2021 Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore, Esq., City Law Director

ORDINANCE 39-21-O

AN EMERGENCY ORDINANCE TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, an emergency Ordinance authorizing the Safety Service Director to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>; and

WHEREAS, the City of Celina, Ohio (herein “Municipality”) is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City of Celina has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council of the City of Celina understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would

promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the "Settling Distributors") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Council for the City of Celina wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the "Proposed Settlement").

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Safety-Service Director is hereby authorized to accept the Proposed Settlement on behalf of the City of Celina, pursuant to the terms of the OneOhio MOU.

SECTION TWO

THAT, it is found and determined that all formal actions of the Council relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE

THAT, this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of taking the above-described actions as soon as possible, and before the deadline of August 13, 2021. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period by law.

PASSED this 9th day of August, 2021

ATTEST:

Joan S. Wurster

Joan S. Wurster, Clerk of Council

Jason D. King
Jason D. King, President of Council

APPROVED *August 9* 2021
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

REVIEWED AND APPROVED BY:

George E. Moore
George E. Moore, City Law Director

ORDINANCE 40-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A "FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT" WITH "SPRINTCOM, INC., A KANSAS CORPORATION", TO MODIFY AND AMEND CERTAIN PROVISIONS OF THE ORIGINAL LEASE.

WHEREAS, on or about May 24, 2021 Celina City Council passed Ordinance 22-21-O, in which Council authorized the City of Celina to enter into a "First Amendment" with T-Mobile Central LLC, a Delaware limited liability company, as successor-in-interest to Bright Personal Communications Services, LLC pertaining to a "Water Tower Lease Agreement" with the City of Celina ("Owner") dated December 4, 2007 (the "Lease") for leased premises (the "Site") located at 503 Summit Street, Celina OH 45822 (the "Property"); and

WHEREAS, after passage and approval of Ordinance 22-21-O, the City of Celina was made aware from representatives/agents of T-Mobile Central LLC, a Delaware limited liability company, that the correct legal entity for the Tenant is "SprintCom, Inc. a Kansas Corporation" ("Tenant"); and

WHEREAS, it is therefore necessary for the City of Celina to enter into this First Amendment with the properly-named Tenant in order to modify and amend the certain provisions of the Lease reflected in the attached **Exhibit "A"** which is fully-incorporated herein by reference, of which City Council has previously approved in Ordinance 22-21-O.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio:

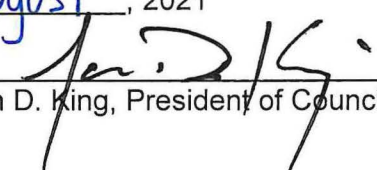
SECTION ONE

THAT, the Safety Service Director be and hereby is authorized to enter into the First Amendment to Water Tower Lease Agreement on behalf of the City of Celina with SprintCom, Inc. a Kansas Corporation in substantially the same form as that attached hereto as "Exhibit A", modifying the provisions contained in **Exhibit "A"**, with all other provisions from the original lease remaining in full force and effect, and to take all further actions to effectuate the intent of Council.

SECTION TWO

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 9th day of August, 2021




Jason D. King, President of Council

ATTEST:



JOAN S. Wurster, Clerk of Council

APPROVED August 9, 2021



Jeffrey S. Hazel, Mayor

DRAFTED BY:



George Erik Moore, Esq., City Law Director

FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT

THIS FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT (“First Amendment”) is made and entered into on _____, 2021 (“Effective Date”), by and between City of Celina, an Ohio municipal corporation (“Owner ”), and T-Mobile Central LLC, a Delaware limited liability company (“Tenant”), successor-in-interest to Bright Personal Communications Services, LLC (Collectively the “Parties”).

Recitals

The Parties hereto recite, declare and agree as follows:

A. Owner and Tenant entered into a WATER TOWER LEASE AGREEMENT, dated December 4, 2007 (the “Lease”) for leased premises (the “Site”) located at 503 Summit Street, Celina, OH 45822 (the “Property”).

B. Owner and Tenant desire to enter into this First Amendment in order to modify and amend certain provisions of the Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Tenant covenant and agree as follows:

1. Owner Consent. Owner hereby grants Tenant the right and consents to Tenant’s ~~5’ x 6’ (30 sq. ft.)~~ temporary expansion of the Site from 80 sq. ft. to 94.5 sq. ft. for the installation of two (2) additional ground cabinets along with the replacement of all existing antennas, remote radio units, cables and junction boxes on top of the water tank as described and depicted in on Exhibit “A”, which is attached hereto and by this reference incorporated herein, which equipment shall be considered part of the “Site” under the Lease. The expansion of the Site is a temporary measure and Tenant agrees to remove -equipment eliminating the need for the expansion of the Site or relocate to a new area agreed to by the parties within one year after the Effective Date of this Amendment.

2. Rent and Costs. The Rent that Tenant pays Owner will be increased by \$0.00 Zero Dollars per month as of thirty (30) days from the date of commencement of construction for the modification of the Site. Thereafter, Rent shall be payable in accordance with the terms of the Lease. Notwithstanding the foregoing or anything to the contrary contained in the Lease, further additions, upgrades or modifications to the Site shall not require Owner consent or an increase in Rent or the payment of any other additional charges or fees. The parties hereby agree that, as of the date of this First Amendment, there are no payment obligations of Tenant under the Lease, including but not limited to the payment of Rent, or other costs or fees, that are overdue; and that any future charges payable under the Lease by Tenant shall be billed by Owner to Tenant within twelve (12) months from the date the charges were incurred or due; otherwise the charges shall be deemed time-barred, waived and released by Owner .

3. Tenant’s Notice Address. Tenant’s notice addresses in the Lease are deleted in their entirety and replaced with the following:

If to Tenant:

T-Mobile USA, Inc.
12920 S.E. 38th Street
Bellevue, WA 98006
Attn.: Lease Compliance
Site No. CI16904A Celina OH Water Tank

4. Owner Obligations. Notwithstanding anything to the contrary contained in the Lease, Owner shall be responsible, at its sole cost and expense, for maintaining all portions of the Property in good order and condition and in compliance with all applicable laws, including without limitation, the roof, any support structure owned by Owner , HVAC, plumbing, elevators, landscaping and common areas.

5. Assignment. The Lease is hereby modified such that Section 5 is deleted in its entirety and replaced with the following:

While acknowledging that Owner has the absolute right and ability to transfer/sell the Property, Owner ~~Owner~~ shall have the right to assign and transfer this Lease only to a successor owner of the Property. Only upon Tenant’s receipt of written verification of a sale, or transfer of the Property shall Owner be relieved of all liabilities and obligations and Tenant shall look solely to the new Owner for performance under this Lease. Owner shall not attempt to assign, or otherwise transfer this Lease separate from a transfer of ownership of the Property (the “**Severance Transaction**”), without the prior written consent of Tenant, which consent may be withheld or conditioned in Tenant’s sole discretion. If Tenant consents to a Severance Transaction, Owner and its successors and assigns shall remain jointly and severally responsible for the performance of all duties and obligations of the Owner under this Lease. Subject to Tenant’s consent as required above, however, if a Severance Transaction occurs, Owner and its successors and assigns shall remain responsible for the performance of all of the on-going duties and obligations of the Owner under this Lease, including, without limitation, any provisions relating to the furnishing of access or utilities and neither Owner nor its assignee or any Rent payee shall suffer or permit any interference with Tenant’s rights or operations of the Antenna Facilities. A Severance Transaction shall not modify the terms of this Lease in any way.

6. Terms; Conflicts. The terms and conditions of the Lease are incorporated herein by this reference, and capitalized terms used in this First Amendment shall have the same meanings such terms are given in the Lease. Except as specifically set forth herein, this First Amendment shall in no way modify, alter or amend the remaining terms of the Lease, all of which are ratified by the parties and shall remain in full force and effect. To the extent there is any conflict between the terms and conditions of the Lease and this First Amendment, the terms and conditions of this First Amendment will govern and control.

7. Approvals. Owner represents and warrants to Tenant that the consent or approval of no third party, including, without limitation, a lender, is required with respect to the execution of this First Amendment, or if any such third party consent or approval is required, Owner has obtained any and all such consents or approvals.

8. Authorization. The persons who have executed this First Amendment represent and warrant that they are duly authorized to execute this First Amendment in their individual or representative capacity as indicated.

IN WITNESS WHEREOF, the Parties have executed this First Amendment on the day and year first written above.

Owner :
City of Celina, an Ohio municipal corporation

Tenant:
T-Mobile Central LLC, a Delaware limited liability company

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A

(insert site plan drawing here)

ORDINANCE 41-21-O

AN ORDINANCE APPROVING A FINAL PLAT FOR EAGLEBROOKE ESTATES SECTION VII, PHASE I, AND DECLARING AN EMERGENCY.

WHEREAS, a final plat for Eaglebrooke Estates Section VII, Phase I, has been presented to the City of Celina for final approval; (attached as Exhibit A) and

WHEREAS, the City Planning Commission met on August 13, 2021, and recommends to Council approval of said plat.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

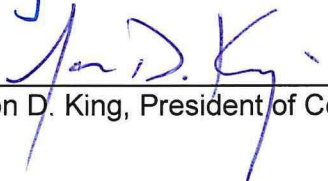
SECTION ONE

THAT, the City Council of the City of Celina, does hereby approve the final plat for Eaglebrooke Estates Section VII, Phase I, and accepts the dedication of easements and rights-of-way shown on said plat.

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to allow the development of this site at the earliest date possible. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.


PASSED this 30th day of August, 2021.



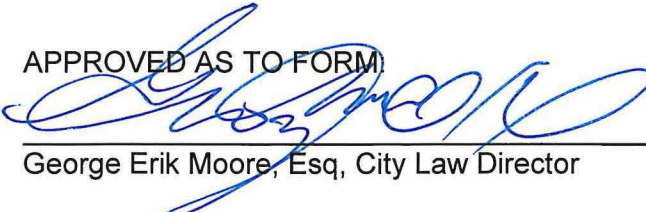
Jason D. King, President of Council

ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED August 30, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM


George Erik Moore, Esq, City Law Director

BASIS OF BEARINGS
BASES OF BEARINGS FROM EAGLEBROOKE ESTATES SECTION V, PHASE II, INSTRUMENT #201700003586

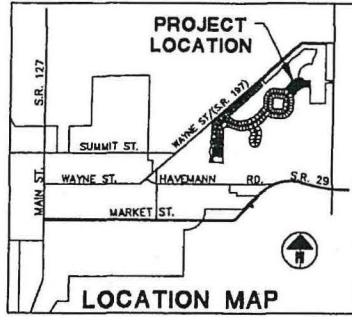
PROPERTY IS ZONED R-1

BUILDING SETBACK LINE
FRONT BUILDING SETBACK LINES ARE 30' AND REAR BUILDING SETBACKS ARE 30' FROM THE PROPERTY LINES. SIDE YARD SETBACKS ARE 10'.

EASEMENTS
ALL EASEMENTS ARE FOR GENERAL UTILITY USE. SIDE LOT EASEMENTS ARE 7.5' EACH SIDE FOR A TOTAL OF 15' UNLESS OTHERWISE NOTED.

LOT 203-A & LOT 209-A
THESE TWO LOTS ARE TO BE USED FOR ACCESS FOR THE GOLF COURSE AND ARE TO BE DEEDED OVER TO THE GOLF COURSE OWNERS. THESE LOTS ARE NOT BUILDING LOTS.

REAR LOT STORM SYSTEMS
ALL STORM SEWER PIPES AND STRUCTURES IN THE REAR YARDS ARE PRIVATE, AND NOT THE RESPONSIBILITY OF THE CITY OF CELINA.

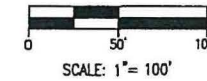


ASHMAN GOLF, LLC
INST 201600005213

EAGLEBROOKE ESTATES SECTION VII, PHASE I

17 LOTS

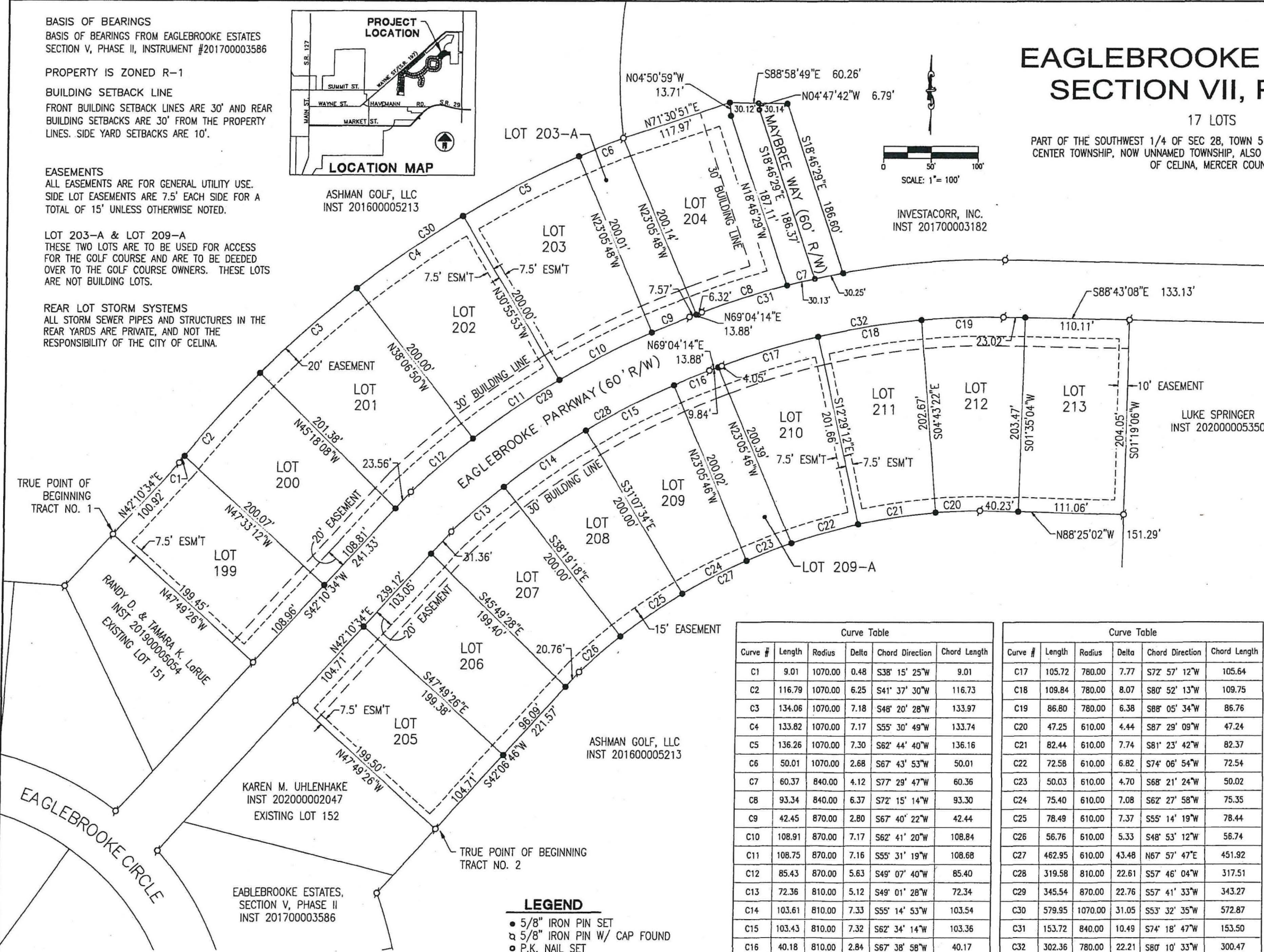
PART OF THE SOUTHWEST 1/4 OF SEC 28, TOWN 5 SOUTH, RANGE 3 EAST, FORMERLY CENTER TOWNSHIP, NOW UNNAMED TOWNSHIP, ALSO KNOWN AS WAYNE TOWNSHIP, CITY OF CELINA, MERCER COUNTY OHIO



INVESTACORR, INC.
INST 201700003182

7.940 TOTAL ACRES
0.266 R/W ACRES
7.674 NET ACRES

Parcel Table		Parcel Table	
Parcel #	Area	Parcel #	Area
199	0.501 Acre 21828 SF	208	0.418 Acre 18210 SF
200	0.522 Acre 22745 SF	209	0.411 Acre 17883 SF
201	0.558 Acre 24321 SF	210	0.421 Acre 18320 SF
202	0.557 Acre 24257 SF	211	0.446 Acre 19440 SF
203	0.563 Acre 24516 SF	212	0.460 Acre 20031 SF
204	0.490 Acre 21344 SF	213	0.517 Acre 22532 SF
205	0.479 Acre 20884 SF	203-A	0.230 Acre 10002 SF
206	0.456 Acre 19847 SF	209-A	0.230 Acre 10005 SF
207	0.416 Acre 18105 SF		



Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	9.01	1070.00	0.48	S38° 15' 25"W	9.01
C2	116.79	1070.00	6.25	S41° 37' 30"W	116.73
C3	134.06	1070.00	7.18	S48° 20' 28"W	133.97
C4	133.82	1070.00	7.17	S55° 30' 49"W	133.74
C5	136.26	1070.00	7.30	S62° 44' 40"W	136.16
C6	50.01	1070.00	2.68	S67° 43' 53"W	50.01
C7	60.37	840.00	4.12	S77° 29' 47"W	60.36
C8	93.34	840.00	6.37	S72° 15' 14"W	93.30
C9	42.45	870.00	2.80	S67° 40' 22"W	42.44
C10	108.91	870.00	7.17	S62° 41' 20"W	108.84
C11	108.75	870.00	7.16	S55° 31' 19"W	108.68
C12	85.43	870.00	5.63	S49° 07' 40"W	85.40
C13	72.36	810.00	5.12	S49° 01' 28"W	72.34
C14	103.61	810.00	7.33	S55° 14' 53"W	103.54
C15	103.43	810.00	7.32	S62° 34' 14"W	103.36
C16	40.18	810.00	2.84	S67° 38' 58"W	40.17

