



William Biddlecombe **Joe Dike** **Sam Artino** **Monty Tapp** **Mark Claus** **Matt Grieves** **Joel Hagy**
Councilmember Councilmember Councilmember Mayor Vice-Mayor Councilmember Councilmember

CITY COUNCIL — REGULAR COUNCIL MEETING

Tuesday, January 23, 2024 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

- I. Call To Order** Moment of Silence followed by the Pledge of Allegiance to the Flag
- II. Roll Call of City Council**
- III. Approval of Minutes**
- IV. Audience Comments** Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)
- V. Old Business**
 - V.a** Ordinance No. 2023-50 **(third and final reading)** *(submitted by Erik Engle)*
An ordinance repealing, amending and restating Chapter 1313 (Purpose) of the City of Huron Codified Ordinances.
 - V.b** Ordinance No. 2023-53 **(third and final reading)** *(submitted by Erik Engle)*
An ordinance repealing, amending and restating Chapter 1139 of the City of Huron Codified Ordinances.
 - V.c** Ordinance No. 2023-54 **(third and final reading)** *(submitted by Erik Engle)*
An ordinance establishing a new Section 1126.29 (Wind Energy) under Chapter 1126 (Special Provisions) of the City of Huron Codified Ordinances.
 - V.d** Amended Ordinance No. 2023-14 *(Submitted by Erik Engle)*
An ordinance amending Ordinance No. 2023-14 to correct Section numbers relating to Duty to Maintain Trees in Tree Lawn from 521.14 to 521.15.
 - V.e** Amended Ordinance No. 2023-12 *(Submitted by Erik Engle)*
An ordinance amending Ordinance No. 2023-12 to change references to Section 521.14 contained in Section 909.03 (Maintenance, Removal or Replacement of Trees) to Section 521.15.
- VI. New Business**
 - VI.a** Resolution No. 5-2024 *(submitted by Doug Steinwart)*
A resolution authorizing a License/Lease Agreement with The Paddle Shack, LLC for use of city-leased property at Nickel Plate beach at \$450 per year for the license fee, and \$300 per year for equipment storage.
 - VI.b** Resolution No. 6-2024 *(submitted by Chief Terry Graham)*
A resolution ratifying a grant application to the Ohio Department of Job and Family Services, OhioMeansJobs Erie County for on-the-job training for Eric Ritter, and acceptance of grant funds in an amount not to exceed \$13,000.00, should the application be successful.

VI.c Resolution No. 7-2024 (*submitted by Jack Evans*)

A resolution ratifying submission of a grant application to the Ohio Department of Development - Water and Wastewater Infrastructure Grant Program FY 2024-25 relating to the Huron River Alternate Raw Water Intake and Sludge Lagoon Sewer Project, and authorizing acceptance of said grant award in an amount not to exceed Two Million Three Hundred Eleven Thousand Seven Hundred and XX/100 Dollars (\$2,311,700.00).

VI.d Motion

Motion revoking Sam Artino's appointment as Council representative for the Huron Chamber of Commerce; and to appoint Matt Grieves as Council's representative to the Huron Chamber of Commerce for a term ending 11/30/2025.

VII. City Manager's Discussion

VIII. Mayor's Discussion

IX. For the Good of the Order

X. Executive Session(s)

XI. Adjournment



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-50 **(third and final reading)** *(submitted by Erik Engle)*
DATE: January 23, 2024

Subject Matter/Background

This ordinance separates out Planning Commission processes from building review processes and renames Chapter 1313 Building Plan Review. Essentially, the purpose under 1313.01 was revamped to reflect such differentiation. Furthermore, Section 1313.03 Procedure for Filing and Review was simply moved from the Building Code to the Zoning Code under the newly established 1139.01 Planning Commission Review. A redline copy of the changes proposed is attached hereto as Exhibit 1.

There have been no changes made to this legislation since its first reading.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is properly before you.

Recommendation

If Council is in agreement with the request, a motion to adopt Ordinance No. 2023-50 is in order.

[Ordinance No. 2023-50 Chapter 1313 Building Plan Review Amendment \(2\).docx](#)

[Ordinance No. 2023-50 Exh A.pdf](#)

[Ordinance No. 2023-50 - Exh B \(1\).docx](#)

ORDINANCE NO. 2023-50
Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1313 (BUILDING PLAN REVIEW)
OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 1313 (Building Plan Review) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 1313 (Building Plan Review) of the Codified Ordinances of the City of Huron, Ohio, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Mark Claus, Vice-Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 1313**Site Plan and Storm Water Pollution Prevention Plan (SWPPP) Review****1313.01 Purpose.****1313.02 Requirements.****1313.03 Procedure for filing and review.****1313.04 Fees.****1313.99 Penalty.****CROSS REFERENCES**

Plans and fees under Ohio Building Code - see BLDG. 1301.10

1313.01 PURPOSE.

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, a suitable site development plan and a SWPPP shall be submitted to the Department of Building and Housing and that such plans shall be subject to review by the City Planning Commission, City Building and Housing Department, and the City Engineering Office.

(Ord. 2013-39. Passed 9-24-13.)

1313.02 REQUIREMENTS.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

(1) A scale drawing showing:

- A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
- B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
- C. The extent and type of parking lot and driveway paving.
- D. The location and dimensions of all pedestrian ways and/or sidewalks.
- E. The location and size of all existing and proposed utilities.
- F. Complete building elevations and signage including color renderings of the same
- G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
- H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

- A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
- B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
- C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.

(6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

(Ord. 2021-36. Passed 10-26-21.)

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans (including design review requirements), with the exception of single or two- family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

(1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review(including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

(Ord. 2021-36. Passed 10-26-21.)

1313.04 FEES.

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in Section 1321.12.

(Ord. 2013-39. Passed 9-24-13.)

1313.99 PENALTY.

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.

(Ord. 2013-39. Passed 9-24-13.)

CHAPTER 1313
Building Plan Review

- 1313.01 Purpose.
 - 1313.02 Requirements.
 - 1313.03 Procedure for filing and review.
 - 1313.04 Fees.
 - 1313.99 Penalty.
- CROSS REFERENCES

Plans and fees under Ohio Building Code - see BLDG. 1301.10

1313.01 PURPOSE.

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, suitable site development plan and a SWPPP, if required, be submitted to the Planning and Zoning Department and Building Department and that such plans shall be subject to review by the City Planning Commission, City Building and Zoning Department, and the City Engineering Office.

(Ord. 2013-39. Passed 9-24-13.)

1313.02 MINIMUM REQUIREMENTS FOR CONSTRUCTION.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single-family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

- (1) A scale drawing showing:
 - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
 - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
 - C. The extent and type of parking lot and driveway paving.
 - D. The location and dimensions of all pedestrian ways and/or sidewalks.
 - E. The location and size of all existing and proposed utilities.
 - F. Complete building elevations and signage including color renderings of the same
 - G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.