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C17	105.72	780.00	7.77	S72° 57' 12"W	105.64
C18	109.84	780.00	8.07	S80° 52' 13"W	109.75
C19	86.80	780.00	6.38	S88° 05' 34"W	86.76
C20	47.25	610.00	4.44	S87° 29' 09"W	47.24
C21	82.44	610.00	7.74	S81° 23' 42"W	82.37
C22	72.58	610.00	6.82	S74° 06' 54"W	72.54
C23	50.03	610.00	4.70	S68° 21' 24"W	50.02
C24	75.40	610.00	7.08	S62° 27' 58"W	75.35
C25	78.49	610.00	7.37	S55° 14' 19"W	78.44
C26	56.76	610.00	5.33	S48° 53' 12"W	56.74
C27	462.95	610.00	43.48	N67° 57' 47"E	451.92
C28	319.58	810.00	22.61	S57° 46' 04"W	317.51
C29	345.54	870.00	22.76	S57° 41' 33"W	343.27
C30	579.95	1070.00	31.05	S53° 32' 35"W	572.87
C31	153.72	840.00	10.49	S74° 18' 47"W	153.50
C32	302.36	780.00	22.21	S80° 10' 33"W	300.47

LEGEND
 ● 5/8" IRON PIN SET
 □ 5/8" IRON PIN W/ CAP FOUND
 ○ P.K. NAIL SET

OWNER
INVESTACORR, INC.
6781 HELLWARTH ROAD
CELINA, OHIO 45822
PH. (419) 586-9367

DEVELOPER
BRUNS BUILDING &
DEVELOPMENT CORP. INC.
1429 GRANBERRY ROAD
ST. HENRY, OHIO 45883
PH. (419) 925-4078



Jan 30, 2020 12:26:43 PM P:\220011.00\1961_Drawing.dwg (gsd01).dgn

EAGLEBROOKE ESTATES SECTION VII, PHASE I

17 LOTS

PART OF THE SOUTHWEST 1/4 OF SEC 28, TOWN 5 SOUTH, RANGE 3 EAST, FORMERLY
CENTER TOWNSHIP, NOW UNNAMED TOWNSHIP, ALSO KNOWN AS WAYNE TOWNSHIP, CITY
OF CELINA, MERCER COUNTY OHIO

LEGAL DESCRIPTION

Being tracts of land located in the Southwest Quarter of Section 28, Town 5 South, Range 3 East, formerly Center Township, now unnamed township, also known as Wayne Township, City of Celina, Mercer County Ohio, and bounded and described as follows:

TRACT NO. 1: Beginning at an Iron Pin Found at the Northeast corner of Lot #151 Eaglebrooke Estates Section V, Phase II as recorded in Instrument #201900005054, marking the TRUE POINT OF BEGINNING;

Thence North 42°10'34" East along the Southeast line of a tract as recorded in Instrument #201600005213, a distance of one hundred and ninety-two hundredths feet (100.92') to an Iron Pin Found;

Thence along the Southeast line of a tract as recorded in Instrument #201600005213, along a curve to the Right having a Radius of 1070.00', a Length of 579.95', and a Chord of North 53°32'35" East~572.87' to an Iron Pin Found;

Thence North 71°30'51" East a distance of one hundred seventeen and ninety-seven hundredths feet (117.97') to an Iron Pin Set;

Thence South 88°58'49" East a distance of sixty and twenty-six hundredths feet (60.26') to an Iron Pin Set;

Thence South 18°46'29" East a distance of one hundred eighty-six and sixty hundredths feet (186.60') to an Iron Pin Set;

Thence along the North Right of Way line of Eaglebrooke Parkway, along a curve to the Left, having a Radius of 840.00', a Length of 153.72', and a Chord of South 74°18'47" West~153.50', to an Iron Pin Found;

Thence South 69°04'14" West along the North Right of Way line of Eaglebrooke Parkway, a distance of thirteen and eighty-eight hundredths feet (13.88) to an Iron Pin Found;

Thence along the North Right of Way line of Eaglebrooke Parkway, along a curve to the Left, having a radius of 870.00', a Length of 345.54', and a Chord of South 57°41'33" West~343.27', to an Iron Pin Found;

Thence South 42°10'34" West along the North Right of Way line of Eaglebrooke Parkway, a distance of two hundred forty-one and thirty-three hundredths feet (241.33') to an Iron Pin Found;

Thence North 47°49'26" West along the East line of Lot #151 Eaglebrooke Estates Section V, Phase II as recorded in Instrument #201900005054, a distance of one hundred ninety-nine and forty-five hundredths feet (199.45') to the TRUE POINT OF BEGINNING of Tract No. 1, containing 3.687 acres more or less in Tract No. 1.

TRACT NO. 2: Beginning at an Iron Pin Found at the Southeast corner of Lot #152 Eaglebrooke Estates Section V, Phase II as recorded in Instrument #202000002047, marking the TRUE POINT OF BEGINNING;

Thence North 47°49'26" West along the East line of Lot #152 Eaglebrooke Estates Section V, Phase II as recorded in Instrument #202000002047, a distance of one hundred ninety-nine and fifty hundredths feet (199.50') to an Iron Pin Found;

Thence North 42°10'34" East along the South Right of Way line of Eaglebrooke Parkway, a distance of two hundred thirty-nine and twelve hundredths feet (239.12) to an Iron Pin Found;

Thence along the South Right of Way line of Eaglebrooke Parkway, along a curve to the Right, having a Radius of 810.00', a Length of 319.58', and a Chord North 57°46'04" East~317.51', to an Iron Pin Found;

Thence North 69°04'14" East along the South Right of Way line of Eaglebrooke Parkway, a distance of thirteen and eighty-eight hundredths feet (13.88) to an Iron Pin Found;

Thence along the South Right of Way line of Eaglebrooke Parkway, along a curve to the Right, having a Radius of 780.00', a Length of 302.36', and a Chord of North 80°10'33" East~300.47', to an Iron Pin Found;

Thence South 88°43'08" East along the South Right of Way line of Eaglebrooke Parkway, a distance of one hundred thirty-three and thirteen hundredths feet (133.13) to an Iron Pin Found;

Thence South 01°19'06" West along the West Line of a tract as recorded in Instrument #202000005350, a distance of two hundred four and five hundredths feet (204.05') to an Iron Pin Found;

Thence North 88°25'02" West along the Northwest Line of a tract as recorded in Instrument #201600005213, a distance of one hundred fifty-one and twenty-nine hundredths feet (151.29') to an Iron Pin Found;

Thence along the Northwest line of a tract as recorded in Instrument #201600005213, along a curve to the Left, having a Radius of 610.00', a Length of 462.95', and a Chord of South 67°57'47" West~451.92', to an Iron Pin Found;

Thence South 42°06'46" West along the Northwest line of a tract as recorded in Instrument #201600005213, a distance of two hundred twenty-one and fifty-seven hundredths feet (221.57') to the TRUE POINT OF BEGINNING of Tract No. 2, containing 4.253 acres more or less in Tract No. 2.

Said tracts combined containing 7.940 total acres of land more or less and being subject to all highways and any other easements or restrictions of record.

Previous Deed Reference: O.R. Instrument #201700003182;

Description based on a survey by Craig W. Mescher Registered Surveyor No. 8237 in January, 2021, on file with the Mercer County Engineer's Office.

DEDICATION KNOWN ALL MEN BY THESE PRESENTS;

That the undersigned owners of the land embraced to this plat do certify that the said plat is a true representation of the same and that we do dedicate the streets appearing hereon to the use of the public forever.

All utility easements and building setback lines shall be strictly adhered to as shown on the plat.

Owner: Investacorr, Inc.

Randall K. Bruns
Randall K. Bruns, President

8-19-21
Date

ACKNOWLEDGMENT STATE OF OHIO COUNTY OF MERCER:

Before me a Notary Public in and for said County of Mercer, State of Ohio, personally appeared the above signed owners and acknowledged the signing of the above to be their free act and deed.

In testimony whereof I have affixed my hand and seal this 19th day of August, 2021.

Brian May
My commission expires 4-5-26

Brian May
BRIAN MAY
Notary Public, State of Ohio
My Commission Expires:
April 05, 2026

PLANNING COMMISSION CERTIFICATE

We hereby certify that the plat has been found to comply with the standards of the Planning Board, City of Celina, Ohio. Approved this 19 day of August, 2021.

Victoria G. Hest
Secretary of Planning Commission

RECORDER'S CERTIFICATE

Received for record this ____ day of _____, 2021
____ o'clock.
Recorded in Plat Cabinet ____ Page ____

Fee: _____

Mercer County Recorder, Angela King

CELINA CITY COUNCIL CERTIFICATE

We hereby certify that the accompanying plat was approved and that the streets dedicated hereon were approved and accepted by the Council of the City of Celina, Ohio at a regular meeting of said Council.

Passed on this ____ day of _____, 2021.

President, City Council, Jason King

CITY CERTIFICATION

This Plat of "Eaglebrooke Estates Section VII, Phase I" to the City of Celina, Ohio has been accepted by the Council of the City of Celina, by Ordinance No. _____ dated this ____ day of _____, 2021. Subject to all building restrictions, conditions and easements, as shown on this plat, and as recorded in the office of the Mercer County Recorder.

Date Mayor, Jeffery Hazel

Date Clerk

These lots are subject to additional declarations, covenants and restrictions recorded in Official Records Volume ____ Page ____ in the Mercer County Recorder's Office.

COUNTY AUDITOR'S CERTIFICATE

I hereby certify that there are no unpaid taxes on land comprising Eaglebrooke Estates Section VII, Phase I and that this plat was filed for transfer in the office of the Mercer County Auditor this ____ day of _____, 20____.

Mercer County Auditor, Randall E. Grapner



I hereby certify that this plot is true and accurate to the best of my knowledge by Craig W. Mescher Registered Surveyor No. 8237, April of 2017. Iron pins to be set after construction of utilities.

Craig W. Mescher
Craig W. Mescher
Professional Surveyor #8237



ORDINANCE 42-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE AND RECEIVE BIDS AND ENTER INTO AN AGREEMENT FOR A NEW BASKETBALL COURT AT THE BRYSON PARK DISTRICT, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina desires to have a new basketball court at the Bryson Park District; and

WHEREAS, the funding for this project is available from the Park Capital Fund; and

WHEREAS, the new basketball court at the Bryson park District was included in the Land and Water Conservation Fund (LWCF) grant program the City received.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Safety-Service Director be and is hereby authorized to advertise and receive bids to perform the necessary work to complete a new Basketball Court at the Bryson Park District.

SECTION TWO

THAT, the Board of Control be and is hereby authorized to award the bid to the lowest responsive and responsible bidder, and the Safety Service Director be and is hereby authorized to enter into necessary Agreements for the completion of a new Basketball Court at the Bryson Park District.

SECTION THREE

THAT, City Council hereby directs the Auditor to appropriate One Hundred Thousand Dollars (\$100,000.00) into the Park Capital Fund (362.224.5550) from the unappropriated balance of the Park Capital Fund for funding of a new Basketball Court at the Bryson Park District.

SECTION FOUR

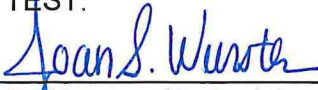
THAT, Council declares this is to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare, and for the further reason that bids can be accepted to expedite the engineering and construction of the necessary improvements at the earliest date possible. NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 23rd day of August, 2021




Jason D. King, President of Council

ATTEST:

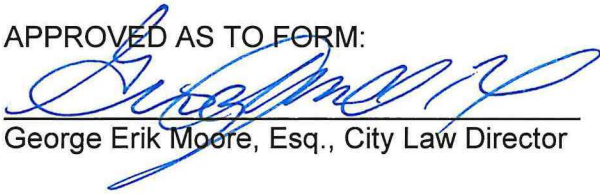


Joan S. Wurster, Clerk of Council

APPROVED August 23, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 43-21-O

AN ORDINANCE ACCEPTING THE MATCHING GRANT THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES LAND AND WATER CONSERVATION FUND (LWCF) GRANT PROGRAM FOR OUTDOOR RECREATION PROJECTS AT THE BRYSON PARK DISTRICT, TO ESTABLISH AND APPROPRIATE FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, ODNR receives federal pass through funds under the terms and conditions of the Land & Water Conservation Fund ("LWCF"), a US Department of the Interior, National Park Service ("NPS") federal assistance program (Catalog of Federal Domestic Assistance #15.916), to assist state and local governments in the planning, development, acquisition and/or construction of public outdoor recreation areas and facilities; and

WHEREAS, the City of Celina was awarded funding up to fifty percent (50%) reimbursement grant (state funding) for outdoor recreation projects; and

WHEREAS, the City of Celina does agree to obligate matching funds and/or in-kind service in the amount not to exceed Five Hundred Thousand Dollars (\$500,000.00).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Celina City Council accepts the Matching Grant through the Ohio Department of Natural Resources Land and Water Conservation Fund (LWCF) Grant Program for the purpose of outdoor recreation projects at the Bryson Park District.

SECTION TWO

THAT, the City of Celina does agree to obligate matching funds and/or in-kind service in the amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) and direct the City Auditor to establish a fund called the "LWCF Grant Program Fund" for the purpose of accounting for the receipt and expenditure of funds.

SECTION THREE

That, the amount of Five Hundred Thousand Dollars (\$500,000.00) be appropriated from the unappropriated balance of the LWCF Grant Program Fund, and the Auditor is hereby authorized to draw warrants for payment of project from said fund.

SECTION FOUR

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, and for the further reason that the purchase be completed at the earliest date possible to facilitate the project of the LWCF Grant Program Fund. Now, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

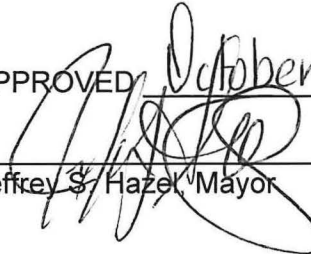
PASSED this 11th day of October, 2021



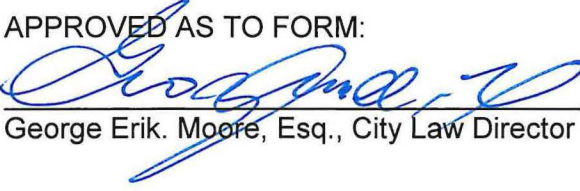
Jason D. King, President of Council

ATTEST: 

Joan S. Wurster, Clerk of Council

APPROVED  October 11, 2021

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George Erik Moore, Esq., City Law Director

ORDINANCE 44-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE AND RECEIVE BIDS AND ENTER INTO AN AGREEMENT FOR THE 2022 VARIOUS STREET RESURFACING PROJECTS, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina desires to complete Various Street Resurfacing Projects in 2022; and

WHEREAS, the funding for this project is available from the Street Improvement Fund; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Safety-Service Director be and is hereby authorized to advertise and receive bids to perform the necessary work to complete the 2022 Various Street Resurfacing Projects.

SECTION TWO

THAT, the Board of Control be and is hereby authorized to award the bid to the lowest responsive and responsible bidder, and the Safety Service Director be and is hereby authorized to enter into necessary Agreements for the completion of the 2022 Various Street Resurfacing Projects.

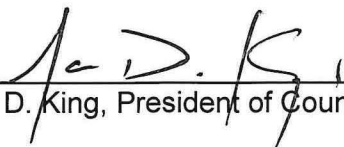
SECTION THREE

THAT, City Council hereby directs the Auditor to appropriate Two Million Nine Hundred Fifty Thousand Dollars (\$2,950,000.00) into the Street Improvement Capital Project Fund (331.221.5550) from the unappropriated balance of the Street Improvement Fund for funding of the 2022 Various Street Resurfacing Projects.

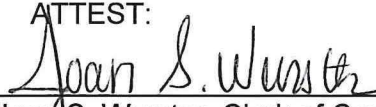
SECTION FOUR

THAT, Council declares this is to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare, and for the further reason that bids can be accepted to expedite the engineering and construction of the necessary improvements at the earliest date possible. NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 11th day of October, 2021

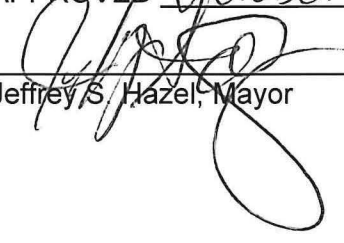


Jason D. King, President of Council

ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED October 11, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 45-21-O

AN ORDINANCE ACCEPTING THE AMERICAN RESCUE PLAN ACT (ARPA) GRANT THROUGH THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND GRANT PROGRAM, TO ESTABLISH AND APPROPRIATE FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub.L.No.117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund; and

WHEREAS, the City of Celina was awarded funding in the amount of One Million Ninety-Two Thousand Twenty-Nine Dollars and Eighty Cents (\$1,092,029.80) from The American Rescue Plan Act (ARPA) Grant Fund, through the Coronavirus State and Local Fiscal Recovery Fund Grant Program; and

WHEREAS, the City of Celina agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing; and

WHEREAS, the America Rescue Plan Act (ARPA) Grant Funds are to be received in two equal payments of Five Hundred and Forty-Six Thousand Fourteen Dollars and Ninety Cents (\$546,014.90) received in 2021 and the next payment of equal amount received in 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Celina City Council accepts the American Rescue Plan Act (ARPA) Grant in the amount of One Million Ninety-Two Thousand Twenty-Nine dollars and Eighty Cents (\$1,092,029.80) and directs the City Auditor to establish a fund called the "American Rescue Plan Act (ARPA) Grant" for the purpose of accounting for the receipt and expenditure of funds.

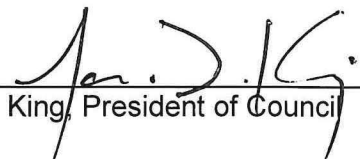
SECTION TWO

THAT, the amount of Five Hundred and Forty-Six Thousand Fourteen Dollars and Ninety Cents (\$546,014.90) be appropriated from the unappropriated balance of the American Rescue Plan Act (ARPA) Grant Fund and that the Auditor is hereby authorized to draw warrants for payment of project from said fund.

SECTION THREE

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, and for the further reason that the purchase be completed at the earliest date possible to facilitate the project of the American Rescue Plan Act (ARPA) Grant Fund. Now, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

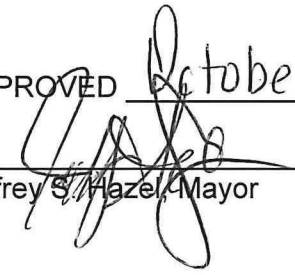
PASSED this 11th day of October, 2021



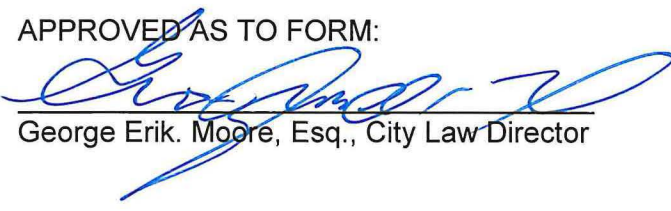
Jason D. King, President of Council

ATTEST


Joan S. Wurster, Clerk of Council

APPROVED October 11, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George Erik. Moore, Esq., City Law Director

ORDINANCE 46-21-O

AN ORDINANCE ACCEPTING A DONATION FROM THE CELINA MOOSE LODGE #1473 FOR THE CELINA FIRE DEPARTMENT FOR AN ICE RESCUE SUIT AND APPROPRIATING FUNDS.

WHEREAS, Celina Moose Lodge #1473 has offered a monetary donation of One Thousand Dollars (\$1,000.00) to the Celina Fire Department; and

WHEREAS, the Celina Fire Department has a need to purchase an Ice Rescue Suit.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer and State of Ohio.

SECTION ONE

THAT, the Celina City Council gratefully acknowledges and accepts the donation of One Thousand Dollars (\$1,000.00) from the Celina Moose Lodge #1473 for the purchase of an Ice Rescue Suit.

SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate One Thousand Dollars (\$1,000.00) from the unappropriated balance of the Fire Capital Fund (360.221.5550) account for the purchase of said Ice Rescue Suit.

SECTION THREE

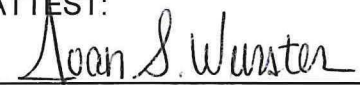
NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 25th day of October, 2021



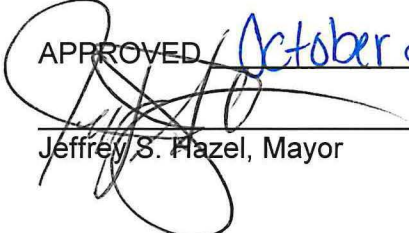
Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

APPROVED October 25, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 47-21-O

AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN
ORDINANCE 32-20-O AS THE TENTH SUPPLEMENT TO THE 2021
ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Celina Pool has a need to replace the changing area partitions in the Basket House and;

WHEREAS, the Pool Capital account does not have adequate funds available however the Pool General Maintenance account does have funds available; and

WHEREAS, the Engineer Consultants account has additional expenses and funds must now be appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to unappropriate funds from the appropriated balance in the respective fund:

Unappropriate from appropriated balance **Park Fund:**

Pool General Maintenance (224.430.5275)	(\$2,000.00)
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SECTION TWO

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **Park Fund:**

Pool Capital Expense (224.430.5520)	\$2,000.00
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Appropriate from unappropriated balance **General Fund:**

Engineer Consultants (110.123.5230)	\$13,530.00
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Appropriate from unappropriated balance **Electric Fund:**

Elec Adm/Gen Consultants (661.624.5230)	\$13,120.00
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Appropriate from unappropriated balance **Water Fund:**

Water Adm/Gen Consultants (663.634.5230)	\$7,175.00
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Appropriate from unappropriated balance **Waste Water Fund:**

WW Sys Adm/Gen Consultants (666.644.5230)	\$7,175.00
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SECTION THREE

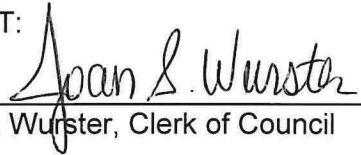
THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 11th day of October, 2021

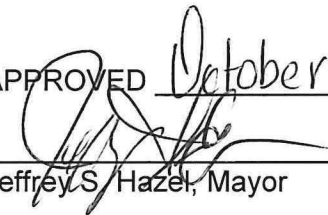


Jason D. King / President of Council

ATTEST:

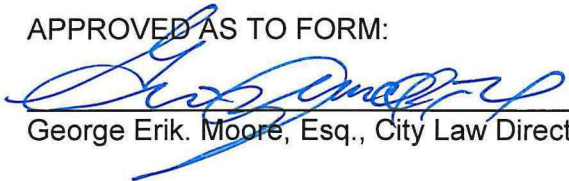


Joan S. Wurster, Clerk of Council

APPROVED October 11, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik. Moore, Esq., City Law Director

ORDINANCE 48-21-O

AN ORDINANCE ENACTING A NEW SECTION OF THE CITY OF CELINA'S CODIFIED ORDINANCES WHICH SHALL BE KNOWN AS CHAPTER 1186 OF THE CITY OF CELINA'S CODIFIED ORDINANCES; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Celina finds it necessary to address concerns it has regarding to the possibility of medical marijuana dispensaries coming to the City of Celina; and

WHEREAS, THE City of Celina determines that it is necessary to address the potential of recreational marijuana being passed by a state-wide ballot measure or Ohio legislature in the future; and

WHEREAS, in order to address these concerns Council desires to update the Celina Codified Ordinances, specifically by creating a Chapter 1186, including a Section entitled "Medical Marijuana Location Standards"; and

WHEREAS, the Council as a Whole Committee met on August 23, 2021 to discuss guidance for medical and or recreational facilities location in conjunction with the guidelines established Ohio Revised Code 3796.30, to wit:

“...no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.

If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.”

WHEREAS, City Council unanimously approved a motion to increase the boundary distance to One-Thousand (1,000 feet) for inclusion in Chapter 1186, "Medical Marijuana Location Standards", in the updated Celina Codified Ordinances and recommended such legislation be created and introduced to City Council for vote.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio.

SECTION ONE

THAT, the Chapter 1186, a copy of which is attached hereto and labeled as "Exhibit A", which is fully incorporated herein by reference, be and is hereby adopted as law.

SECTION TWO

THAT, restrictions on locations and specific proximity of medical marijuana dispensaries or related facilities, and any form of wholesale or retail sales of recreational marijuana or marijuana food products to schools, places of religious worship, public libraries, public playgrounds, and public parks shall be governed by the Chapter 1186.

SECTION THREE

THAT, said new Chapter 1186 shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law, namely thirty days following passage of this Ordinance, which Council reasonably anticipates being November 24, 2021.


PASSED this 25th day of October, 2021



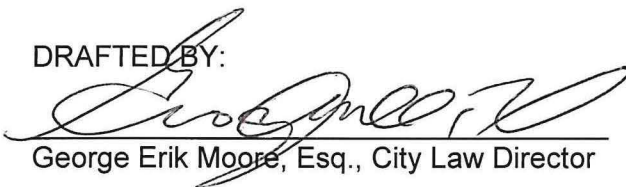
Jason D. King, President of Council

ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED October 25, 2021


Jeffrey S. Hazel, Mayor

DRAFTED BY:


George Erik Moore, Esq., City Law Director

EXHIBIT A

Chapter 1186: Medical Marijuana Dispensaries, and Recreational Marijuana Facilities

1186.01 DEFINITIONS.

(a) As used in this chapter:

- (1) "Marijuana" means marijuana as defined in section 3719.01 of the Revised Code.
- (2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.
- (3) "Recreational Marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a non-medical purpose.

1186.02 LOCATION STANDARDS.

Medical Marijuana dispensaries and Recreational Marijuana facilities, as defined in Section 1186.01, are subject to the following standards regulating their location.

- (a) Except as provided in division (b) of this section, no Medical Marijuana dispensary or Recreational Marijuana facility shall be located within one thousand feet (1,000') of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.
- (b) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.
- (c) As used in this section and sections 3796.04 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

ORDINANCE 49-21-O

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE MERCER COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES IN MUNICIPAL COURT.

WHEREAS, the City of Celina recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty; and

WHEREAS, Mercer County Commissioners adopted a program for the Municipality, whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify; and

WHEREAS, the Mercer County Commissioners pursuant to Ohio Revised Code §120.33 may enter into a contract with a municipal corporation under which the municipal corporation shall reimburse the County for counsel appointed to represent indigent persons charged with a violation of an ordinance of the municipal corporation; and

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the limits of the County Maximum Fee Schedule for Appointed Counsel in order for Mercer County to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.33 and §120.35, and pay the City of Celina it's appropriate share.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

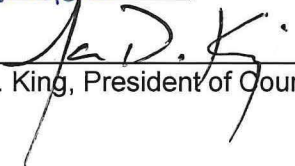
SECTION ONE

THAT, the Mayor is hereby authorized to execute an Agreement, in a form substantially similar to Exhibit A hereto attached and fully incorporated herein, with the Mercer County Commissioners to allow for the continuation of reimbursement of Indigent Defense Services in Municipal Court.

SECTION TWO

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22nd day of November, 2021



Jason D. King, President of Council

ATTEST:

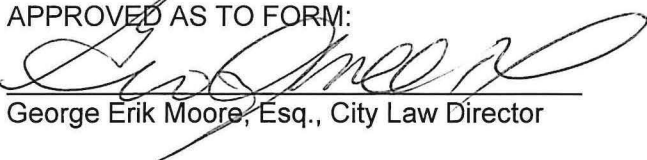


Erin B. Heberlie, Clerk of Council

APPROVED November 22, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

**AGREEMENT FOR INDIGENT DEFENSE SERVICES
IN MUNICIPAL COURT
(ASSIGNED COUNSEL)**

This Agreement entered into by and between the Mercer County Commissioners with a mailing address of 220 W. Livingston St., Room A201, Celina, Ohio 45822 (hereinafter referred to as the "COUNTY"), and the City of Celina, with a mailing address of City of Celina Municipal Court, 202 N. Main St., P.O. Box 362, Celina, Ohio 45822, (hereinafter referred to as the "CITY").

WHEREAS, the CITY recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a CITY ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and

WHEREAS, the COUNTY has adopted a program for this Municipality, whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify, and

WHEREAS, the County Commissioners pursuant to Ohio Revised Code §120.33 may enter into a contract with a municipal corporation under which the municipal corporation shall reimburse the County for counsel appointed to represent indigent persons charged with a violation of an ordinance of the municipal corporation, and

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the limits of the County Maximum Fee Schedule for Appointed Counsel in order for the COUNTY to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.33 and §120.35, and pay the CITY it's appropriate share, and

WHEREAS, this Agreement has been authorized by the CITY by Ordinance # _____, passed by the _____ CITY Council on _____, and by Resolution # _____, passed by the Board of Commissioners of Mercer County on _____.

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. REPRESENTATION

- 1.1 The CITY and COUNTY agree that the judges of the municipal court may assign by journal entry, recorded on the Court Docket, appointed counsel to represent indigent adults and juveniles in Municipal Court on or after the commencement date and during the term of this agreement in which the defendant is indigent and charged with the commission of an offense or act which is a violation of a CITY ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.

- 1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender's Commission and the State Public Defender, pursuant to Ohio Revised Code §120.03 and Ohio Administrative Code §120-1-03. In addition to indigency determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.

2. COMPENSATION

- 2.1 Pursuant to Ohio Revised Code 120.33 and aforesaid resolutions, the COUNTY shall pay all legal fees and expenses to counsel duly appointed by the Municipal Court of Celina, Ohio, to represent indigent persons charged with violations of the ordinances of the City of Celina, Ohio.
- 2.2 Payment by the municipality for representation of indigent persons may be by contractual amount or a fee schedule, however in either event such payment shall not exceed the fee schedule in effect and adopted by the County Commissioners of the county wherein the municipal corporation is located.
- 2.3 CITY agrees to reimburse the COUNTY for all legal fees and expenses which are paid by the COUNTY according to 2.1 above within thirty (30) days of receipt of an invoice for such fees and expenses.
- 2.4 The COUNTY shall promptly pay over to the CITY any reimbursement received from the Office of the Ohio Public Defender Commission pursuant to Chapter 120 of the Ohio Revised Code for any amounts expended pursuant to this agreement, within thirty (30) days of receipt of said reimbursement.

3. DURATION OF CONTRACT AND TERMINATION

- 3.1 The term of this agreement shall be for one year, January 1, 2022 to December 31, 2022. *This contract may be renewed for additional one year terms upon proper resolution of each entity agreeing to the one year extension and proper appropriation of funding for the new year. Copies of the resolutions are to be sent to the Ohio Public Defender, 250 East Broad St., Suite 1400, Columbus, Ohio 43215.*
- 3.2 If the COUNTY or CITY shall fail to fulfill in a reasonable, timely and proper manner its obligations under this agreement or if either party shall substantially violate any of the covenants, agreements or stipulations of this agreement by giving written notice to the other party of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this agreement by the other party.
- 3.3 Written notice shall be considered furnished when it is sent by Certified Mail, return receipt requested or is hand delivered.

- 3.4 This agreement is automatically canceled, without requirement of notice, if any payment required by Section 2.1 of this agreement is not made within 90 business days of the date on which it is due.

4. TERMS OF AGREEMENT

- 4.1 Indigency and client eligibility for representation under this agreement shall be determined in conformity with the standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the State Public Defender.
- 4.2 As soon as is reasonably practical after a case is finally disposed of by the Municipal Court, the court shall approve counsel fees in accordance with the standards of indigency, which fees shall not be taxed as part of the costs of the case. In only exceptional circumstances shall the court approve attorney's fees in excess of the schedule established by the COUNTY.
- 4.3 Recognizing that the requests for reimbursements must be received by the State Public Defender within ninety (90) days of the end of the calendar month in which a case is finally disposed of by the court, the Celina Municipal Court Clerk shall promptly notify the COUNTY of the fees which have been approved.
- 4.4 After approval, the COUNTY Auditor shall thereafter, process the fees and expenses approved by the court in accordance with the procedure set forth in Ohio Revised Code §120.33.
- 4.5 There shall be no discrimination against any employee who is employed in the work covered by this agreement or against any application for such employment because of the race, color, religion, sex, age, handicap or national origin. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The COUNTY shall insert a similar provision in any subcontract for services covered by this agreement.
- 4.6 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

5. MODIFICATION

- 5.1 This contract may not be amended orally.
- 5.2 This contract may be amended only by written addendum, signed and executed by the parties named herein, or their successors.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

_____	_____	_____	_____
CITY	Date	County Commissioner	Date
_____	_____	_____	_____
CITY	Date	County Commissioner	Date
_____	_____	_____	_____
CITY	Date	County Commissioner	Date

COUNTY AUDITOR CERTIFICATE

It is hereby certified that the amount required to meet the contract agreement, obligation, payment, or expenditure for the above has been lawfully appropriated, authorized or directed for such purpose and is in the County Treasury or in the process of collection free from any obligation of certificate now outstanding, as required by § 5705.41(D) of the Ohio Rev. Code.

DATED _____

Randy Grapner, County Auditor

ORDINANCE 50-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE AND RECEIVE BIDS AND ENTER INTO AN AGREEMENT FOR THE FULTON STREET RECONSTRUCTION PROJECT, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina desires to complete the reconstruction on Fulton Street; and

WHEREAS, the funding for this project is available from the Street Improvement Capital Project Fund, Water Distribution Line-Pipe Capital Fund, and Stormwater Utility Capital/Miscellaneous Infrastructure Fund.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Safety-Service Director be and is hereby authorized to advertise and receive bids to perform the Fulton Street Reconstruction Projects.

SECTION TWO

THAT, the Board of Control be and is hereby authorized to award the bid to the lowest responsive and responsible bidder, and the Safety Service Director be and is hereby authorized to enter into necessary Agreements for the completion of the Fulton Street Reconstruction Project.

SECTION THREE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance of **Street Improvements Capital Fund:**

Street Improvement Capital Project (321.221.5550)	\$2,007,500.00
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Appropriate from unappropriated balance of **Water System Operating Fund:**

Water Transfer to System Reserve (663.636.5910)	\$ 443,750.00
Water Distribution Lines-Pipe Cap (664.632.5512)	\$ 443,750.00

Appropriate from unappropriated balance **Stormwater Utility Fund:**

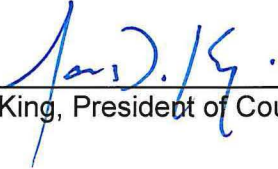
Stormwater Utility Cap/Misc Infras (668.651.5540)	\$ 146,250.00
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SECTION FOUR

THAT, Council declares this is to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare, and for the further reason that bids can be

accepted to expedite the engineering and construction of the necessary improvements at the earliest date possible. NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.


PASSED this 25th day of October, 2021



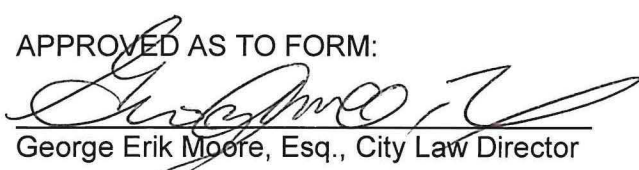
Jason D. King, President of Council

ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED October 25, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George Erik Moore, Esq., City Law Director

ORDINANCE 51-21-O

ORDINANCE OUTLAWING ABORTION, DECLARING CELINA A SANCTUARY FOR THE UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND DECLARING AN EMERGENCY.