H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.

B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.

C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

(1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.

(2) The location of vehicular ingress and egress and the dimensions of the same.

(3) The location and dimensions of all pedestrian ways and/or sidewalks.

(4) The location and size of all existing and proposed utilities.

(5) Complete building elevations.

(6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

(Ord. 2021-36. Passed 10-26-21.)

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans (including design review requirements), with the exception of single- or two-family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

(1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review (including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of

Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

(Ord. 2021-36. Passed 10-26-21.)

1313.04 FEES.

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in the Fee Schedule.

(Ord. 2013-39. Passed 9-24-13.)

1313.99 PENALTY.

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.

(Ord. 2013-39. Passed 9-24-13.)



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-53 (**third and final reading**) (*submitted by Erik Engle*)
DATE: January 23, 2024

Subject Matter/Background

This ordinance clarifies language set in Chapter 1139 Zoning Administration.

Amendments include the following:

1. Typical grammatical edits, wordsmithing, and basic revisions
2. Restructuring language from other code chapters
3. Establishing a clear process for conditional uses
4. Formally establishing zoning certificate expirations aligned with building permits; one year timeframe
5. Formally establishing a one-year expiration for area variances

A redline copy of the changes proposed is attached hereto as Exhibit 1.

There have been no changes made to this legislation since its first reading.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion to adopt Ordinance No. 2023-53 is in order.

[Ordinance No. 2023-53 Chapter 1139 REDLINES.pdf](#)

[Ordinance No. 2023-53 Chapter 1139 Zoning Administration \(2\).docx](#)

[Ordinance No. 2023-53 Exhibit A \(1\).pdf](#)

[Ordinance No. 2023-53 Exh B \(3\).docx](#)

CHAPTER 1139
Zoning Administration

1139.01 Planning Commission Review

1139.02 Procedure for Filing and Review

~~1139.02-03~~ Enforcement; penalty.

~~1139.0342~~ Board of Building and Zoning Appeals.

~~1139.0453~~ Conditional Use Permits

~~1139.0564~~ Zoning district changes and zoning regulation amendments.

~~1139.0675~~ Validity and repeal.

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. 7.02

1139.01 PLANNING COMMISSION REVIEW

(a) Requirements. Upon the filing of an application for a building permit for every building or structure, other than a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Planning and Zoning Department. The site development plan shall include the following information:

(1) A scaled drawing showing:

A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.

B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.

C. The extent and type of parking lot and driveway paving.

D. The location and dimensions of all pedestrian ways and/or sidewalks.

E. The location and size of all existing and proposed utilities.

F. Complete building elevations and signage including color renderings of the same

G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.

H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.

B. A statement of ownership (names and addresses) and the present use of all properties located within ~~100-150~~ feet of the exterior boundaries of the subject development site.

C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules, ~~and regulations, and~~ design guidelines of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Planning and Zoning Department. The site development plan shall include the following information: A scale drawing showing:

(1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.

(2) The location of vehicular ingress and egress and the dimensions of the same.

(3) The location and dimensions of all pedestrian ways and/or sidewalks.

(4) The location and size of all existing and proposed utilities.

(5) Complete building elevations.

(6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

(Ord. 2021-36. Passed 10-26-21.)

Commented [EE1]: Recommendation from PC to remove notification requirement; staff advises this to remain for the sake of transparency.

(b) 1139.02 PROCEDURE FOR FILING AND REVIEW.

Formatted: No bullets or numbering

(a) For all site plans (including design review requirements), with the exception of single or two- family projects, a digital copy and seven-three (37) physical printed copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official/Planning and Zoning Department.

(1) For design review submittal, the developer shall submit a digital copy and three (3) physical printed copies seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission cannot give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued (See Chapter 1313).

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector, ~~Building Official~~, and City Engineer without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two- family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150~~100~~-feet of the exterior boundaries of the subject site and a sign posted on the site no less than three days prior to the public meeting. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Planning and Zoning Department by the applicant at least ten (10) days prior to the date of the regular meeting.

Commented [EE2]: Refer back to building code chapter 1313 and 1315

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review (including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) Planning and Zoning Staff/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

Commented [EE3]: Define and reference back to building code?

1139.032 ENFORCEMENT; PENALTY.

(a) Enforcement by Zoning Inspector. The Zoning Inspector, or his designated representative, shall enforce this Zoning Ordinance in accordance with the administrative provisions of the City Building Code and this chapter. All departments, officials and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter shall be null and void.

(b) Filing Plans. Every application for a zoning certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought is completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One copy

of such plans shall be returned to the owner when the plans are approved by the Zoning Inspector, together with such zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In any case where the lot is not provided and is not proposed to be provided with a public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

(c) Zoning Certificate. No owner shall use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged in whole or in part, until a zoning certificate, which may be a part of the building permit, is issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. The Zoning Inspector shall issue a zoning certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary wastes, conform with all applicable requirements of this chapter. The zoning certificate is only valid for one (1) year, which is fulfilled with the commencement of construction within one (1) year of issuance. Should the year time limit lapse, applicants may renew their certificate or resubmit for Planning Commission approval at the Director's discretion.

(d) Certificate of Occupancy. A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or part is completed in conformity with the provisions of this chapter. A record of all such certificates shall be kept on file in the Building Department and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(e) Zoning Inspector to Act Within Thirty Days. The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this chapter within thirty days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within the thirty days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor. Failure to notify the applicant in case of such refusals within the thirty days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

(f) Fees. A fee shall be charged for an original zoning certificate applied for before the application for a building permit, where such permit is required and issued under the Building Code ([Chapter 1321](#)). For all other zoning certificates, there shall be a fee and the charge therefor, as referenced in the Fee Schedule.

(g) Violation; Penalty. No person, firm or corporation shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this chapter, or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any of the provisions of this chapter or any

amendment or supplement thereto, for which no other penalty is provided, shall be fined ~~\$300 up to 75% of the permit fee cost~~. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(h) Violation; Remedy. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, Council, the Law Director, the Zoning Inspector or any adjacent or neighboring property owner, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 2012-32. Passed 7-24-12.)

1139.043 BOARD OF BUILDING AND ZONING APPEALS.

(a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

(d) Assistance; Other Departments. The Board may call upon the City departments for assistance in the performance of its duties, and such departments shall render such assistance to the Board as may reasonably be required.

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within ~~150~~¹⁰⁰ feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City. A sign shall also be posted on site indicating the proposed zoning variance(s) not less than three days prior to the meeting.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to

the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become ~~final until the expiration of five days from the date such decision is made effective immediately on the date of the final decision, unless the Board finds the immediate taking of effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.~~

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

The Board shall have the power to hear and decide, in accordance with the provisions of this chapter, applications, filed as hereinbefore provided, for variances, interpretation of the Zoning Map, interpretation of the Zoning Code or for decision upon other special questions on which the Board is authorized by this Ordinance to pass. In considering an applications the Board shall give due regard to the nature and conditions of all adjacent uses and structures.