WHEREAS, Celina Council-as-a Whole Committee met on August 23, 2021 to discuss the designation of the City of Celina as a "Sanctuary City for the Unborn" and to proposed restrictions for establishment of abortion clinics in Celina; and

WHEREAS, the Council-as-a-Whole Committee voted to submit an Ordinance to Council for consideration by a 5-2 vote.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Findings, Declarations, and proposed Amendments as Chapter 1187, a copy of which is attached heretofore to and labeled as Exhibit "A", which is fully incorporated herein by reference, be and is hereby adopted as law.

SECTION TWO

THAT, the City of Celina is hereby declared a Sanctuary City for the Unborn in accordance with State and Federal laws.

SECTION THREE

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for the Declaration of Celina as a Sanctuary City for the Unborn. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this _____ day of _____, 2021

Jason D. King, President of Council

ATTEST:

Erin B. Heberlie, Clerk of Council

APPROVED _____, 2021

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik. Moore, Esq., City Law Director

EXHIBIT A

FINDINGS

The Celina City Council finds that:

- (1) Human life begins at conception.
- (2) Abortion is a violent act which purposely and knowingly terminates an unborn human life which is distinctly separate from the mother and dependent upon the mother as his or her life support system.
- (3) Unborn human beings are entitled to the full and equal protection of the laws that prohibit violence against other human beings.
- (4) Many in the city of Celina believe the Supreme Court's decision in *Roe v. Wade*, 410 U.S. 113 (1973), was wrongly decided and are in agreement with statements made in Justice Clarence Thomas' dissent in *June Medical Services v. Russo*, 591 U.S. (2020) which accused the Supreme Court of creating "the right to abortion" and called the Supreme Court's ruling in *Roe v. Wade* "illegitimate," "grievously wrong," "farcical," "utterly deficient," and without "basis in the Constitution."
- (5) Many Constitutional scholars have excoriated *Roe v. Wade*, 410 U.S. 113 (1973), for its lack of reasoning and its decision to concoct a constitutional right to abortion that has no textual foundation in the Constitution or any source of law. See John Hart Ely, *The Wages of Crying Wolf: A Comment on Roe v. Wade*, 82 Yale L.J. 920, 947 (1973) ("*Roe v. Wade* . . . is not constitutional law and gives almost no sense of an obligation to try to be."); Richard A. Epstein, *Substantive Due Process By Any Other Name: The Abortion Cases*, 1973 Sup. Ct. Rev. 159, 182 ("It is simple fiat and power that gives [*Roe v. Wade*] its legal effect."); Mark Tushnet, *Red, White, and Blue: A Critical Analysis of Constitutional Law* 54 (1988) ("We might think of Justice Blackmun's opinion in *Roe* as an innovation akin to Joyce's or Mailer's. It is the totally unreasoned judicial opinion.").
- (6) The city council of Celina finds it necessary to supplement the Ohio Human Rights and Heartbeat Protection Act with this ordinance, which will ensure that abortion at all stages of pregnancy will be regarded as an unlawful act in Celina, and that the state's criminal prohibitions on post-heartbeat abortion are enforced to the maximum possible extent.

B. DECLARATIONS

(1) We declare Celina, Ohio to be a Sanctuary City for the Unborn.

(2) We declare that abortion at all times and at all stages of pregnancy is an unlawful act if performed in Celina, Ohio, unless the abortion was in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(3) We declare abortion-inducing drugs to be contraband, and we declare the possession of abortion-inducing drugs within city limits to be an unlawful act.

(4) We also declare that abortion after fetal heartbeat remains a criminal act under section 2919.195 of the Ohio Revised Code, unless the abortion is needed to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function.

(5) We declare that the Ohio Human Rights and Heartbeat Protection Act remains fully enforceable against any person whose criminal prosecution will not result in an “undue burden” on women seeking abortions, such as individuals who aid or abet abortions by providing financial assistance, transportation to an abortion clinic, or other forms of logistical support, including employers and insurance companies who pay for abortions, and we urge the County Prosecutor of Mercer County—and all County Prosecutors throughout the state of Ohio—to criminally prosecute these individuals under the Ohio Human Rights and Heartbeat Protection Act and the accomplice-liability provisions in section 2923.03 of the Ohio Revised Code.

(6) We declare that any abortion provider or other individual who violates the Ohio Human Rights and Heartbeat Protection Act can be prosecuted for their crimes as soon as the injunction preventing the enforcement of that statute is vacated on appeal or in response to a Supreme Court ruling that overrules *Roe v. Wade*, 410 U.S. 113 (1973), as permitted by law.

(7) We urge County Prosecutors throughout the state of Ohio to announce that they will prosecute every person who has violated the Ohio Human Rights and Heartbeat Protection Act, and every person who has aided or abetted a violation of the Ohio Human Rights and Heartbeat Protection Act, as soon as any injunction against the enforcement of that law is vacated on appeal or in response to a Supreme Court ruling that overrules *Roe v. Wade*, 410 U.S. 113 (1973), as permitted by law.

who performs or assists a post-heartbeat abortion as criminals and felons, consistent with the law of Ohio, and to report their criminal activities to County Prosecutors and state and local authorities.

C. AMENDMENTS TO CITY CODE

The Celina Code of Ordinances is amended by adding section 537.19 to read as follows:

Sec. 537.19. Abortion.

(A) It shall be unlawful for any person to procure or perform an abortion of any type and at any stage of pregnancy in the city of Celina, Ohio.

(B) It shall be unlawful for any person to knowingly aid or abet an abortion that occurs in the city of Celina, Ohio. This section does not prohibit referring a patient to have an abortion which takes place outside the city limits of Celina, Ohio. The prohibition in this section includes, but is not limited to, the following acts within the city limits of the city of Celina Ohio:

(1) Knowingly providing transportation to or from an abortion provider which is located within the city of Celina, Ohio;

(2) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion taking place within the city of Celina, Ohio;

(3) Providing money with the knowledge that it will be used to pay for an abortion or the costs associated with procuring an abortion within the city of Celina, Ohio;

(4) Providing "abortion doula" services within the city of Celina, Ohio;
and

(5) Coercing or pressuring a pregnant mother to have an abortion against her will within the city of Celina, Ohio.

(C) It shall be an affirmative defense to the unlawful acts described in Subsections (A) and (B) if the abortion was in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.

(D) It shall be unlawful for any person to possess or distribute abortion-inducing drugs in the city of Celina, Ohio.

(E) No provision of this section may be construed to prohibit any action which occurs outside of the jurisdiction of the city of Celina, Ohio and no provision of this section may be construed to prohibit any action occurring within the city

occurs outside of the jurisdiction of the city of Celina, Ohio and no provision of this section may be construed to prohibit any action occurring within the city of Celina, Ohio that aids or abets an action which occurs outside of the city of Celina, Ohio.

(F) No provision of this section may be construed to prohibit any conduct protected by the First Amendment of the U.S. Constitution, as made applicable to state and local governments through the Supreme Court's interpretation of the Fourteenth Amendment, or by Article 1, Section 11 of the Ohio Constitution.

(G) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(H) For purposes of this section, the following definitions shall apply:

(1) "Abortion" means the act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman known to be pregnant. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception. An act is not an abortion if the act is done with the intent to:

(a) save the life or preserve the health of an unborn child;

(b) remove a dead, unborn child whose death was caused by accidental miscarriage; or

(c) remove an ectopic pregnancy.

(2) "Unborn child" means a natural person from the moment of conception who has not yet left the womb.

(3) "Abortion-inducing drugs" include mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception.

(I) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the United States Supreme Court held that an explicit statement of legislative intent is controlling, the provisions and applications of this section shall be severable as follows:

(1) It is the intent of the city council that every provision, subsection, sentence, clause, phrase, or word in this section, and every application

of the provisions in this section, are severable from each other. If any application of any provision in this section to any person, group of persons, or circumstances is found by a court to be invalid or unconstitutional, then the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of this section shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the city council's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this section to impose an undue burden in a large or substantial fraction of relevant cases, the applications that do not present an undue burden shall be severed from the remaining applications and shall remain in force, and shall be treated as if the city council had enacted an ordinance limited to the persons, group of persons, or circumstances for which the section's application do not present an undue burden. The city council further declares that it would have enacted this section, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of this section, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this section were to be declared unconstitutional or to represent an undue burden.

(2) If any court declares or finds a provision in this section facially unconstitutional, when there are discrete applications of that provision that can be enforced against a person, group of persons, or circumstances without violating the Constitution, then those applications shall be severed from all remaining applications of the provision, and the provision shall be interpreted as if the city council had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application will not violate the Constitution.

(3) If any provision of this section is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force, consistent with the declarations of the city council's intent in Subsections (I)(1) and (I)(2).

(4) No court may decline to enforce the severability requirements in Subsections (I)(1), (I)(2), and (I)(3) on the ground that severance would "rewrite" the ordinance or involve the court in legislative or lawmaking activity. A court that declines to enforce or enjoins a locality or government official from enforcing a subset of an ordinance's applications is never "rewriting" an ordinance, as the ordinance

continues to say exactly what it said before. A judicial injunction or declaration of unconstitutionality is nothing more than a non-enforcement edict that can always be vacated by later courts if they have a different understanding of what the Constitution requires; it is not a formal amendment of the language in a statute or ordinance. A judicial injunction or declaration of unconstitutionality no more "rewrites" an ordinance than a decision by an executive official not to enforce a duly enacted statute or ordinance in a limited and defined set of circumstances.

(J) Whoever violates this section is guilty of a misdemeanor in the first degree.

D. EMERGENCY MEASURE

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, morals and welfare of the City of Celina, Ohio; and for the further reason that the immediate passage of this ordinance is necessary to preserve the lives of unborn children in Celina, Ohio then this ordinance shall take effect at the earliest date allowed by law.

PASSED, ADOPTED, SIGNED and APPROVED,

Mayor of the City of Celina, Ohio

Clerk of Council of the City of Celina, Ohio

ORDINANCE 52-21-O

AN ORDINANCE APPROVING A FINAL PLAT FOR EAGLEBROOKE ESTATES SECTION VII, PHASE II, AND DECLARING AN EMERGENCY.

WHEREAS, a final plat for Eaglebrooke Estates Section VII, Phase II, has been presented to the City of Celina for final approval; (attached as Exhibit A) and

WHEREAS, the City Planning Commission met on October 21, 2021, and recommends to Council approval of said plat.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the City Council of the City of Celina, does hereby approve the final plat for Eaglebrooke Estates Section VII, Phase II, and accepts the dedication of easements and rights-of-way shown on said plat.

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to allow the development of this site at the earliest date possible. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 8 day of November, 2021.




Jason D. King, President of Council

ATTEST:



Vincent J. Barnhart, Acting Clerk of Council

APPROVED November 8, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq, City Law Director

BASIS OF BEARINGS
BASIS OF BEARINGS FROM EAGLEBROOKE ESTATES
SECTION VII, PHASE I, INSTRUMENT #202100005462

PROPERTY IS ZONED R-1

BUILDING SETBACK LINE

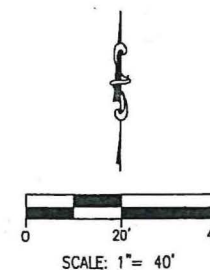
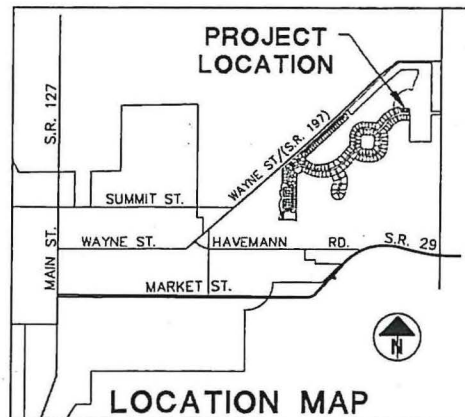
FRONT BUILDING SETBACK LINES ARE 30' AND REAR
BUILDING SETBACKS ARE 30' FROM THE PROPERTY
LINES. SIDE YARD SETBACKS ARE 10'.

EASEMENTS

ALL EASEMENTS ARE FOR GENERAL UTILITY USE.

REAR LOT STORM SYSTEMS

ALL STORM SEWER PIPES AND STRUCTURES IN THE
REAR YARDS ARE PRIVATE, AND NOT THE
RESPONSIBILITY OF THE CITY OF CELINA.

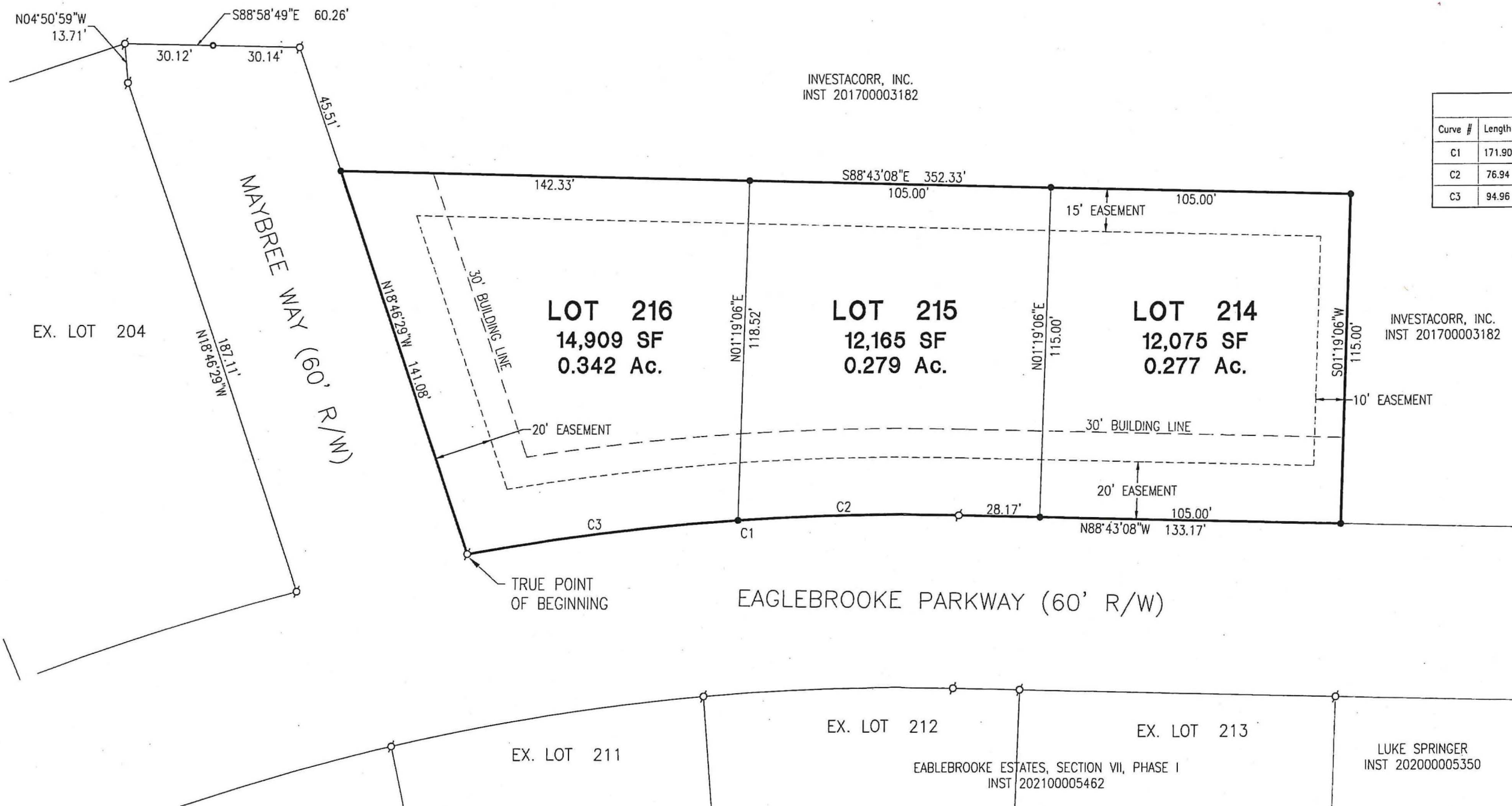


EAGLEBROOKE ESTATES SECTION VII, PHASE II

3 LOTS

PART OF THE SOUTHWEST 1/4 OF SEC 28, TOWN 5 SOUTH, RANGE 3 EAST, FORMERLY
CENTER TOWNSHIP, NOW UNNAMED TOWNSHIP, ALSO KNOWN AS WAYNE TOWNSHIP, CITY
OF CELINA, MERCER COUNTY OHIO

0.899 TOTAL ACRES
0.000 R/W ACRES
0.899 NET ACRES



INVESTACORR, INC.
INST 201700003182

INVESTACORR, INC.
INST 201700003182

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	171.90	840.00	11.73	S85° 25' 06"W	171.60
C2	76.94	840.00	5.25	S88° 39' 25"W	76.92
C3	94.96	840.00	6.48	S82° 47' 39"W	94.91

LEGEND

- 5/8" IRON PIN SET
- 5/8" IRON PIN W/ CAP FOUND
- P.K. NAIL FOUND

OWNER
INVESTACORR, INC.
6781 HELLWARTH ROAD
CELINA, OHIO 45822
PH. (419) 586-9367

DEVELOPER
BRUNS BUILDING &
DEVELOPMENT CORP. INC.
1429 CRANBERRY ROAD
ST. HENRY, OHIO 45883
PH. (419) 925-4078

LUKE SPRINGER
INST 202000005350



www.accessengllc.com | 419-586-1430

EAGLEBROOKE ESTATES SECTION VII, PHASE II

3 LOTS

PART OF THE SOUTHWEST 1/4 OF SEC 28, TOWN 5 SOUTH, RANGE 3 EAST, FORMERLY
CENTER TOWNSHIP, NOW UNNAMED TOWNSHIP, ALSO KNOWN AS WAYNE TOWNSHIP, CITY
OF CELINA, MERCER COUNTY OHIO

LEGAL DESCRIPTION

Being a tract of land located in the Southwest Quarter of Section 28,
Town 5 South, Range 3 East, formerly Center Township, now unnamed
township, also known as Wayne Township, City of Celina, Mercer County
Ohio, and bounded and described as follows:

Beginning at an Iron Pin Found at the Northeast intersection of the Right
of Way lines of Maybree Way and Eaglebrooke Parkway in Eaglebrooke
Estates Section VII, Phase I as recorded in Instrument #202100005462,
marking the TRUE POINT OF BEGINNING;

Thence North 18°46'29" West along the East Right of Way line of Maybree
Way, a distance of one hundred forty-one and eight hundredths feet
(141.08') to an Iron Pin Set;

Thence South 88°43'08" East a distance of three hundred fifty-two and
thirty-three hundredths feet (352.33') to an Iron Pin Set;

Thence South 01°19'06" West a distance of one hundred fifteen and zero
hundredths feet (115.00') to an Iron Pin Set;

Thence North 88°43'08" West along the North Right of Way line of
Eaglebrooke Parkway, a distance of one hundred thirty-three and
seventeen hundredths feet (133.17') to an Iron Pin Found;

Thence along the North Right of Way line of Eaglebrooke Parkway, along
a curve to the Left, having a Radius of 840.00', a Length of 171.90',
and a Chord of South 85°25'06" West~171.60', to the TRUE POINT OF
BEGINNING, containing 0.899 acres more or less and being subject to all
highways and any other easements or restrictions of record.

Previous Deed Reference: O.R. Instrument #201700003182;

Description based on a survey by Craig W. Mescher Registered Surveyor
No. 8237 in September 2021, on file with the Mercer County Engineer's
Office.

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS;

That the undersigned owners of the land embraced to this plot
do certify that the said plat is a true representation of the
same and that we do dedicate the streets appearing hereon to
the use of the public forever.

All utility easements and building setback lines shall be strictly
adhered to as shown on the plat.

Owner: Investacorr, Inc.

Randall K. Bruns, President Date

ACKNOWLEDGMENT

STATE OF OHIO
COUNTY OF MERCER:

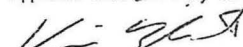
Before me a Notary Public in and for said County of Mercer,
State of Ohio, personally appeared the above signed owners and
acknowledged the signing of the above to be their free act and
deed.

In testimony whereof I have affixed my hand and seal this ____
day of _____, 2021.

My commission expires:

PLANNING COMMISSION CERTIFICATE

We hereby certify that the plot has been found to comply with
the standards of the Planning Board, City of Celina, Ohio.
Approved this 22 day of October, 2021.



Secretary of Planning Commission
Vince Barnhart

RECORDER'S CERTIFICATE

Received for record this ____ day of _____, 2021
____ o'clock.

Recorded in Instrument # _____

Fee: _____

Mercer County Recorder, Angela King

CELINA CITY COUNCIL CERTIFICATE

We hereby certify that the accompanying plat was approved and that
the streets dedicated hereon were approved and accepted by the
Council of the City of Celina, Ohio at a regular meeting of said
Council.

Passed on this ____ day of _____, 2021.

President, City Council, Jason King

CITY CERTIFICATION

This Plat of "Eaglebrooke Estates Section VII, Phase II" to the City of
Celina, Ohio has been accepted by the Council of the City of Celina, by
Ordinance No. _____ dated this ____ day of _____,
2021. Subject to all building restrictions, conditions and easements, as
shown on this plat, and as recorded in the office of the Mercer County
Recorder.

Date Mayor, Jeffrey Hazel

Date Clerk, Joan Wurster

These lots are subject to additional declarations, covenants and restrictions
recorded in Official Records Volume Instrument # _____ in
the Mercer County Recorder's Office.


COUNTY AUDITOR'S CERTIFICATE

I hereby certify that there are no unpaid taxes on land comprising
Eaglebrooke Estates Section VII, Phase II and that this plat was filed for
transfer in the office of the Mercer County Auditor this ____ day of
_____, 20____.

Mercer County Auditor, Randall E. Grapner



I hereby certify that this plat is true and accurate
to the best of my knowledge by Craig W. Mescher
Registered Surveyor No. 8237, September of 2021.
Iron pins to be set after construction of utilities.



Craig W. Mescher
Professional Surveyor #8237


ACCESS
Engineering Solutions

www.accessengllc.com | 419-586-1430

ORDINANCE 53-21-O

**AN ORDINANCE AUTHORIZING THE MODIFICATION OF
THE DUTIES OF THE CLERK OF COUNCIL AND
DECLARING AN EMERGENCY.**

WHEREAS, the Clerk of Council keeps the records of the legislative authority and performs such other duties as required by State Law and local Ordinance or Resolution; and

WHEREAS, the Council has revised the Clerk of Council's duties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio:

SECTION ONE

THAT, to the extent permitted by law the duties of the Clerk of the Celina City Council are hereby repealed in their entirety and are hereby replaced with the duties set forth in the attached Exhibit "A" which is fully incorporated herein by reference. These newly-adopted duties shall be in addition to any duties required of the Clerk by law.

SECTION TWO

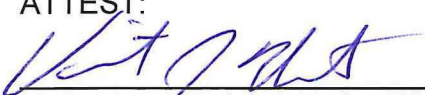
THAT, this Ordinance shall be declared an Emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to allow for the timely execution of an Employment Agreement associated with the Council Clerk's position by November 22, 2021. NOW, THEREFORE, this Ordinance shall take effect and in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 8 day of November, 2021.



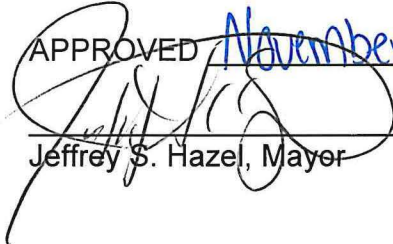
Jason D. King, President of Council

ATTEST:



Vincent J. Barnhart, Acting Clerk of Council

APPROVED November 8, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

Duties of the Clerk of the Celina City Council

Effective November 22, 2021

I. General Duties

The Clerk of Celina City Council ("clerk") shall keep the records of the legislative authority and perform such other duties as are required by Ordinance or Resolution.

The clerk shall notify the Mercer County Board of Elections of all vacancies caused by death, resignation, or otherwise in the elective offices of the City of Celina. Such notification shall be made in writing and filed not later than ten (10) calendar days after the vacancy occurs with the Mercer County Board of Elections.

The clerk shall notify the Mercer County Board of Elections of all changes in the boundaries of the City of Celina. Such notification shall be made in writing and contain a plat clearly showing all boundary changes be filed with the Mercer County Board of Elections within thirty (30) calendar days after such change occurs.

II. Specific Duties

A. Duties prior to each Regular Council Meeting:

- a. By no later than 9:00 a.m. on Thursday before a Regular Council Meeting:
 - i. Pick up agenda materials from City Administrative Assistant at the Celina Administration Building (225 N. Main Street Celina, Ohio 45822).
 - ii. Type agenda for Monday's Regular Council Meeting.
- b. By no later than noon on that same Thursday before a Regular Council Meeting:
 - i. Provide a copy (via email) of the agenda to the Administrative Assistant, who will make necessary copies for distribution.
 - ii. Provide a copy (via email) of the minutes to the Administrative Assistant from the previous Council Meetings (including Regular Meetings, Special Meetings, Emergency Meetings, and Committee Meetings), who will make the necessary copies for distribution.
- c. If the Administrative Assistant is not able to get the packets ready for distribution on a Friday prior to a Council Meeting you will need to complete the packets. (Administrative Assistant will provide training on how packets are put together.)

B. Duties for all Meetings of Council

- a. Arrive fifteen minutes prior to the scheduled start time of the scheduled meetings.
- b. Take minutes of all Council of the Whole Meetings (except for executive sessions), Committee Meetings, Sub-Committee Meetings, and any other official meetings of the Council.
- c. Obtain signatures of Council President, Mayor, and City Law Director on any legislation passed that evening (exception: If a piece of legislation is amended, the clerk will need to first amend the original copy before signatures are obtained.)
- d. Clean up tables after meeting.

C. Duties after all Meetings of Council

- a. Before noon on the Tuesday following the meeting email to the Daily Standard a list of legislative action passed (titles only).
- b. Email Administrative Assistant and advise as to what legislation was passed and/or was amended.
- c. Email Administrative Assistant and advise as to any Committee Meetings, Special Meetings, and the like, which Council has scheduled.
- d. File the "Clerk Copies" of passed legislation in the clerk's file (8.5" x 11"). File the second original copy (8.5" x 11") (double folded with the title of the legislation and legislative number typed on the outside) with the Administration Office for placement in the legislative vault. File the third original copy (8.5" x 14"), or as otherwise modified in the future) in a binder provided by the Administrative Assistant. (All three of these copies of the legislation contain original signatures.) (This procedure applies to both Ordinances and Resolutions.)
- e. On the original (largest) copy of the Ordinance or Resolution, type the following:

I, _____ (name), Clerk of Council of the City of Celina, Ohio hereby certify that the foregoing is a true and accurate copy of _____ (Ordinance number or Resolution number) passed by Council on _____ (date) and approved by the Mayor on _____ (date), and which was duly published according to the law in the Daily Standard on _____ (date), and _____ (date).

(Name), Clerk of Celina City Council

Date

- f. The clerk will check the Daily Standard for printed notice of passage of Ordinances and Resolutions. Ordinances and Resolutions need to be published twice by title only. (The dates published can be entered later since the Auditor receives a copy of the affidavit from the Daily Standard. The date of legislation passed will be different for each meeting.)
- g. After the minutes are read and approved by the Council, type a copy upon 8.5" x 14") paper for the binder. Type at the end of the minutes:

(Name), Council President

(Name), Clerk of Celina City Council

I, _____ (name), Clerk of Council of the City of Celina, Ohio, hereby certify that the foregoing is a true and correct copy of the minutes of _____ (date) and were approved by Council on _____ (date).

(Name), Clerk of Celina City Council

- h. Prepare a Certificate of Compliance of each meeting for the City Law Director to sign. Store in clerk's file. An example is as follows:

CERTIFICATE OF COMPLIANCE WITH ORDINANCE NUMBER 3-76-O, AN ORDINANCE ESTABLISHING AND ADOPTING RULES TO PROVIDE FOR NOTIFICATION OF MEETINGS OF PUBLIC BODIES OF THE CITY OF CELINA, OHIO, TO THE PUBLIC AND THE NEWS MEDIA.

I, _____ (name), Clerk of Council of the City of Celina, Ohio, do hereby certify that I have, to the best of my knowledge, fully complied with Rules of Notification for this meeting of the Council of the City of Celina, Ohio, held this _____ day of _____, 20_____.

Signed _____ (name), Clerk of Council

STATE OF OHIO)
) SS:
MERCER COUNTY)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED THE ABOVE NAMED _____ (NAME), KNOWN TO ME TO BE THE PARTY DESCRIBED HEREIN AND WHO EXECUTED THE SAME OF HER OWN FREE ACT AND DEED, FOR THE USES AND PURPOSES HEREIN MENTIONED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY HAND AND AFFIXED MY OFFICAL SEAL AT CELINA, OHIO, THIS ____ DAY OF _____, 20_____.

(name), City Law Director
Notary Public

- i. Liquor Control requests are to be placed on the agenda for the next meeting. The required date the form is required to be returned to the Ohio Department of Liquor Control is listed upon each such item. After (if) approval by the Council, sign, date and copy the form. Mail the original back to the Ohio Department of Liquor Control, and keep a copy in the clerk's file for records purposes.
- j. If items need certified and sealed, unless these pages are provided by the State of Ohio, the clerk shall use the Mayor's Seal (which is stored in the Administrative Assistant's Office) and the clerk will type a certification page, in a form as follows, as appropriate for the particular need:

CERTIFICATE

The undersigned certifies that the foregoing is a true and correct Copy of Ordinance No. _____ adopted by the Council of the City of Celina, Ohio on _____.

Date

(name), Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

Date

(name), Clerk of Council

-Or-

CERTIFICATE OF COPY
STATE OF OHIO

The City of Celina Mercer County, Ohio

I, _____ (name), as Clerk of the City of Celina, Ohio, do hereby certify that the foregoing is a true and correct copy of _____ (Ordinance/Resolution), adopted by the legislative Authority of the said City of Celina on the ____ day of _____, 20____, that the publication of such Ordinance/Resolution has been made and certified of record according to law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this ____ day of _____, 20____.

(name), Clerk of Council
City of Celina, Ohio

*If the clerk's signature is required on letters, you will receive a call from the Safety-Service Director Office.

ORDINANCE 54-21-O

AN ORDINANCE PROVIDING FOR THE TRANSFER OF THE BALANCE IN FUND 671 (WASTEWATER RESERVE) TO THE SEWER FUND AND DECLARING AN EMERGENCY.

WHEREAS, the City maintains a reserve fund called Fund 671 (Wastewater Reserve) for the sewer utility of the City; and

WHEREAS, continued maintenance of the Fund 671 (Wastewater Reserve) is no longer necessary for the original purpose for which it was initially established; and

WHEREAS, this Council desires to transfer the current fund balance in Fund 671 (Wastewater Reserve) to the main, operating Sewer Fund.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, Ohio:

SECTION ONE

THAT, the balance in Fund 671 (Wastewater Reserve) shall be transferred by the City Auditor to the main, operating Sewer Fund that is maintained for that sewer utility under Section 743.06 of the Ohio Revised Code. The City Auditor is authorized and directed to close the Fund 671 (Wastewater Reserve) upon such transfer of the balance therein as aforesaid.

SECTION TWO

THAT, the City Auditor may establish line items in the main operating Sewer Fund for the purposes permitted in Section 743.05 of the Ohio Revised Code, being maintenance, operation, and repair of the sewerage system and sewage pumping, treatment, and disposal works and for the enlargement or replacement of the City's sewer utility.


SECTION THREE

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

SECTION FOUR

THAT, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to respond to management letters from the Auditor of State of the State of Ohio; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

Passed this 8 day of November, 2021



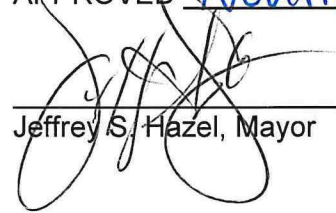
Jason D. King, President of Council

ATTEST:



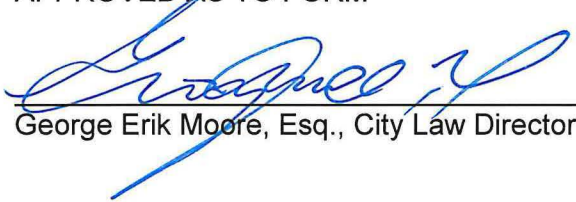
Vincent J. Barnhart, Acting Clerk of Council

APPROVED November 8, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM



George Erik Moore, Esq., City Law Director

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Celina, Ohio, met in regular session on November 8, 2021 with the following members present:

Absent: Council Member Eric Baltzell

There was presented and read to Council, Ordinance 54-21-O entitled:

AN ORDINANCE PROVIDING FOR THE TRANSFER OF THE BALANCE IN FUND 671 (WASTEWATER RESERVE) TO THE SEWER FUND AND DECLARING AN EMERGENCY.

CM Scott moved the rule requiring an ordinance or resolution of a general or permanent nature to be read on three separate days be suspended. CM Clausen seconded the motion, and the following was the result of a vote thereon (at least three-fourths of the members concurring):

Ayes: 6

Nays: 0

CM Fleck then moved that Ordinance 54-21-O be passed as read. CM Buxton seconded the motion, and the vote thereon resulted as follows (at least two-thirds of the members concurring):

Ayes: 6

Nays: 0

The Ordinance was declared passed November 8, 2021.

CERTIFICATE

The undersigned, Clerk of Council of the City of Celina, Ohio, hereby certifies that the foregoing is a true and correct copy of the minutes of a meeting of the Council of said City, held on November 8, 2021.



Acting Clerk of Council

ORDINANCE 55-21-O

AN ORDINANCE PROVIDING FOR THE TRANSFER OF THE BALANCE IN FUND 664 (WATER SYS RESERVE) TO THE WATER FUND AND DECLARING AN EMERGENCY.

WHEREAS, the City maintains a reserve fund called Fund 664 (Water Sys Reserve) for the water utility of the City; and

WHEREAS, continued maintenance of the Fund 664 (Water Sys Reserve) is no longer necessary for the original purpose for which it was initially established; and

WHEREAS, this Council desires to transfer the current fund balance in Fund 664 (Water Sys Reserve) to the main, operating Water Fund; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, Ohio:

SECTION ONE

THAT, the balance in Fund 664 (Water Sys Reserve) shall be transferred by the City Auditor to the main operating Water Fund that is maintained for that water utility under Section 743.06 of the Ohio Revised Code. The City Auditor is authorized and directed to close the Fund 664 (Water Sys Reserve) upon such transfer of the balance therein as aforesaid.

SECTION TWO

THAT, the City Auditor may establish line items in the main, operating Water Fund for the purposes permitted in Section 743.05 of the Ohio Revised Code, being repairs, enlargement or extension of the water utility of the City.