Commented [EE4]: Moved conditional uses and special exceptions into PC process

The Board shall have the power to permit the following nonconforming uses:

(1) Nonconforming uses; substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.

(2) Nonconforming uses; extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, ~~that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use,~~ that such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises, ~~unless a structure in question is exactly within the same footprint as the previous nonconforming structure.~~

Commented [EE5]: Include as a performance measure

(3) Extension of use on border of district. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.

(4) Temporary structures and uses. 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 this chapter for the district in which it is located, provided that such 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 for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

(g) Interpretation of Zoning Map. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board 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 this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official, Planning Director, or ~~or~~ other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

(1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or

(2) Where a developer of land files an application with the Planning Commission to subdivide, resubdivide-recombine or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(j) Conditions in Granting a Variance.

(1) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such

evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.

(2) The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.

(3) The variance granted shall be the least variance required to respond to the problem.

(4) The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(k) **Certifications in Variance.** Upon granting a variance under one of the two conditions specified in subsection (i) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

(1) That the conditions of either subsection (i)(1) or (2) hereof permitting the granting of the variance, have been met.

(2) The manner in which the conditions specified in subsection (j)(2) to (4) hereof have been met, and

(3) The special conditions of the variance, if any, as authorized in subsection (j)(1) hereof.

(l) **Board May Reverse Orders.** In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

(m) **Expiration.** If a use is established under a use permit or variance and the use is discontinued for any reason for a period of one (1) year, the permit becomes void and the use may not be resumed unless granted by the Board of Building and Zoning Appeals. For area variances tied to specific projects, a variance granted is only valid for one (1) year, which is fulfilled with the commencement of construction within one (1) year of issuance. Should the one-year time limit lapse, applicants must reapply for a hearing before the Board of Building and Zoning Appeals or the Zoning Certificate becomes null and void.

(Ord. 2021-36. Passed 10-26-21.)

1139.054- CONDITIONAL USE PERMITS

(a) **Purpose.** Planning Commission may grant conditional use permits for certain uses which are not permitted by right under the Zoning Ordinance. Conditional uses include those uses which have some special impact or uniqueness such that their effects on the public health, safety, convenience, comfort, prosperity and general welfare in the City of

Commented [EE6]: Changed to Planning Commission from BZA

Huron cannot be determined in advance of the particular use being proposed for a particular location. At that time, a review of the location, design, configuration and impact is conducted by assessing the proposed use against fixed standards. The review considers the proposal in terms of existing zoning and land use in the vicinity of the use, public and private developments which may be adversely affected by the proposed use, the impacts of the proposed use at the particular location for which it is proposed on the public health, safety, convenience, comfort, prosperity and general welfare, and whether and to what extent all appropriate feasible steps have been taken by the permit applicant to minimize or mitigate any adverse impacts of the proposed use. This review determines whether the proposed use shall be permitted or permitted conditionally by the Board.

(b) Applicability. Any use which is permitted as a conditional use by this Zoning Ordinance shall comply with this section.

(c) Procedures.

(1) An application for a conditional use permit shall be filed with the Planning and Zoning Department on a form prescribed by the Planning Commission, accompanied by an application fee. The application shall contain the following information:

- A. The applicant's name and address and his interest in the subject property;
- B. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application;
- C. The street address and legal description of the property;
- D. The zoning classification and present use of the subject property;
- E. The particular provision of this Zoning Ordinance authorizing the proposed conditional use;
- F. A general description of the proposed conditional use;
- G. A site plan and general building plan complying with the requirements prescribed in Section 1139.01 which will become a part of the conditional use permit, if approved;
- H. A statement or diagram showing compliance with any special conditions or requirements imposed upon the particular conditional use by the applicable district regulations;
- I. A statement explaining how the proposed conditional use will not cause substantial injury to the value, use or enjoyment of other property in the vicinity of the proposed use;
- J. A statement explaining how the proposed conditional use at the proposed location will be compatible with and not injurious to the use and enjoyment of neighboring property, and will not significantly diminish or impair property values within the vicinity; and

K. Any other material and/or information as may be required by the Planning Commission or Council to fulfill the purposes of this section of the Zoning Ordinance and to ensure that the application is in compliance generally with the ordinances of Huron.

(2) Copies of the application shall be distributed internally by the Planning and Zoning Department to other applicable departments.

(d) Public Hearing. See Section 1139.03(e).

(e) Conditional Use Standards. The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following general requirements:

(1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific conditional objective or purpose of the Zoning Code and/or Community Plan.

(2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.

(3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

(4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.

(5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(6) The proposed use will not be detrimental to the economic welfare of the community.

(7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours 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, odor or other characteristic not comparable to the uses permitted in the base zoning district.

(8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.

(9) The proposed use will not be detrimental to property values in the immediate vicinity.

(10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(f) Revocation of Conditional Use Permit. A conditional use permit shall become null and void if construction of the proposed use has not begun within one (1) year after approval by the ~~Board of Zoning Appeals~~Planning Commission. The ~~Board-Commission~~ may revoke a conditional use permit upon finding that the use does not comply with the Zoning Ordinance nor the conditions and safeguards established for such use pursuant to Section 1139.04. Upon revocation of a conditional use permit, all buildings and uses shall conform to the standards and requirements of permitted main and accessory uses established for the zoning district.

(g) Mandatory Conditions and Safeguards. Notwithstanding the provisions of Section 1139.04(e), the following conditions and safeguards shall be satisfied prior to the granting of a conditional use permit, except as expressly provided herein below.

(1) Survey and Approval by City Engineer or Consulting City Engineer only when deemed appropriate by the Planning and Zoning Department.

(2) Site Plan in accordance with Section 1139.01

(3) Additional information required. See Section 1139.01

1139.065 ZONING DISTRICT CHANGES AND ZONING REGULATION AMENDMENTS.

(a) Council May Amend Zoning Ordinance. Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this chapter or amendments thereof. The Planning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter. This only applies to content based

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be submitted to the Commission (with a copy provided to the Clerk of Council), which Commission shall be allowed a reasonable time, not less than thirty days, for submitting its recommendations on a proposed amendment or reclassification to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall

~~be accompanied by its own motion pertaining to such proposed amendment.~~ (b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be filed with Council and in turn shall be submitted to the Commission, which shall be allowed a reasonable time, not less than thirty days, for consideration and report to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

Commented [EE7]: New language adopted; removing council action first

(1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 100 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

(2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty (20) days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.

(3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.

(4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed content-based amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City. The 30-day notice shall be waived for minor formatting amendments only.

(5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full membership of Council. ~~Whenever a written~~

~~protest against such proposed amendment or reclassification, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Commission and Council, the ordinance providing for such proposed amendment or reclassification shall not be passed except by a majority vote of Council.~~

(6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in the Fee Schedule set in Title Nine of the Administrative Code to cover the costs of publishing, posting and/or mailing notices of hearings.