SECTION THREE

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

SECTION FOUR

THAT, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to respond to management letters from the Auditor of State of the State of Ohio; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

Passed this 8 day of November, 2021



Jason D. King, President of Council

ATTEST:



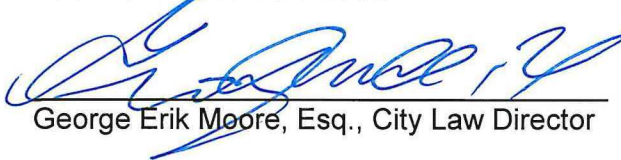
Vincent J. Barnhart, Acting Clerk of Council

APPROVED November 8, 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM



George Erik Moore, Esq., City Law Director

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Celina, Ohio, met in regular session on November 8, 2021 with the following members present:

Absent: Council Member Baltzell

There was presented and read to Council, Ordinance 55-21-O entitled:

AN ORDINANCE PROVIDING FOR THE TRANSFER OF THE BALANCE IN FUND 664 (WATER SYS RESERVE) TO THE WATER FUND AND DECLARING AN EMERGENCY.

CM Scott moved the rule requiring an ordinance or resolution of a general or permanent nature to be read on three separate days be suspended. CM Clausen seconded the motion, and the following was the result of a vote thereon (at least three-fourths of the members concurring):

Ayes: 6

Nays: 0

CM Fleck then moved that Ordinance 55-21-O be passed as read. CM Buxton seconded the motion, and the vote thereon resulted as follows (at least two-thirds of the members concurring):

Ayes: 6

Nays: 0

The Ordinance was declared passed November 8, 2021.

CERTIFICATE

The undersigned, Clerk of Council of the City of Celina, Ohio, hereby certifies that the foregoing is a true and correct copy of the minutes of a meeting of the Council of said City, held on November 8, 2021.



Acting Clerk of Council

AN ORDINANCE TO MAKE APPROPRIATIONS FOR EXPENSES AND OTHER EXPENDITURES OF THE CITY OF CELINA, STATE OF OHIO, DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2022, AND TO DECLARE AN EMERGENCY.

SECTION ONE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, State of Ohio, that to provide for the expenses and other expenditures of the City of Celina during the calendar year ending December 31, 2022, the following sums be and they are hereby set aside and appropriated as follows,

SECTION TWO

THAT there be appropriated from the General Fund:

Mayor			
Personal Service	\$5,280		
Other Expense	\$21,300		
Capital Outlay	\$825		
Total for Mayor			\$27,405
Council			
Personal Services	\$11,880		
Other Expense	\$10,579		
Total for Council			\$22,459
Clerk of Council			
Personal Services	\$1,485		
Other Expense	\$330		
Total for Clerk of Council			\$1,815
Director of Safety			
Personal Services	\$74,930		
Other Expense	\$7,260		
Capital Outlay	\$990		
Total for Director of Safety			\$83,180
Engineering Department			
Personal Services	\$42,028		
Supplies & Material	\$7,095		
Capital Outlay	\$825		
Other-Consultant Fees	\$16,500		
Total for Engineering Department			\$66,448
Civil Service Commission			
Personal Services	\$330		
Other Expense	\$10,350		
Total for Civil Service Commission			\$10,680
Auditor/Director of Finance			
Personal Services	\$48,944		
Supplies & Other Expense	\$7,590		
Capital Outlay	\$1,650		

Total for Auditor/Director of Finance		\$58,184
City Income Tax		
Personal Services	\$123,429	
Supplies & Other Expense	\$19,800	
Capital Outlay	\$1,000	
Other-Tax Refunds	\$120,000	
Total for City Income Tax		\$264,229
Treasurer		
Personal Services	\$1,485	
Supplies & Other Expense	\$248	
Total for Treasurer		\$1,733
Municipal Court		
Personal Services	\$450,727	
Supplies & Other Expense	\$45,500	
Jury/Witness Fees, Legal Aid	\$2,000	
Capital Outlay	\$5,000	
Total for Municipal Court		\$503,227
Community Development Director		
Com Dev Sister City Program	\$3,000	
Total for Com Dev Director		\$3,000
Law Director		
Personal Services	\$22,916	
Supplies & Other Expense	\$5,940	
Other-Claims & Consultations	\$58,080	
Capital Outlay	\$1,650	
Total for Law Director		\$88,586
CMU Building		
Personal Services	\$0	
Supplies & Other Expense	\$17,980	
Capital	\$22,620	
Total for Community Development		\$40,600
City Hall		
Personal Services	\$0	
Other Heat	\$9,800	
Supplies & Other Expense	\$15,000	
Capital	\$49,500	
Total for City Hall		\$74,300
Miscellaneous General Fund Accounts		
Other Expenses	\$158,755	
County/State Fees/Deductions	\$98,120	
Total for Miscellaneous		\$256,875
Personnel Miscellaneous		
Public Employees Retirement	\$267,982	
Workers' Compensation	\$84,768	
Hospital & Life Insurance	\$1,368,460	
City Medicare/FICA Share	\$62,000	
Total for Personnel Miscellaneous		\$1,783,211

Law Enforcement		
Personal Services	\$1,427,975	
Other Operating Expense	\$291,000	
Total for Law Enforcement		\$1,718,975
Fire Prevention and Control		
Personal Services	\$1,232,678	
Other Expense	\$146,500	
Total for Fire Prev. & Control		\$1,379,178
Transfers		
Police Pension	\$178,974	
Fire Pension	\$240,567	
Street Mtc./Repair	\$0	
Park/Recreation	\$544,502	
Cemetery Fund	\$8,830	
Capital Projects	\$6,874	
Total for Transfers		\$979,747
Basic Services		
Personal Services	\$71,393	
Material and Other Expense	\$103,000	
Capital	\$0	
Total for Basic Services		\$174,393

SECTION THREE

That there be appropriated from the General Fund for Contingencies for purposes not otherwise provided for, to be expended in accordance with the provisions of section 5705.29 R.C. the sum of \$100,000

Grand Total General Fund Appropriation **7,638,225**

SECTION FOUR

That there be appropriated from the Income Tax Additional 0.5% Fund for purposes not otherwise provided for, to be expended in accordance with the provisions of Ordinance 61-15-O the sum of

Transfers		
Reimbursement into General Fund from .50% f	560,400	
Reimbursement into General Fund from .50% f	560,400	
Street Improvement Capital Fund	879,200	
Total for Transfers		2,000,000

SECTION FIVE

That there be appropriated from the Street Construction, Maintenance and Repair Fund (Auto License and Gasoline Tax):

Cemetery Operation		
Personal Services	\$16,330	
Other Expense	\$24,500	
		40,830
Street Repair and Cleaning		

Personal Services	\$470,830	
Supplies and Expense	\$367,000	
Capital Outlay	\$109,416	
Total for Street Const., Maint.,and Repair		947,246

SECTION SIX

THAT there be appropriated from the State Highway Improvement Fund (7-1/2% of Auto License and Gasoline Tax):

Street Cleaning & Repair		
Personal Services	\$5,500	
Supplies and Material	\$55,250	
Capital Equipment	\$6,046	
Total for Street Cleaning		66,796

SECTION SEVEN

THAT there be appropriated from the Permissive License Fee Fund:

Street Repair		
Supplies and Material	\$10,000	
		10,000

SECTION EIGHT

THAT there be appropriated from the Parks/Recreation Fund:

Parks/Recreation		
Personal Services- Park	\$268,962	
Personal Services-Pool	\$70,000	
Supplies & Material-Parks	\$224,920	
Supplies & Material-Pool	\$52,500	
Game Officials & Coaches	\$10,000	
Capital-Parks	\$25,670	
Capital-Pool	\$0	
Eastview Park Debt	\$0	
Consulting	\$0	
Total for Parks and Recreation		652,052

SECTION NINE

THAT there be appropriated from the Policemen's Relief and Pension Fund the sum of:

235,449

SECTION TEN

THAT there be appropriated from the Fireman's Relief and Pension Fund the sum of:

297,043

SECTION ELEVEN

THAT there be appropriated from the Indigent Driver's Alcohol Treatment Fund the sum of:

15,000

SECTION TWELVE

THAT there be appropriated from the Court Computer Fund the sum of: 95,000

SECTION THIRTEEN

THAT there be appropriated from the Indigent Offender Special Project Fees Fund: 10,000

SECTION FOURTEEN

THAT there be appropriated from the American Rescue Plan Act the sum of: 497,500

SECTION FIFTEEN

THAT there be appropriated from the Capital Project/Improvement Funds:

Grand Lake TIF Transfers	\$123,300	
Market Street TIF-Transfers	\$500	
Mersman TIF Expense	\$400	
Havemann Road TIF-Transfers	\$1,200	
Staeger Road TIF - Transfers	\$168,400	
State Route 29 West TIF-Transfers	\$14,550	
Thieman Tailgate TIF-Transfers	\$0	
Kriegel (Qualitec) TIF Transfers	\$0	
State Route 703 TIF Expense	\$1,100	
LWCF Grant Prog Fund Expense	\$360,000	
Drinking Water Solutions Grant Exp	\$0	
Street Improvement Capital Fund	\$237,650	
Bryson Pool Improvements Splash Park	\$0	
Bryson Park Phase 3	\$0	
Harley Jones Rotary Mem AMP Bry Pk	\$0	
Fire Capital Fund	\$98,840.00	
Police Capital Fund	\$173,400.00	
 Total Capital Projects		 \$1,179,340

SECTION SIXTEEN

THAT there be appropriated from the Debt Service Funds:

OWDA Ind Pk Water Tower	118,000	
Bryson Park Phase 3	\$121,500	
Ent/Liv Waterline Bond	\$0	
Grand Lake Rd Bond	\$0	
State Route 29 West Bond	\$14,050	
Wayne Street Bond	\$0	
Johnson Avenue Bond	\$0	
Main Street (Water/Storm) Bond	\$46,000	
Buckeye Street Bond	\$0	
Buckeye Street OPWC Loan	\$6,874	
Lakeshore Park Property Note	\$0	
Municipal Court Bldg Improvement Bond	\$0	
Total Debt Service Funds		306,424

SECTION SEVENTEEN

THAT there be appropriated from the Electric Revenue Fund:

Electric Plant			
Purchase Power	\$18,000,000		
Supplies and Expense	\$10,000		
Total for Electric Plant		\$18,010,000	
Electric Distribution			
Personnel	\$1,044,722		
Supplies and Expense	\$907,800		
Capital Outlay	\$1,300,000		
Total for Elec. Distribution		\$3,252,522	
Electric Customer Accounts			
Personnel	\$243,395		
Supplies and Expense	\$88,100		
Kilowatt Hour Payments	\$1,000,000		
Capital Outlay	\$6,250		
Total for Electric Customer Accounts		\$1,337,745	
Electric Admin. & General			
Personnel	\$306,311		
Supplies and Expense	\$219,626		
CMU Bldg Other Expense	\$5,890		
Capital Outlay	\$13,170		
Debt Service	\$0		
Total for Electric Admin. & General		\$544,997	
Total for Electric Revenue Fund			23,145,264

SECTION EIGHTEEN

THAT there be appropriated from the Water Revenue Fund:

Water Plant			
Personnel	\$789,426		
Supplies & Expense	\$1,387,350		
Capital Outlay	\$150,000		
Total for Water Plant		\$2,326,776	
Water Distribution			
Personnel	\$370,977		
Supplies and Expense	\$204,000		
Capital Outlay	\$252,850		
Total for Water Distribution		\$827,827	
Water Customer Accounts			
Personnel	\$121,698		
Supplies and Expense	\$44,050		
Capital Outlay	\$3,125		
Total for Water Customer Accounts		\$168,873	
Water Admin. & General			
Personnel	\$167,337		

Supplies and Expense	\$120,112	
CMU Bldg Other Expense	\$3,100	
Capital Outlay	\$7,050	
County Agreements	\$182,500	
Debt Service	\$51,463	
Transfer to System Reserve & Electric	\$0	
Total for Water Admin. & General		\$531,562
Total for Water Revenue Fund		3,855,038

SECTION NINETEEN

THAT there be appropriated from the Wastewater Revenue Fund:

Wastewater Plant		
Personnel	\$525,935	
Supplies and Expense	\$568,800	
Capital Outlay	\$635,000	
Total for Wastewater Plant		\$1,729,735
Wastewater Collection		
Personnel	\$75,956	
Supplies and Expense	\$52,950	
Capital Outlay	\$22,250	
R & I Capital Outlay	\$0	
Total for Wastewater Collections		\$151,156
Wastewater Customer Accounts		
Personnel	\$121,698	
Supplies & Expense	\$44,050	
Capital Outlay	\$3,125	
Total for Customer Accounts - Wastewater		\$168,873
Wastewater Admin. & General		
Personnel	\$167,330	
Supplies and Expense	\$120,112	
County Agreements	\$72,000	
CMU Bldg Other Expense	\$3,100	
Capital Outlay	\$7,050	
Debt Service	\$169,645	
Transfer to System, R/I Acct & Electric	\$0	
Total for Admin. & General - Wastewater		\$539,236
Wastewater System Bond Funds		\$0
Total for Wastewater Revenue Fund		2,589,000

SECTION TWENTY

THAT there be appropriated from the Stormwater Utility Fund:

Personnel	\$0	
Supplies and Expense	\$57,250	
Capital Outlay	\$288,750	
Debt Service Payments	\$0	
Total for Stormwater Utility Fund		\$346,000

Total for Stormwater Utility Fund 346,000

SECTION TWENTY-ONE

THAT there be appropriated from the GAC Debt Retirement Fund:

Debt Service Payments \$427,777

Total for GAC Debt Retirement Fund 427,777

SECTION TWENTY-TWO

THAT there be appropriated from the Utility Depository Fund the Sum of:

120,000

SECTION TWENTY-THREE

THAT there be appropriated from the Self-Insurance Fund the sum of:

5,000

SECTION TWENTY-FOUR

THAT there be appropriated from the Unclaimed Money Fund the sum of:

10,000

SECTION TWENTY-FIVE

THAT there be appropriated from the S-2011 Wastewater Bond Fund the sum of:

169,645

Total All Appropriations 44,658,628

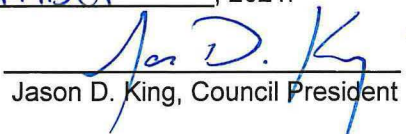
SECTION TWENTY-SIX

THAT the City Auditor is hereby authorized to draw her warrants on the City Treasury for payments from any of the foregoing appropriations upon receiving the proper certification and vouchers therefore approved by the Board of Officers authorized by law to approve the same or an Ordinance or Resolution of Council to make the expenditures; provided that the warrants shall be drawn or paid for salaries or wages, except the persons employed by authority of, and in accordance with, law, or ordinances. Provided further, that the appropriation for contingencies can only be expended upon approval of a two-thirds vote of Council for items of expense constituting a legal obligation against the city, and for the purpose other than those covered by the other specific appropriations herein made.

SECTION TWENTY-SEVEN

THAT Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare, such emergency arising out of the necessity to meet 2022 obligations when due. Now, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 20th day of December, 2021.


Jason D. King, Council President

ATTEST:



Erin B. Heberlie, Clerk of Council

Approved

December 20

2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George E. Moore, Esq., City Law Director

ORDINANCE 57-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS FOR CITY PROJECTS AND CAPITAL EQUIPMENT FOR FISCAL YEAR 2022.

WHEREAS, certain projects and equipment are necessary for the efficient operation of various departments and for the public health, safety and welfare of the City of Celina, Ohio; and

WHEREAS, it is necessary that advertising bidding and awarding of these contracts be carried out in compliance per the requirements of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Safety-Service Director and other appropriate appointing authorities be and is hereby authorized to advertise for, and or receive bids, and enter into a contract, and or that the Board of Control award such public bids for the following equipment and projects:

Equipment

Auditor- Computer/Office
Municipal Courts- Computer/Office
Municipal Courts- Install Security System
City Hall- Miscellaneous Repairs
City Hall- Repaint Squad Bay Doors
Administration- Miscellaneous Repairs
Law Director- Computer/Office
Police Department- Computers (4)
Police Department- MARCS Mobile Radio (2)
Police Department- Replace Duty Gear
Police Department- Replace Marked Patrol Cars (2)
Police Department- Replace In-Car Cameras (2)
Fire Department- Thermal Imaging Camera (2)
Fire Department- 2" & 1.75" Hose
Fire Department- F150 Truck
Fire Department- F150 Truck Equipment
Public Works Department- 2019 Street Sweeper (Pay 4 of 4)
Public Works Department- One Ton Truck w/ Service Body & Snow Plow
Parks- Replace Roof on Westview Restroom
Customer Accounts- Computers (7)
Electric Department- Scada and Cameras for Subs
Electric Department- Traffic Signal Replacement
Electric Department- Bryson Park Lighting
Electric Department- Street Light Replacement
Electric Department- Pole Replacement & Underground
Electric Department- Transformer & Regulators
Electric Department- Replace Sub Relays on 69kv
Electric Department- Meter Upgrade Radio Read 1000 Meters
Electric Department- 40' Service Truck
Water- Front Drive & South Parking Lot
Water- Sludge Lagoon Bank Dirt Work
Water- Sludge Lagoon Fence Repair

Water- Water Dist. Backhoe (Pay 1 of 4)
Water- WWTP Meter Match (1/2)
Water- Summit Street Tower Drain/Clean/Paint (Pay 1 of 3)
Water- Fire Hydrants
Wastewater- Replace Schreiber Grit Classifier
Wastewater- Replace Schreiber Grit/Grease Removal System
Wastewater- SCADA for WW Collection System
Wastewater- Replace Schreiber Mech Bar Screen System
Wastewater- Miscellaneous Equipment (pumps, blowers, etc.)
Wastewater- Sludge Mixing System
Wastewater- VFDs for Oxidation Ditch Aerators
Wastewater- Water Meter Split (1/2)
Wastewater- Meter, Valve, Pipe Replacement
Wastewater- Miscellaneous Building Repairs
Wastewater- ¾ Ton Pickup w/lift gate
Wastewater- Mr. Manhole (1/2)
Stormwater- Storm Pipe, Manholes, Castings
Stormwater- Catch Basins
Stormwater- Catch Basins Castings
Stormwater- Midsize Excavator
Stormwater- Mr. Manhole (1/2)

Projects

Fayette Street Reconstruction
Lions Club Building
Echo Street Waterline Replacement
Admin Building Sign

SECTION TWO

THAT, the Safety-Service Director, at his discretion, use the approved Equipment Listing from the State of Ohio's bidding process, in lieu of formal bidding for qualifying equipment purchases.

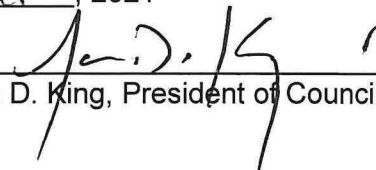
SECTION THREE

THAT, the Auditor be and is hereby authorized to draw warrants for payment of the above projects and capital equipment, the funding of said items as appropriated and passed within Ordinance 56-21-O.

SECTION FOUR

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 20 day of December, 2021



Jason D. King, President of Council

ATTEST:



Erin B. Heberlie, Clerk of Council

APPROVED December 20, 2021

APPROVED AS TO FORM:



George E. Moore, City Law Director



Jeffrey S. Hazel, Mayor

ORDINANCE 58-21-O

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS FOR CERTAIN MATERIALS, SERVICES, SUPPLIES AND EQUIPMENT NEEDED DURING 2022.

WHEREAS, certain materials, services, supplies and equipment are necessary for efficient operation of various departments of the City of Celina, Ohio, and are obtained by contract; and

WHEREAS, it is necessary that advertising, bidding and awarding of these contracts be carried out in compliance per the requirements of the Ohio Revised Code; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Safety-Service Director be and is hereby authorized to advertise for, and or receive bids, and enter into a contract, and or that the Board of Control award public bids for personnel consulting services, engineering consulting, electric consulting, cleaning services, wastewater and water treatment (coagulant, lime, oxygen, granular activated charcoal, sodium hypochlorite, sodium aluminates, calcium nitrate, polymer and other necessary chemicals), water line material, bituminous material, salt, concrete, stone, transformers, wire, poles, and contract labor and equipment for street marking, crack sealing, tree trimming, grinding, and maintenance and upgrading of the electric distribution system.

SECTION TWO

THAT, the Auditor be and is hereby authorized and directed to draw warrants for payment of the above materials, services, supplies and equipment and the funding of said items has been appropriated through Ordinance 56-21-O.

SECTION THREE

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 20 day of December, 2021

Jason D. King, President of Council

ATTEST:

Erin B. Heberlie, Clerk of Council

APPROVED December 20, 2021 Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore, Esq., City Law Director

ORDINANCE 59-21-O

**AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN
ORDINANCE 32-20-O AS THE ELEVENTH SUPPLEMENT TO THE
2021 ANNUAL APPROPRIATIONS, AND DECLARING AN
EMERGENCY.**

WHEREAS, budgeted appropriations in various categories of the City Budget are insufficient to cover obligations and anticipated expenditures, and changes to the appropriations must be approved by Council to rebalance the accounts.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from unappropriated balance **General Fund:**

Council Legal Advertising (110.111.5250)	\$ 2,000.00
Council Stat/Incid (110.111.5410)	\$ 330.00
Council Clerk Stat/Incid (110.112.5410)	\$ 99.00
CMU/Admin Bldg Incidentals (110.171.5410)	\$ 2,030.00

Appropriate from unappropriated balance **Electric Fund:**

Elec Adm/Gen Council Stat/Incid (661.111.5410)	\$ 320.00
Elec Adm/Gen Council Clerk Stat/In (661.112.5410)	\$ 96.00
Elec CMU/Adm Bldg Incidentals (661.171.5410)	\$ 665.00
Elec Plant Power Purchase (661.621.5210)	\$1,250,000.00

Appropriate from unappropriated balance **Water Fund:**

Water Adm/Gen Council Stat/Incid (663.111.5410)	\$ 175.00
Water Adm/Gen Council Clerk Stat/In (663.112.5410)	\$ 52.50
Water CMU/Adm Bldg Incidentals (663.171.5410)	\$ 350.00

Appropriate from unappropriated balance **Waste Water Fund:**

WW Sys Adm/Gen Council Stat/Incid (666.111.5410)	\$ 175.00
WW Adm/Gen Council Clerk Stat/In (666.112.5410)	\$ 52.50
WW CMU/Adm Bldg Incidentals (666.171.5410)	\$ 350.00

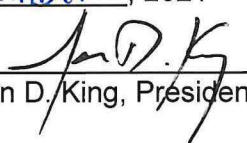
Appropriate from unappropriated balance **Park Fund:**

Park CMU/Adm Bldg Incidentals (224.171.5410)	\$ 105.00
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SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. NOW, therefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22nd day of November, 2021




Jason D. King, President of Council

ATTEST:

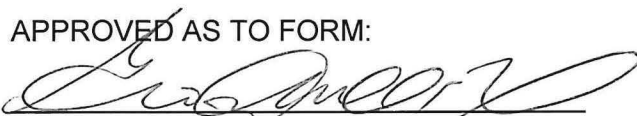


Erin B. Heberlie, Clerk of Council

APPROVED November 22, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik. Moore, Esq., City Law Director

ORDINANCE 60-21-O

AN ORDINANCE APPROPRIATING MONEY FROM THE GENERAL FUND FOR DEPOSIT IN THE POLICE CAPITAL FUND, FIRE CAPITAL FUND, STREET IMPROVEMENT CAPITAL FUND, PARK CAPITAL FUND, AND MONTGOMERY FIELD INVESTMENT FUND, TO TRANSFER FUNDS, AND TO DECLARE AN EMERGENCY.

WHEREAS, it is desired to transfer Two Hundred Fifty Thousand Dollars (\$250,000) from the General Fund to the Police Capital Fund (361.000.4910); and

WHEREAS, it is desired to transfer Two Hundred Fifty Thousand Dollars (\$250,000) from the General Fund to the Fire Capital Fund (360.000.4910); and

WHEREAS, it is desired to transfer One Million Five Hundred Seventy-Five Thousand Dollars (\$1,575,000) from the General Fund to the Street Improvement Capital Fund (321.000.4910); and

WHEREAS, it is desired to transfer One Hundred Thousand Dollars (\$100,000.00) from the General Fund to the Park Capital Fund (362.000.4910); and

WHEREAS, it is desired to transfer Twenty-Five Thousand Dollars (\$25,000.00) from the General Fund to the Montgomery Field Investment Fund (324.000.4910).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, and State of Ohio.

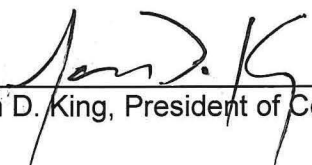
SECTION ONE

THAT, Two Million Two Hundred Thousand Dollars (\$2,200,000.00) be appropriated from the unappropriated balance of the General Fund to the Transfer Capital Projects (110.651.5910):

SECTION TWO

THAT, Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health safety, and welfare, such emergency arising out of the necessity to allow the transfer to occur at the earliest date possible. NOW, THEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed.

PASSED this 20 day of December, 2021



Jason D. King, President of Council

ATTEST:



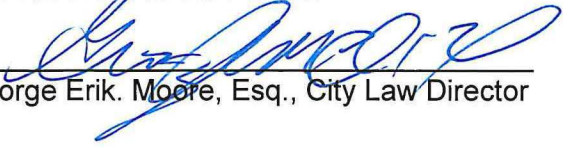
Erin B. Heberlie, Clerk of Council

APPROVED December 20 2021



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

ORDINANCE 61-21-O

AN ORDINANCE ACCEPTING THE MATCHING GRANT THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT WATER AND WASTEWATER INFRASTRUCTURE PROGRAM (WWIP), TO ESTABLISH A FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina was awarded funding in the amount of Six Hundred Eighty Thousand Dollars (\$680,000.00) through the Ohio Department of Development; and

WHEREAS, the City of Celina does agree to obligate matching funds in the amount of Five Hundred Thousand Dollars (\$500,000.00).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the Celina City Council accepts the Matching Grant (attached as Exhibit A) through the Ohio Department of Development Water and Wastewater Infrastructure Program (WWIP).

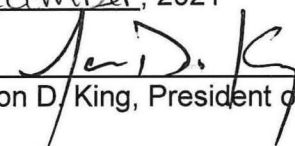
SECTION TWO

THAT, the City of Celina does agree to obligate matching funds in the amount of Five Hundred Thousand Dollars (\$500,000.00) and direct the City Auditor to establish a fund called the "Water and Wastewater Infrastructure Program (WWIP)" for the purpose of accounting for the receipt and expenditure of funds.

SECTION THREE

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, and for the further reason that the purchase be completed at the earliest date possible to facilitate the project of the Water and Wastewater Infrastructure Program (WWIP). Now, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 20 day of December, 2021




Jason D. King, President of Council

ATTEST:

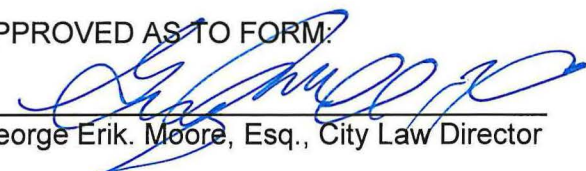


Erin B. Heberlie, Clerk of Council

APPROVED December 20, 2021


Jeffrey S. Hazel Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

Ohio Department of Development Water and Wastewater Infrastructure Program Grant Agreement

This Grant Agreement (the "Agreement") is made and entered into between the Ohio Department of Development (the "Grantor"), located at 77 South High Street, Columbus, Ohio 43215 and **Celina, City of** (the "Grantee") for the period **November 1, 2021 to December 31, 2024**. Grantee to set forth the terms and conditions upon which Grantor will provide financial assistance to Grantee and Grantee will use the financial assistance for costs of implementing the Water and Wastewater Infrastructure Program (WWIP) in accordance with the terms of this Agreement, the Grant Application (the "Application"), which consists of the collective materials submitted by Grantee to Grantor via Grantor's online system and the contents of this Agreement (collectively, the "Project"). In the event there is a conflict between this Agreement and the Exhibits, the Exhibits control.

Statement of the Agreement

1. **Award of Grant Funds.** Grantor hereby grants funds to Grantee in the amount of **\$680,000.00** (the "Grant Funds"), for the sole and express purpose of providing for the performance of the program listed above and undertaking the Project(s) as listed in **Application** which is herein by reference. Grantee may not use the Grant Funds for any purpose other than completion of the Project. The Grant Funds shall be further contingent upon the Special Conditions set forth in Exhibit IV: Special Conditions, if applicable. Expenditures shall be supported by contracts, invoices, vouchers and other data as appropriate, including the reports listed in accordance with the schedule set forth in **Exhibit II: Reporting**, evidencing the costs incurred. If the Grant Funds are not expended in accordance with the terms, conditions and time period set forth in this Agreement or the total amount of the Grant Funds exceeds the eligible costs of the Project(s), the amounts improperly expended or not expended shall be returned to Grantor within 30 days after the expiration or termination of this Agreement. Grantee shall not pledge the Grant Funds as security for any loan or debt of any kind other than that described in this Agreement.
2. **Funding Source.** The American Rescue Plan Act was signed into law March 11, 2021 and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. This program was intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses. Grantee agrees to comply with all requirements of the SLFRF.
3. **Term of Agreement.** This Agreement shall be effective from the Beginning Date and shall continue through the Expiration Date set forth on page one of this Agreement, unless terminated earlier in accordance with Section 15 of this Agreement. Reporting and refund obligations shall continue in accordance with the schedules set forth in Exhibit II and until satisfactorily completed.
4. **Scope of Work.** Grantee shall undertake the Project(s) as listed in the Application. Grantor may, from time to time, as it deems appropriate and necessary, communicate specific instructions and requests and provide guidance and direction to Grantee concerning the performance of the work described in this Agreement. Within a reasonable period of time, Grantee shall comply with such instructions and fulfill such requests to the satisfaction of Grantor. These instructions and requests are to ensure the satisfactory completion of the work contemplated under this Agreement. In no event shall the Grant Funds be used for any other purpose than that described in this Agreement.
5. **Payment of Grant Funds.** Payment to Grantee of the Grant Funds shall be made upon the timely submission to Grantor of a financial reimbursement request. Grantee shall deposit all Grant Funds received under this Agreement in a Federal Deposit Insurance Corporation (FDIC) account and record in a separate account on the books of Grantee. Grantor reserves the right to suspend payments should Grantee fail to provide required reports in a timely and adequate fashion or if Grantee fails to meet other terms and conditions of this Agreement. Grantor may withhold payment requests if Grantee fails to comply with the above requirements until such compliance is demonstrated.

6. **Reporting Requirements.** Grantee shall submit to Grantor the reports required in **Exhibit II: Reporting**.
7. **Records, Access and Maintenance.** Grantee shall establish, and physically control for at least five years from the final close out of this Agreement such records as are required by Grantor, including but not limited to, financial reports, intake and participant information, program and audit reports. The parties further agree that records required by Grantor with respect to any questioned costs, audit disallowances, litigation or dispute between Grantor and Grantee shall be maintained for the time needed for the resolution of any such issue. If for any reason Grantor shall require a review of the records related to the Project(s), Grantee shall, at its own cost and expense, segregate all such records related to the Project(s) from its other records of operation.
8. **Audits.** An audited Grantee shall submit to the Federal Audit Clearinghouse and make available for public inspection a copy of the audit, data collection form and reporting package as described in **2 CFR 200 Subpart F – Audit Requirements** within the earlier of 30 days after receipt of the auditor's report(s) or nine months after the end of the audit period. In addition, Grantees must notify the Grantor when their audit reporting package is submitted to the Federal Audit Clearinghouse. Notification should be sent to singleaudit@development.ohio.gov and must take place within seven (7) days following submission of the reporting package to the Federal Audit Clearinghouse. In lieu of or in addition to the notification, Grantees may electronically submit their single audit report to singleaudit@development.ohio.gov or mail one copy of the single audit report to Special Projects Coordinator, Audit Office, P. O. Box 1001, Columbus, Ohio 43216-1001.
9. **Monitoring, Evaluation and Audit Activities.** Grantor shall supervise, evaluate, and provide guidance and direction to Grantee in the conduct of the work and activities to be performed under the terms of this Agreement. Grantee's staff and all parties involved with the project shall cooperate with Grantor and its authorized representatives in their program monitoring and shall maintain and make available to Grantor all programmatic, fiscal, and performance records necessary for Grantor's monitoring and evaluation. Grantee shall submit to Grantor reports detailing the expenditures of the Grant Funds and such other reports as may be required by Grantor, including the reports listed and according to the schedule set forth in **Exhibit II: Reporting**. As directed by Grantor, all activities associated with this Agreement will be subject to fiscal and compliance audits in accordance with 2 CFR 200, as amended by 2 CFR 910; and Generally Accepted Auditing Standards.
10. **Reports and Records.**
 - a. **Performance Reports.** Grantor shall supervise, evaluate and provide guidance and direction to Grantee in the conduct of the work and activities to be performed under the terms of this Agreement.
 - b. **Signature and Costs.** The chief executive officer, chief financial officer, or other officer of Grantee authorized to sign tax returns on behalf of Grantee shall certify by his or her signature of each report required by Exhibit II that the information reported by Grantee is true, complete and correct.
 - c. **Remedy.** Performance reports are essential for Grantor's effective administration of this grant and its financial incentive programs, generally. If Grantee fails to submit any Required Report and such breach continues uncured for more than 30 days, Grantor may recover, and Grantee shall pay, as liquidated damages for the breach, an amount equal to \$500 for each month or part of a month the Required Report is past due.
11. **Rights of Inspection.** Grantee shall permit Grantor to inspect and copy, during normal business hours, any books and records necessary to ensure compliance with the terms and conditions of this Agreement. Grantee acknowledges and agrees that rights of inspection (1) extend to representatives and agents of Grantor and federal agencies that pass funds through Grantor including, but not limited to, the Auditor of State of Ohio, an appropriate inspector general appointed under applicable federal or state law, the Comptroller General of the United States and/or the Government Accountability Office; (2) include the rights

to examine Grantee's corporate accounts or other accounts and/or funding sources within the control and/or name of Grantee when there is evidence (e.g., vouchers, invoices, canceled checks, descriptions, etc.) that these books contain original or substantial source documentation of the federal funds granted herein; (3) contain Grantee's covenant to make all fiscal records available to authorized audit personnel of Grantor and its federal agencies for inspection at any time and as often as Grantor may deem necessary and in a manner as not to interfere with the normal business operation of Grantee; and (4) include Grantee's undertaking to make available to Grantor for interview any officer or employee of Grantee or of any contractor or subcontractor of Grantee regarding the Grant Funds and any transaction involving the Grant Funds. Grantee shall also require each of its non-profit partners, contractors and subcontractors paid with Grant Funds to make its respective books and records available for inspection and copying in the same manner as described in this section for Grantee's books and records.