(Ord. 2012-32. Passed 7-24-12.)

1139.076 VALIDITY AND REPEAL.

This Zoning Ordinance and the various chapters, sections and paragraphs thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. 2012-32. Passed 7-24-12.)

ORDINANCE NO. 2023-53
Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1139 (ZONING ADMINISTRATION) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 1139 (Zoning Administration) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 1139 (Zoning Administration) of the Codified Ordinances of the City of Huron, Ohio, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Mark Claus, Vice-Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 1139

Zoning Administration

- 1139.01 Enforcement; penalty.**
- 1139.02 Board of Building and Zoning Appeals.**
- 1139.03 District changes and regulation amendments.**
- 1139.04 Validity and repeal.**

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. 7.02

1139.01 ENFORCEMENT; PENALTY.

(a) Enforcement by Zoning Inspector. The Zoning Inspector, or his designated representative, shall enforce this Zoning Ordinance in accordance with the administrative provisions of the City Building Code and this chapter. All departments, officials and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter shall be null and void.

(b) Filing Plans. Every application for a zoning certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought is completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when the plans are approved by the Zoning Inspector, together with such zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In any case where the lot is not provided and is not proposed to be provided with a public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

(c) Zoning Certificate. No owner shall use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged in whole or in part, until a zoning certificate, which may be a part of the building permit, is issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. The Zoning Inspector shall issue a zoning certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary wastes, conform with all applicable requirements of this chapter.

(d) Certificate of Occupancy. A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or part is completed in conformity with the provisions of this chapter. A record of all such certificates shall be kept on file in the office of the City Manager and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(e) Zoning Inspector to Act Within Thirty Days. The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this chapter within thirty days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within the thirty days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor. Failure to notify

the applicant in case of such refusals within the thirty days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

(f) Fees. A fee shall be charged for an original zoning certificate applied for before the application for a building permit, where such permit is required and issued under the Building Code. For all other zoning certificates, there shall be a fee and the charge therefor, as referenced in Section 1321.13 of the Building Code.

(g) Violation; Penalty. No person, firm or corporation shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this chapter, or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any of the provisions of this chapter or any amendment or supplement thereto, for which no other penalty is provided, shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(h) Violation; Remedy. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, Council, the Law Director, the Zoning Inspector or any adjacent or neighboring property owner, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 2012-32. Passed 7-24-12.)

1139.02 BOARD OF BUILDING AND ZONING APPEALS.

(a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

(d) Assistance; Other Departments. The Board may call upon the City departments for assistance in the performance of its duties, and such departments shall render such assistance to the Board as may reasonably be required.

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as

shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within 100 feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board finds the immediate taking of effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

The Board shall have the power to hear and decide, in accordance with the provisions of this chapter, applications, filed as hereinbefore provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decision upon other special questions on which the Board is authorized by this Ordinance to pass. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and conditions of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this chapter for the particular conditional use or special exception, as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:

- (1) Nonconforming uses; substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.
- (2) Nonconforming uses; extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, that such extension shall be within a distance of not more than fifty feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises.

- (3) Extension of use on border of district. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- (4) Conditional industrial uses. Permitted in the I-1 and I-2 Districts, certain of the industries or uses listed in Sections 1125.04 and 1125.05 as conditionally permitted. In doing so, the Board may require the installation, operation and maintenance in connection with the proposed use, of such devices or such methods of operation, as may in the opinion of the Board be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration or similar objectionable features, and may further impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties, where such distance is not specifically indicated, as will tend to prevent or reduce the harm which might otherwise result from the proposed use of surrounding properties and neighborhoods.
- (5) Temporary structures and uses. 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 this chapter for the district in which it is located, provided that such 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 for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- (6) Conditional uses: wind energy conversion systems.
- A. Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.
- B. Definitions.
1. A wind energy conversion system (WECS) includes any or all of the following components.
 - a. A turbine with propeller type blades;
 - b. A vertical rotor;
 - c. Other means of capturing the energy of the moving air;
 - d. A tower or a mounting structure;
 - e. An electrical power generator with associated electrical power transmission circuitry;
 - f. A battery or other means of storing energy;
 - g. Other means of transmitting energy (hydraulic, mechanical, etc.);
 - h. Mechanical control mechanisms;
 - i. Electrical/electronic/computer circuitry;
 - j. A foundation;
 - k. Enclosures.
 2. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
 3. Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.
 4. Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.
 5. Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.
 6. Commercial wind energy conversion system means a wind energy conversion system consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.
 7. Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the

turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.

8. Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).

C. Applicability.

1. This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.
2. Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section.

D. Permit requirement.

1. No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.
2. The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.
3. Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.
4. An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

E. Small Wind Energy Conversion System Requirements.

1. Permitted locations. A small wind energy conversion system is permitted in any zoning district.
2. Setbacks.
 - a. Property lines. A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.
3. Design standards.
 - a. Monopole or freestanding design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
 - b. Minimum blade height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.
 - c. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
 - d. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.
 - e. Visual appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted

unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.

- f. Electrical interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- g. Signal interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.

F. Permit applications. Application for a small wind energy conversion system and/or tower shall include the following information:

- 1. Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,
- 2. Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
- 3. Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,
- 4. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and,
- 5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
- 6. Emergency and normal shutdown procedures; and,
- 7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
- 8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

G. Commercial wind energy conversion system requirements.

- 1. Permissible locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
- 2. Setbacks.
 - a. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
 - b. Other uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
 - c. Inhabited structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
- 3. Design standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
- 4. Permit applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.

5. Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission .

H. Non-use.

1. Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.
2. Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection.

(g) Interpretation of Zoning Map. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board 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 this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

- (1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or
- (2) Where a developer of land files an application with the Planning Commission to subdivide, resubdivide or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(j) Conditions in Granting a Variance.

- (1) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.
- (2) The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.
- (3) The variance granted shall be the least variance required to respond to the problem.
- (4) The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(k) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (i) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

- (1) That the conditions of either subsection (i)(1) or (2) hereof permitting the granting of the variance, have been met.
- (2) The manner in which the conditions specified in subsection (j)(2) to (4) hereof have been met, and
- (3) The special conditions of the variance, if any, as authorized in subsection (j)(1) hereof.

(l) Board May Reverse Orders. In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.
(Ord. 2021-36. Passed 10-26-21.)

1139.03 DISTRICT CHANGES AND REGULATION AMENDMENTS.

(a) Council May Amend Ordinance. Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this chapter or amendments thereof. The Planning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter.

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be filed with Council and in turn shall be submitted to the Commission, which shall be allowed a reasonable time, not less than thirty days, for consideration and report to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

- (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 150 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.
- (2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.
- (3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.
- (4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.
- (5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full embership of Council. Whenever a written protest against such proposed amendment or reclassification, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Commission and Council, the

ordinance providing for such proposed amendment or reclassification shall not be passed except by a majority vote of Council.