12. **Budget Alterations.** Grantee may make alterations to any line in its budget submitted with this Agreement as referenced in the **Application** so long as Grantee notifies Grantor of such budget alteration in writing 30 days prior to the date of the change and Grantor approves the proposed alteration in writing. Alterations to line items in Grantee's budget shall not increase the amount of Grant Funds awarded under this Agreement. Grantor shall respond to Grantee's request to approve a budget alteration in writing within a reasonable period of time.
13. **Grantee Status.**
 - a. Public entities within a Political Subdivision with the authority to own and operate public water and sewer systems. If Grantee is a political subdivision, Grantee shall maintain its political subdivision status in compliance with the laws of the State of Ohio during the term of this Agreement.
14. **Grantee Certifications and Assurances.** By signing this Agreement, Grantee certifies and assures the following:
 - a. **Equal Employment Opportunity.** Grantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, age, military status, ancestry, veteran status, or any other factor specified in **Section 125.111 of the Ohio Revised Code, in the Civil Rights Act of 1964, as amended, or in section 504 of the Rehabilitation Act of 1973, as amended, and in any subsequent legislation pertaining to civil rights.** Grantee will take affirmative action to ensure that applicants are considered for employment and that employees are treated during employment, without regard to the aforementioned classes. Grantee will, in all solicitations or advertisements for employees placed by or on behalf of Grantee, state that all qualified applicants will receive consideration for employment without regard to the aforementioned classes. Grantee will incorporate the requirements of this paragraph in all of its respective contracts for any of the work for which the Grant Funds are expended (other than subcontracts for standard commercial supplies or raw materials), and the Grantee will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
 - b. **Property and Equipment Purchases.** All items purchased by Grantee are and shall remain the property of Grantee, except if Grantor exercises its right to terminate this Agreement pursuant to paragraph 17, in which case all property and equipment purchased by Grantee with any Grant Funds herein awarded shall revert to Grantor. Grantee shall provide for the security and safekeeping of all items obtained through this Agreement.
 - c. **Accounting systems** used by Grantee are in accordance with generally accepted accounting standards; 2 Code of Federal Regulations (CFR) 200 and applicable appendices, as amended by 2 CFR 910; and other applicable local, state and federal statutes, regulations, policies, directives, and guidelines. Grantee has established procedures to ensure good fiscal and management practices to deposit and account for the Grant Funds. Grantee shall make appropriate documentation relating to the Grant Funds available to the Grantor and the U.S. Department of Treasury, the Comptroller General of the United States, or any of their duly authorized representatives, for examination or copying, upon a reasonable request.

- d. Grantee is and shall remain throughout the term of this Agreement insured by a surety or fidelity insurance to cover all individuals responsible for the security and control of the Grant Funds covered under this Agreement. Grantee must file with Grantor a Certification of Fidelity Bonding and Collateral Security of Deposits.
- e. Grantee shall file with Grantor a Certification Regarding Lobbying and comply with the requirements set forth in 45 CFR Part 93. Also, if Grantee is a nonprofit organization, by submitting an application and accepting the Grant Funds under this Agreement, Grantee assures that it is not an organization that has engaged in any lobbying activities described in the "Lobbying Disclosure Act of 1995," 2 U.S.C. § 1601. Further, by accepting the Grant Funds under this Agreement, Grantee agrees that none of the Grant Funds obligated by this Agreement shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate with Congress as described in 18 U.S.C. § 1913.
- f. Grantee shall file with Grantor a Certification Regarding Drug-Free Workplace Requirements and comply with the requirements set forth in Sections 5151 to 5160 of the "Drug-Free Workplace Act of 1988," 41 U.S.C. §§ 8101-8106.
- g. Grantee shall file with Grantor a Certification Regarding Debarment, Suspension and Other Responsibility Matters and comply with the requirements regarding debarment and suspension in 2 CFR Part 180, Subpart C; 2 CFR Part 901, Subpart C; and 45 CFR Part 73b.
- h. Grantee is informed that 18 U.S.C. § 666, Theft or Bribery Concerning Programs Receiving Federal Funds, is applicable to funds received under this Agreement.
- i. Grantee shall comply with all terms of the "Pro-Children Act of 2001," 42 U.S.C. §§ 7181-7184. Smoking will not be permitted within an indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, daycare, early childhood development services education, or library services to children under the age of 18.
- j. Grantee must ensure they do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the U.S. Treasury Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the U.S. Treasury Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42

15. Termination

- a. Grantor may immediately terminate this Agreement by giving reasonable written notice of termination to Grantee for any of the following occurrences:
 - i. Failure of Grantee to fulfill in a timely and proper manner any of its obligations under this Agreement.
 - ii. Failure of Grantee to submit any report required by this Agreement that is complete and accurate.
 - iii. Failure of Grantee to use the Grant Funds for the stated purposes in this Agreement.
 - iv. Cancellation or Reduction of the grant of funds from the U.S. Department of Treasury.
- b. Early Termination: Grantor may also terminate this Agreement if Grantee (i) defaults under another Agreement between the Grantor and/or the Tax Credit Authority and Grantee (ii) admits Grantee's

inability to pay its debts as such debts become due, (iii) Grantee commences a voluntary bankruptcy, (iv) an involuntary bankruptcy action occurs against Grantee which remains undismissed or unstayed for 60 days, (v) Grantee fails to meet the minimum funding requirements under the Employee Retirement Income Security Act or other such employee benefits plan, or (vi) Grantor has reason to believe Grantee has ceased operations at the Project location. The events permitting early termination by Grantor shall be considered a default by Grantee and subject to the Effects of Termination under Section 18 of this Agreement.

16. **Remedies.** Following a default by Grantee, Grantor may exercise one or more of the following remedies:
- a. **Discontinue Disbursements.** If the Grant Funds have not been fully disbursed, Grantor may terminate any and all of Grantor's obligations under this Agreement, including the obligation to make further disbursements of Grant Funds.
 - b. **Suspension or Termination.** Grantor may withhold payment under this Agreement, suspend or terminate the Agreement in whole or in part for cause, which shall include, but is not limited to: (1) failure for any reason by Grantee to fulfill in a timely and proper manner its obligations under this Agreement, or other agreements entered into between the parties, including compliance with the approved program and any and all statutes, Executive Orders, regulations, directives, guidelines, plans or other requirements as may become generally applicable at any time; (2) Grantor determines that the governing board of Grantee cannot or will not take the necessary action to bring Grantee into compliance with applicable requirements of 2 CFR 200, as amended by 2 CFR 910 with the requirements of any applicable program statute or rule, or with any other term or condition of this Agreement within the time period allowed by Agreement or as approved by Grantor; (3) Grantor determines that the nature or extent of noncompliance is extreme and warrants immediate termination of this Agreement; (4) Grantee ceases to exist or becomes legally incapable of performing its responsibilities under the Agreement; (5) Grantee has failed to comply with any timelines for the expenditure of Grant Funds as required by Grantor; (6) ineffective or improper use of the Grant Funds provided under this Agreement; (7) failure to comply with reporting requirements including, but not limited to, submission by Grantee to Grantor of reports that are incorrect or incomplete in any material respect; (8) suspension or termination of any funds provided under this Agreement, or the portion thereof delegated by this Agreement; and (9) cancellation of grant funds. Grantee acknowledges that timely performance and attainment of performance measurements are material to Grantee's compliance with this Agreement and a priority of the federal and state governments in the administration of the Grant Funds.
 - c. **Demand Repayment of Grant Funds or Liquidated Damages.** Under the circumstances described in Section 3 of this Agreement, demand repayment of Grant Funds improperly expended and under the circumstances described in Section 11 of this Agreement, demand liquidated damages as provided in Section 11(c). Grantee shall not be required to refund Grant Funds or pay liquidated damages in an amount that exceeds the Grant Funds awarded.
 - d. **Other Legal Remedies.** Pursue any other legal or equitable remedies Grantor may have under this Agreement or applicable law.
 - e. **Remedies Cumulative.** No remedy provided to Grantor under this Agreement or otherwise by law or in equity is exclusive of any other available remedy. No delay or omission by Grantor in exercising any right or power accruing upon any default shall impair any such right or power or be construed as a waiver, and each such right or power may be exercised from time to time as often as may be deemed by Grantor to be expedient.
17. **Effects of Termination.** Within 60 days after termination of this Agreement, Grantee shall surrender all reports, documents, and other materials assembled and prepared pursuant to Agreement, which shall become the property of Grantor, unless otherwise directed by Grantor. After receiving written notice of termination, Grantee shall incur no new obligations and shall cancel as many outstanding obligations as possible. Upon compliance with this Section, Grantee shall receive compensation for all activities satisfactorily performed prior to the effective date of termination.

18. Liability.

- a. **Public Agency or Governmental Entity.** If Grantee is a public agency or governmental entity, Grantee shall maintain liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person and damage to property (including property of Grantor) caused by the negligent acts or omissions or negligent conduct of Grantee, to the extent permitted by law, in connection with the work and activities of this Agreement. Furthermore, as between the parties to this Agreement, each party agrees to be liable for the negligent acts or negligent omissions by or through itself and its respective employees, agents, and contractors. Each party to this Agreement further agrees to defend itself and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any such liability from one party to the other.

19. Forbearance Not a Waiver. No act of forbearance or failure to insist on the prompt performance by Grantee of its obligations under this Agreement, either express or implied, shall be construed as a waiver by Grantor of any of its rights hereunder.

20. Certification of Funds Available. None of the rights, duties, and obligations described in this Agreement shall be binding upon either party until all statutory provisions of the Ohio Revised Code, including, but not limited to, Section 126.07, have been complied with, and until such time as all necessary funds have actually been made available and forthcoming from the appropriate state and/or federal agencies.

21. Conflict of Interest. No personnel of Grantee, contractor of Grantee or personnel of any such contractor, and no public official who exercises any functions or responsibilities in connection with the review or approval of any work completed under this Agreement, shall, prior to the completion of such work, voluntarily or involuntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge or fulfillment of his or her functions or responsibilities with respect to the completion of the work contemplated under this Agreement. Grantee shall immediately disclose in writing to Grantor any such person who, prior to or after the execution of this Agreement, acquires any personal interest, voluntarily or involuntarily. Grantee shall cause any such person who, prior to or after the execution of this Agreement, acquires any personal interest, voluntarily or involuntarily, to immediately disclose such interest to Grantor in writing. Thereafter, such person shall not participate in any action affecting the work under this Agreement unless Grantor determines that, in light of the personal interest disclosed, his or her participation in any such action would not be contrary to the public interest.

22. Adherence to State and Federal Laws, Regulations.

- a. **General.** Grantee shall comply with all applicable federal, state, and local laws in the performance of Grantee's obligations under this Agreement, the completion of the Project and the operation of the Project as long as Grantee has any obligation to Grantor under this Agreement. Without limiting the generality of such obligation, Grantee shall pay or cause to be paid all unemployment compensation, insurance premiums, workers' compensation premiums, income tax withholding, social security withhold, and any and all other taxes or payroll deductions required for all employees engaged by Grantee in connection with the Project, and Grantee shall comply with all applicable environmental, zoning, planning and building laws and regulations.
- b. **Ethics.** Grantee, by its signature on this document, certifies: (1) it has reviewed and understands the Ohio ethics and conflict of interest laws including, without limitation, **ORC Sections 102.01 et seq., 2921.01, 2921.42, 2921.421, 2921.43, and 3517.13(I) and (J), and (2)** will take no action inconsistent with those laws, as any of them may be amended or supplemented from time to time. Grantee understands that failure to comply with the ethics and conflict of interest laws, is in itself, grounds for termination of this Agreement and the grant of funds made pursuant to this Agreement and may result in the loss of other contracts or grants with the State of Ohio.

23. **Outstanding Liabilities.** Grantee represents and warrants that it does not owe: (1) any delinquent taxes to the State of Ohio (the "State") or a political subdivision of the State; (2) any amount to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other amount to the State, a state agency or a political subdivision of the State that are past due, whether or not the amounts owed are being contested in a court of law.
24. **Falsification of Information.** Grantee represents and warrants that it has made no false statements to Grantor in the process of obtaining this award of the Grant Funds. If Grantee has knowingly made a false statement to Grantor to obtain this award of the Grant Funds, Grantee shall be required to return all the Grant Funds immediately pursuant to **ORC Section 9.66(C)(2)** and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to **ORC Section 9.66(C)(1)**. Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to **ORC 2921.13(F)(1)**, which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than 180 days.
25. **Public Records.** Grantee acknowledges that this Agreement and other records in the possession or control of Grantor regarding the Project are public records under **ORC 149.43** and are open to public inspection unless a legal exemption applies.
26. **Debarment.** Grantee certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency as defined in **2 CFR Part 180** and **2 CFR 2424**.
27. **Miscellaneous.**
- a. **Forum and Venue.** Grantee irrevocably submits to the non-exclusive jurisdiction of any federal or state court sitting in Columbus, Ohio, in any action or proceeding arising out of or related to this Agreement, Grantee agrees that all claims in respect of such action or proceeding may be heard and determined in any such court, and Grantee irrevocably waives any objection it may now or hereafter have as to the venue of any such action or proceeding brought in such court or that such court is an inconvenient forum. Nothing in this Agreement shall limit the right of Grantor to bring any action or proceedings against Grantee in the courts of any other jurisdiction. Any actions or proceedings by Grantee against Grantor or the State of Ohio involving, directly or indirectly, any matter in any way arising out of or related to this Agreement shall be brought only in a court in Columbus, Ohio.
- b. **Entire Agreement.** This Agreement, including its exhibits and documents incorporated into it by reference, constitutes the entire agreement and understanding of the parties with respect to its subject matter. Any prior written or verbal agreement, understanding or representation between the parties or any of their respective officers, agents, or employees is superseded and no such prior agreement, understanding or representation shall be deemed to affect or modify any of the terms or conditions of this Agreement.
28. **Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.
29. **Pronouns.** The use of any gender pronoun shall be deemed to include all the other genders, and the use of any singular noun or verb shall be deemed to include the plural, and vice versa, whenever the context so requires.
30. **Headings.** Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement

31. Counterparts; PDF Accepted. This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement. Copies of signatures sent by facsimile transmission or provided electronically in portable document format ("PDF") shall be deemed to be originals for purposes of execution and proof of this Agreement.

a. Notices. All notices, consents, demands, requests and other communications which may or are required to be given hereunder shall be in writing and shall be deemed duly given if personally delivered or sent by United States mail, registered or certified, return receipt requested, postage prepaid, to the addresses set forth hereunder or to such other address as the other party hereto may designate in written notice transmitted in accordance with this provision.

1. In the case of Grantor, to:

Ohio Department of Development
 Office of Community Development
 77 South High Street, P.O. Box 1001
 Columbus, Ohio 43216-1001
 Attn: Deputy Chief

2. In the case of Grantee, to:

Celina, City of

 225 N Main St Celina, OH 45822-2127

Signature

Each of the parties has caused this Grant Agreement to be executed by its authorized representatives as of the dates set forth below their respective signatures.

Grantee:

Celina, City of

 Authorized Official
 Tom Hitchcock

Printed Name:
 Safety-Service Director

Title:
 12/13/2021

Date:

Grantor:

State of Ohio, Department of Development

 By:

Printed Name:

Title:

Date:

Grantee Must Enter Data Universal Numbering System (DUNS) Information			
DUNS Number:	115124174	Expiration Date:	N/A

EXHIBIT I

Scope of Work/Grant Application

Project scope of work is located within Grantor online application system (Salesforce).

EXHIBIT II

Reporting

Grantee shall provide the documents listed below by the date(s) specified herein or to be determined by Grantor. Grantor shall provide a format for these documents and shall instruct Grantee in the proper completion of such documents. The reporting and recordkeeping requirements listed herein shall not be construed to limit Grantor from making additional requests or from changing or including additional detail. Failure to submit required reports will result in non-payment of monthly expenditures.

1. **Financial Reimbursement Requests:** all financial reimbursement requests must be submitted electronically to the Grantor on a monthly basis as costs are incurred. Supporting documentation for costs submitted for reimbursement must be uploaded and submitted within the electronic system as part of the request. If an advance of funds is being requested, provide a rationale for the advance and anticipated uses.
2. **Program Reports:** Program reports must be submitted on a quarterly basis. Program reports must be submitted by close of business, on the second Friday at the end of each quarter. Program reports must include the following information:
 - a. Narrative summary of use of funds during the reporting period
 - b. Narrative describing promoting equitable outcomes. Describe efforts used to promote equitable outcomes, including how projects were implemented with equity in mind.
 - c. Narrative describing community engagement
 - d. Labor Practices: Describe workforce practices on projects implemented. How is the project using strong labor standards to promote effective and efficient delivery of high-quality infrastructure
 - e. Project Construction Start Date (if applicable)
 - f. Project Operations date
 - g. National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable)
 - h. Public Water System (PWS) ID Number (if applicable)
 - i. Information on Matching funds utilized during the reporting period (i.e., source, amount and uses)
3. **Final Report:** A final project report must be submitted 15 days after the end of this agreement. The final report must include the following information:
 - a. Number of new households who have access to public water or centralized sewer system
 - b. Number of public and private service lines replaced
 - c. Number of home sewage treatment systems replaced

EXHIBIT III

Contract Provisions

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, *as applicable*.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic

must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

ORDINANCE 62-21-O

AN ORDINANCE AMENDING VARIOUS CATEGORIES WITHIN ORDINANCE 32-20-O AS THE TWELFTH SUPPLEMENT TO THE 2021 ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, budgeted appropriations in various categories of the City Budget are insufficient to cover obligations and anticipated expenditures, and changes to the appropriations must be approved by Council to rebalance the accounts; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, City Council hereby directs the Auditor to appropriate the following from the unencumbered balance in the respective fund:

Appropriate from Unappropriated balance of the General Fund:	
Administrative Assist Payroll (110.121.5112)	\$ 400.00
Human Resource Coordinator Payroll (110.121.5113)	\$ 300.00
Police Payroll (110.211.5111)	\$10,000.00
Police Radio Operators Payroll (110.212.5111)	\$10,500.00
Fire Department Payroll (110.221.5111)	\$16,000.00

Appropriate from Unappropriated balance of the Electric Fund:	
Elec Plant Power Purchase (661.621.5210)	\$100,000.00

SECTION TWO

THAT, this Ordinance shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity for immediate adjustments to the 2021 Annual Appropriations. This ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 20 day of December, 2021




Jason D. King, President of Council

ATTEST:

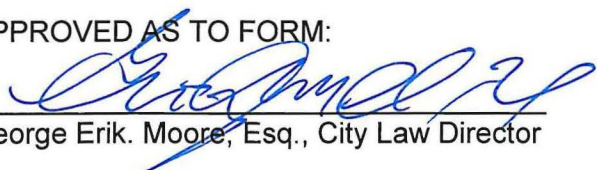


Erin B. Heberlie, Clerk of Council

APPROVED December 20, 2021


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik. Moore, Esq., City Law Director