- (6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the costs of publishing, posting and/or mailing notices of hearings.

(Ord. 2012-32. Passed 7-24-12.)

1139.04 VALIDITY AND REPEAL.

This Zoning Ordinance and the various chapters, sections and paragraphs thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. 2012-32. Passed 7-24-12.)

CHAPTER 1139 ZONING ADMINISTRATION

- 1139.01 Planning Commission Review
- 1139.02 Procedure for Filing and Review
- 1139.03 Enforcement; penalty.
- 1139.04 Board of Building and Zoning Appeals.
- 1139.05 Conditional Use Permits
- 1139.06 Zoning district changes and zoning regulation amendments.
- 1139.07 Validity and repeal.

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. 7.02

1139.01 PLANNING COMMISSION REVIEW.

(a) Requirements. Upon the filing of an application for a building permit for every building or structure, other than a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Planning and Zoning Department. The site development plan shall include the following information:

- (1) A scaled drawing showing:
 - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
 - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
 - C. The extent and type of parking lot and driveway paving.
 - D. The location and dimensions of all pedestrian ways and/or sidewalks.
 - E. The location and size of all existing and proposed utilities.
 - F. Complete building elevations and signage including color renderings of the same
 - G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
 - H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.
- (2) A written statement containing the following:
 - A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
 - B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
 - C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules, regulations, and design guidelines of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Planning and Zoning Department. The site development plan shall include the following information: A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.
- (6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

1139.02 PROCEDURE FOR FILING AND REVIEW

(a) For all site plans (including design review requirements), with the exception of single or two- family projects, a digital copy and three (3) physical printed copies of the site development plan and all accessory and supporting documents shall be submitted to the Planning and Zoning Department.

(b) For design review submittal, the developer shall submit a digital copy and three (3) physical printed copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission cannot give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(c) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(d) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued (See Chapter 1313); for sites smaller than one (1) acre, approval from the City Engineer will be determined on a case-by-case basis.

(e) Site development plans for a building site for single family or two-family dwellings may be approved by the Zoning Inspector, Building Official, and City Engineer without further review by the Planning Commission.

(f) Site development plans for all building sites other than for single family or two-family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(g) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site and a sign posted on the site no less than three days prior to the public meeting. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Planning and Zoning Department by the applicant at least ten (10) days prior to the date of the regular meeting.

(h) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(i) Any property owner entitled to notice of the Planning Commission's review (including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(j) Planning and Zoning Staff/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(k) An approval for a site plan and SWPPP shall be in effect for a period of one (1) year from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

1139.03 ENFORCEMENT; PENALTY.

(a) Enforcement by Zoning Inspector. The Zoning Inspector, or his designated representative, shall enforce this Zoning Ordinance in accordance with the administrative provisions of the City Building Code and this chapter. All departments, officials and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter shall be null and void.

(b) Filing Plans. Every application for a zoning certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought is completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when the plans are approved by the Zoning Inspector, together with such zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In any case where the lot is not provided and is not proposed to be provided with a public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

(c) Zoning Certificate. No owner shall use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged in whole or in part, until a zoning certificate, which may be a part of the building permit, is issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. The Zoning Inspector shall issue a zoning certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary wastes, conform with all applicable requirements of this chapter. The zoning certificate is only valid for one (1) year, which is fulfilled with the commencement of construction within one (1) year of issuance. Should the year time limit lapse, applicants may renew their certificate or resubmit for Planning Commission approval at the Director's discretion.

(d) Certificate of Occupancy. A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or part is completed in conformity with the provisions of this chapter. A record of all such certificates shall be kept on file in the Building Department and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(e) Zoning Inspector to Act Within Thirty Days. The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this chapter within thirty days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within the thirty days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor. Failure to notify the applicant in case of such refusals within the thirty days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

(f) Fees. A fee shall be charged for an original zoning certificate applied for before the application for a building permit, where such permit is required and issued under the Building Code (Chapter 1321). For all other zoning certificates, there shall be a fee and the charge therefor, as referenced in the Fee Schedule.

(g) Violation; Penalty. No person, firm or corporation shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this chapter, or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any of the provisions of this chapter or any amendment or supplement thereto, for which no other penalty is provided, shall be fined an amount prescribed by Council in the Fee Schedule found in the Administrative Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(h) Violation; Remedy. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, Council, the Law Director, the Zoning Inspector or any adjacent or neighboring property owner, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 2012-32. Passed 7-24-12.)

1139.04 BOARD OF BUILDING AND ZONING APPEALS.

(a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

(d) Assistance; Other Departments. The Board may call upon the City departments for assistance in the performance of its duties, and such departments shall render such assistance to the Board as may reasonably be required.

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be

filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within 150 feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City. A sign shall also be posted on site indicating the proposed zoning variance(s) not less than three days prior to the meeting.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall become effective immediately on the date of the final decision.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

- (1) The Board shall have the power to hear and decide, in accordance with the provisions of this chapter, applications, filed as hereinbefore provided, for variances, interpretation of the Zoning Map, interpretation of the Zoning Code or for decision upon other special questions on which the Board is authorized by this Ordinance to pass. In considering an application, the Board shall give due regard to the nature and conditions of all adjacent uses and structures.

(2) The Board shall have the power to permit the following nonconforming uses:

- A. Nonconforming Uses; Substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.
- B. Nonconforming Uses; Extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, that such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises, unless a structure in question is exactly within the same footprint as the previous nonconforming structure.
- C. Extension of Use on Border of District. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- D. Temporary Structures and Uses. 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 this chapter for the district in which it is located, provided that such 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 for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

(g) Interpretation of Zoning Map. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board 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 this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official, Planning Director, or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

(1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or

(2) Where a developer of land files an application with the Planning Commission to subdivide, recombine or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(3) Conditions in Granting a Variance.

A. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.

B. The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.

C. The variance granted shall be the least variance required to respond to the problem.

D. The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(4) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (j) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

A. That the conditions of either subsection (1) A or B hereof permitting the granting of the variance, have been met.

B. The manner in which the conditions specified in subsections (3) B through D hereof have been met, and

C. The special conditions of the variance, if any, as authorized in subsection (3)A hereof.

(j) Board May Reverse Orders. In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

(k) Expiration. If a use is established under a use permit or variance and the use is discontinued for any reason for a period of one (1) year, the permit becomes void and the use may not be resumed unless granted by the Board of Building and Zoning Appeals. For area variances tied to specific projects, a variance granted is only valid for one (1) year, which is fulfilled with the commencement of construction within one (1) year of issuance. Should the one-year time limit lapse, applicants must reapply for a hearing before the Board of Building and Zoning Appeals or the Zoning Certificate becomes null and void.

(Ord. 2021-36. Passed 10-26-21.)

1139.05 CONDITIONAL USE PERMITS.

(a) Purpose. Planning Commission may grant conditional use permits for certain uses which are not permitted by right under the Zoning Ordinance. Conditional uses include those uses which have some special impact or uniqueness such that their effects on the public health, safety, convenience, comfort, prosperity and general welfare in the City of Huron cannot be determined in advance of the particular use being proposed for a particular location. At that time, a review of the location, design, configuration and impact is conducted by assessing the proposed use against fixed standards. The review considers the proposal in terms of existing zoning and land use in the vicinity of the use, public and private developments which may be adversely affected by the proposed use, the impacts of the proposed use at the particular location for which it is proposed on the public health, safety, convenience, comfort, prosperity and general welfare, and whether and to what extent all appropriate feasible steps have been taken by the permit applicant to minimize or mitigate any adverse impacts of the proposed use. This review determines whether the proposed use shall be permitted or permitted conditionally by the Board.

(b) Applicability. Any use which is permitted as a conditional use by this Zoning Ordinance shall comply with this section.

(c) Procedures.

(1) An application for a conditional use permit shall be filed with the Planning and Zoning Department on a form prescribed by the Planning Commission, accompanied by an application fee. The application shall contain the following information:

- A. The applicant's name and address and his interest in the subject property;
- B. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application;
- C. The street address and legal description of the property;
- D. The zoning classification and present use of the subject property;
- E. The particular provision of this Zoning Ordinance authorizing the proposed conditional use;
- F. A general description of the proposed conditional use;
- G. A site plan and general building plan complying with the requirements prescribed in Section 1139.01 which will become a part of the conditional use permit, if approved;
- H. A statement or diagram showing compliance with any special conditions or requirements imposed upon the particular conditional use by the applicable district regulations;

- I. A statement explaining how the proposed conditional use will not cause substantial injury to the value, use or enjoyment of other property in the vicinity of the proposed use;
- J. A statement explaining how the proposed conditional use at the proposed location will be compatible with and not injurious to the use and enjoyment of neighboring property, and will not significantly diminish or impair property values within the vicinity; and
- K. Any other material and/or information as may be required by the Planning Commission or Council to fulfill the purposes of this section of the Zoning Ordinance and to ensure that the application is in compliance generally with the ordinances of Huron.

(2) Copies of the application shall be distributed internally by the Planning and Zoning Department to other applicable departments.

(d) Public Hearing. See Section 1139.03(e).

(e) Conditional Use Standards. The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following general requirements:

- (1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific conditional objective or purpose of the Zoning Code and/or Community Plan.
- (2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- (3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- (4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (6) The proposed use will not be detrimental to the economic welfare of the community.
- (7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours 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, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- (9) The proposed use will not be detrimental to property values in the immediate vicinity.
- (10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(f) Revocation of Conditional Use Permit. A conditional use permit shall become null and void if construction of the proposed use has not begun within one (1) year after approval by the Planning Commission. The Commission may revoke a conditional use permit upon finding that the use does not comply with the Zoning Ordinance nor the conditions and safeguards established for such use pursuant to Section 1139.04. Upon revocation of a conditional use permit, all buildings and uses shall conform to the standards and requirements of permitted main and accessory uses established for the zoning district.

(g) Mandatory Conditions and Safeguards. Notwithstanding the provisions of Section 1139.04(e), the following conditions and safeguards shall be satisfied prior to the granting of a conditional use permit, except as expressly provided herein below.

- (1) Survey and Approval by City Engineer or Consulting City Engineer only when deemed appropriate by the Planning and Zoning Department.
- (2) Site Plan in accordance with Section 1139.01
- (3) Additional information required. See Section 1139.01

1139.06 ZONING DISTRICT CHANGES AND ZONING REGULATION AMENDMENTS.

(a) Council May Amend Zoning Ordinance. Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this chapter or amendments thereof. The Planning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter. This only applies to content based

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be submitted to the Commission (with a copy provided to the Clerk of Council), which Commission shall be allowed a reasonable time, not less than thirty days, for submitting its recommendations on a proposed amendment or reclassification to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment. (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 100 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

(2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty (20) days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to

the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.

(3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.

(4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed content-based amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City. The 30-day notice shall be waived for minor formatting amendments only.

(5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full membership of Council.

(6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in the Fee Schedule set in the Administrative Code to cover the costs of publishing, posting and/or mailing notices of hearings.

(Ord. 2012-32. Passed 7-24-12.)

1139.07 VALIDITY AND REPEAL.

This Zoning Ordinance and the various chapters, sections and paragraphs thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. 2012-32. Passed 7-24-12.)



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-54 **(third and final reading)** *(submitted by Erik Engle)*
DATE: January 23, 2024

Subject Matter/Background

This ordinance simply moves Wind Energy out of Zoning Administration and establishes language under Special Provisions as Section 1126.29. There have been no revisions to any subject matter content. There have been no changes to this legislation since its first reading.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is properly before y

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2023-54 is in order.

[Ordinance No. 2023-54 Add Section 1126.19 Wind Energy \(2\).docx](#)

ORDINANCE NO. 2023-54
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 1126 (SPECIAL PROVISIONS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 1126.19 (WIND ENERGY).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter Chapter 1126 (Special Provisions) is hereby amended to add new Section 1126.19, as follows:

"1126.19 WIND ENERGY

(a) Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.

(b) Definitions.

(1) A wind energy conversion system (WECS) includes any or all of the following components:

- A. A turbine with propeller type blades;
- B. A vertical rotor;
- C. Other means of capturing the energy of the moving air;
- D. A tower or a mounting structure;
- E. An electrical power generator with associated electrical power transmission circuitry;
- F. A battery or other means of storing energy;
- G. Other means of transmitting energy (hydraulic, mechanical, etc.);
- H. Mechanical control mechanisms;
- I. Electrical/electronic/computer circuitry;
- J. A foundation;
- K. Enclosures.

(2) Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.

(3) Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.

(4) Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.

(5) Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.

(6) Commercial wind energy conversion system means a wind energy conversion system

consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.

- (7) Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.
- (8) Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).

(c) Applicability.

- (1) This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.
- (2) Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section.

(d) Permit Requirement.

- (1) No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.
- (2) The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.
- (3) Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.
- (4) An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

(e) Small Wind Energy Conversion System Requirements.

- (1) Permitted Locations. A small wind energy conversion system is permitted in any zoning district.
- (2) Setbacks; Property lines. A small wind energy conversion system or tower shall be set back

from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.

(3) Design Standards.

- A. Monopole or Freestanding Design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
- B. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.
- C. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
- D. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.
- E. Visual Appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.
- F. Electrical Interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- G. Signal Interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.

(f) Permit Applications. Application for a small wind energy conversion system and/or tower shall include the following information:

- (1) Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,
- (2) Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
- (3) Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,
- (4) A standard foundation and anchor design along with soil conditions and specifications for

the soil conditions at the site; and,

- (5) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
- (6) Emergency and normal shutdown procedures; and,
- (7) A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
- (8) Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

(g) Commercial Wind Energy Conversion System Requirements.

- (1) Permissible Locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
- (2) Setbacks.
 - A. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
 - B. Other Uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
 - C. Inhabited Structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
- (3) Design Standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
- (4) Permit Applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.
- (5) Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission .

(h) Non-Use.

- (1) Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.
- (2) Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall

be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection."

and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Mark Claus, Vice-Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Amended Ordinance No. 2023-14 (*Submitted by Erik Engle*)
DATE: January 23, 2024

Subject Matter/Background

It was recently discovered that when Walter Drane last codified our ordinances, Section 521.14 had been added (relating to Spread of Contagion) pursuant to a change in State law, thereby making Ordinance No. 2023-14 relating to addition of a new Section 521.14 incorrect. Walter Drane did include the ordinance relating the Duty to Maintain Trees in Tree Lawn, but renumbered it as Section 521.15. Amended Ordinance No. 2023-14 corrects the original ordinance by changing all references from Section 521.14 to Section 521.15. Staff asks that Council adopt this legislation as an emergency measure in order to correct these scrivener's errors.

A separate ordinance, Amended Ordinance No. 2023-12 is also on the agenda to correct references to 521.14.

Financial Review

There is no financial impact relating to correction of this scrivener's error.

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is property before you.

Recommendation

If Council is in agreement with the request, a motion adopting Amended Ordinance No. 2023-14 as an emergency measure is in order.

[Ordinance No. 2023-14 \(AMENDED\) Chapter 521.15 and 521.06 \(1\).docx](#)

[Ordinance No. 2023-14 Exhibit A Section 521.06 \(1\).pdf](#)

[Ordinance No. 2023-14 Exhibit B Section 521.06 \(4\).docx](#)

ORDINANCE NO. 2023-14 (AMENDED)

Introduced by Joe Dike

AN ORDINANCE AMENDING ORDINANCE NO. 2023-14 TO CORRECT SCRIVINER'S ERRORS BY REPLACING ALL REFERENCES TO SECTION 521.14 TO SECTION 521.15, AS FOLLOWS:

AN ORDINANCE AMENDING CHAPTER 521 (HEALTH, SAFETY AND SANITATION) OF THE HURON CODIFIED ORDINANCES TO ADD A NEW SECTION 521.15 (DUTY TO MAINTAIN TREES IN TREE LAWN); REPEALING, AMENDING AND RESTATING SECTION 521.06 (DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN) OF CHAPTER 521 (HEALTH, SAFETY AND SANITATION) OF THE HURON CODIFIED ORDINANCES; AND FURTHER AMENDING CHAPTER 521 TO ADD RELATED CROSS REFERENCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio, be amended to add a new Section 521.15 (Duty to Maintain Trees in Tree Lawn), which shall read as follows:

"SECTION 521.15 DUTY TO MAINTAIN TREES IN TREE LAWN

(a) For the purpose of controlling the blight and disease of shade trees within public rights-of-way, and for planting, maintaining, trimming, removing and/or replacing shade trees in and along the streets of the City, the City Council may establish one or more districts in the City designating the boundaries thereof, and may each year thereafter, by ordinance, designate the district in which such control, planting, care, and maintenance shall be effected, setting forth an estimate of the cost and providing for the levy of a special assessment upon all the real property in the district, in the amount and in the manner provided in Section 727.01 of the Revised Code, for planting, maintaining, trimming, removing and/or replacing shade trees. The ordinance shall be adopted as other ordinances and a succinct summary of the ordinance shall be published in the manner provided in Section 731.21 of the Revised Code. Bonds and anticipatory notes may be issued in anticipation of the collection of such special assessments, under Section 133.17 of the Revised Code.

(b) Subject to the provisions of Section 521.15(a), above, each owner or occupant of any lot or land shall plant, maintain, trim, remove, and/or replace any one or more trees located within a tree lawn in front of or adjacent and contiguous to such lot or land in and along the streets of the City that are blighted, diseased, dead, or partially or fully broken or damaged, and that require planting, maintenance, trimming, removal and/or replacement, or that otherwise constitute a hazard to the public's use of the streets in front of such lot or land after due notice of a Resolution of Council ordering the planting, maintaining, trimming, removal and/or replacement of such tree(s) in a designated district in the City. Management of trees shall also conform with the provisions of Chapters 907, 1115, 1121, 1126, 1127, 1131, and 1133 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, the City shall cause the tree(s) to be planted, maintained, trimmed, removed and/or replaced. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate

and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(c) In the event the City enters a lien upon the tax duplicate as provided in subsections (a) and (b), above, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(d) Whoever violates this Section 521.15 is guilty of a minor misdemeanor.

(ORC. 727.01; ORC 727.011; ORC 731.21; ORC 133.17)

(Ord. 2023-14 (AMENDED) Adopted 1-23-24)"

SECTION 2. That Section 521.06 (Duty to Keep Sidewalks in Repair and Clean) of Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows: (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 3. That a new revised and restated Section 521.06 (Duty to Keep Sidewalks in Repair and Clean) of Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 4. That the following CROSS REFERENCES shall be added to Chapter 521 (Health, Safety and Sanitation) of the Codified Ordinances of the City of Huron, Ohio:

"Maintenance of trees – see Ch. 907

Assessments for sidewalks – see 909-02, R.C. 729.01-729.0

Duty to maintain shade trees – see R.C. 727.01, et. seq.

Assessments for shade trees – see 909.03, R.C. 727.01, et. seq."

SECTION 5. 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 O.R.C. §121.22.

SECTION 5. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Mark Claus, Vice- Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of any lot or land abutting upon any street shall refuse, fail or neglect to construct, repair, or keep in repair and free from snow, ice or any nuisance, the sidewalks, curbs or gutters in front of such lot or land after due notice of a Resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction, or the abatement of such nuisance. (ORC 723.011). Construction shall conform with the provisions of Chapters 901, 903, 1117 and 1119 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(b) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Finance Director shall certify to the County Auditor for recording such lien in the following manner:

(1) If the amount of construction or repair is equal to or less than five thousand dollars (\$5,000.00), the amount due shall be divided into ten (10) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(2) If the amount of construction or repair is greater than five thousand dollars (\$5,000.00), the amount due shall be divided into twenty (20) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2020-25. Passed 9-22-20.)

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of any lot or land abutting upon any street shall refuse, fail or neglect to construct, repair, or keep in repair and free from snow, ice or any nuisance, the sidewalks, curbs or gutters in front of such lot or land after due notice of a Resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction, or the abatement of such nuisance. (ORC 723.011). Construction shall conform with the provisions of Chapters 901, 903, 1117 and 1119 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(b) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof prior to July 1, 2023, the Finance Director shall certify to the County Auditor for recording such lien in the following manner:

(1) If the amount of construction or repair is equal to or less than five thousand dollars (\$5,000.00), the amount due shall be divided into ten (10) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(2) If the amount of construction or repair is greater than five thousand dollars (\$5,000.00), the amount due shall be divided into twenty (20) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(c) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof from and after July 1, 2023, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(d) Whoever violates this section is guilty of a minor misdemeanor.

Ordinance No. 2023-14 adopted _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Amended Ordinance No. 2023-12 (*Submitted by Erik Engle*)
DATE: January 23, 2024

Subject Matter/Background

It was recently discovered that when Walter Drane last codified our ordinances, a new Section 521.14 had been added (relating to Spread of Contagion) pursuant to a change in State law, thereby making Ordinance No. 2023-14 relating to addition of a new Section 521.14 incorrect. Walter Drane did include the ordinance in the last update, but renumbered it as Section 521.15.

Amended Ordinance No. 2023-12 corrects all references made to Section 521.14 in Section 909.03 (Replacement, Removal and/or Maintenance of Trees) to now read Section 521.15. Staff asks that Council adopt this legislation as an emergency measure in order to correct these scrivener's errors.

A separate ordinance, Amended Ordinance No. 2023-14 is also on the agenda to correct references to 521.14.

Financial Review

There is no financial impact relating to correction of this scrivener's error.

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is property before you.

Recommendation

If Council is in agreement with the request, a motion adopting Amended Ordinance No. 2023-12 as an emergency measure is in order.

[Ordinance No. 2023-12 \(AMENDED\) Chapter 909 \(1\).docx](#)

[Ordinance No. 2023-12 Exhibit A Chapter 909 \(2\).docx](#)

ORDINANCE NO. 2023-12 (AMENDED)

Introduced by Joe Dike

AN ORDINANCE CORRECTING SCRIVENER'S ERRORS IN ORDINANCE NO. 2023-12 TO REPLACE ALL REFERENCES TO SECTION 521.14 TO SECTION 521.15, AS FOLLOWS:

AN AMENDED ORDINANCE AMENDING CHAPTER 909 (ASSESSMENTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH NEW SECTIONS 909.02 (CONSTRUCTION AND/OR REPAIR OF SIDEWALKS) AND 909.03 (MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF TREES).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 909 (Assessments) is hereby amended to add new Sections 909.02 (Construction and/or Repair of Sidewalks) and 909.03 (Maintenance, Removal and/or Replacement of Trees), as attached hereto and made a part hereof as Exhibit "A", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Mark Claus, Vice-Mayor
ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 909
Assessments

909.01 Lighting public places.

909.02 Construction and/or repair of sidewalks.

909.03 Maintenance, removal and/or replacement of trees.

CROSS REFERENCES

Assessments - see Ohio R.C. Ch. 727, 729

Sidewalk obstructions – see GEN. OFF. 521.04

Duty to keep sidewalks in repair and clean – see GEN. OFF. 521.06

Duty to maintain trees in tree lawn – see GEN. OFF. 521.15

909.01 LIGHTING PUBLIC PLACES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of lighting public places as set forth herein. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 , 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of lighting certain public places.

(1) The resolution of Council determining the necessity of the public improvement (the “resolution of necessity”) shall set forth:

- A. The period for which those special assessments may be levied and collected,
- B. The real property upon which the special assessments are to be levied,
- C. The method by which the special assessments are to be levied and
- D. Other matters as required or permitted by law.

(2) For purposes of the proceedings for the levy of the special assessments, including but not limited to the resolution of necessity,

- A. “Lighting” shall include exterior and interior lighting, security and emergency lighting, traffic and other signalization, other types of lighting as specified in the resolution of necessity and acquiring, constructing, installing,

equipping and otherwise improving lighting facilities, creating reserves therefor and financing thereof (including debt service charges related thereto), and

B. “Public places” shall include streets (including alleys, avenues, boulevards, highways and other roadways by whatever designation), bridges, docks, wharfs, piers, parks, recreational and cultural facilities, waterworks system facilities, sewer system facilities, facilities related to the construction and maintenance of streets, parking facilities, portions of other City facilities open to the public and other places as designated in the resolution of necessity, all such places owned by or otherwise controlled by (or subject to an easement in favor of) the City or for which the City has assumed the responsibility for providing lighting.

(Ord. 2005-39. Passed 7-25-05.)

C. “Real property” means the land and any improvements made to the land. Assessments shall be made by the Erie County Auditor, or its designee, in such a way as to include this definition.

(Ord. 2009-7. Passed 2-24-09.)

909.02 CONSTRUCTION AND/OR REPAIR OF SIDEWALKS

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of maintenance, repair and replacement of sidewalks as set forth in Huron Ord. 521.06 and Ohio Revised Code Section 729.01, et. seq. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 ,1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of construction and/or repair of sidewalks in the manner set forth in Huron Ord. 521.06 and Ohio Revised Code Section 729.01, et. seq. (R.C. 727. 01, 729.03, R.C. 729.04)

909.03 MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF TREES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of planting, maintaining, trimming, and removing shade trees as set forth in Huron Ord. 521.15, 907.03, 907.04, and Ohio Revised Code Sections 727.01 and 727.011. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 ,1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of planting, maintaining, trimming, and removing shade trees in the manner set forth in Huron Ord. 521.15, 907.03, 907.04, and Ohio Revised Code Sections 727.01 and 727.011

(RC. 715.20, R.C 727.01; RC 727.011; RC 731.21; RC 133.17)



TO: Mayor Tapp and City Council
FROM: Doug Steinwart , Operations Manager
RE: Resolution No. 5-2024 (*submitted by Doug Steinwart*)
DATE: January 23, 2024

Subject Matter/Background

Resolution No. 5-2024 authorizes an agreement with The Paddle Shack, LLC for a license agreement to allow a commercial rental operation and a lease agreement relative to on-site storage of rental items at Nickel Plate Beach.

The Paddle Shack, LLC would like to lease, from the City of Huron, the storage building at Nickel Plate Beach through Labor Day for the purpose of renting miscellaneous beach supplies. The Paddle Shack, LLC has been providing these services to our residents and visitors for the past three years, with great success.

License Agreement Terms

- for the purpose of operating a commercial rental operation on NPB for kayaks, paddle boards and other non-motorized water sport activities;
- two-year term,
- Rent - \$450.00 per year, payable in three monthly installments of \$150.00 each (June, July and August);
- non-compete clause with any City activity on the property;
- company prohibited from advertising, marketing or engaging in any other activity that identifies themselves as being a City agent, employee or subsidiary;
- \$1,000,000 bodily injury/\$100,000 property damage insurance policy required prior to commencement of agreement identifying City as an insured;
- full indemnification clause.

Lease Terms

- for the purpose of utilizing on-site storage for rental items; company retains an option to exercise the Lease if necessary - must exercise no later than October 1, 2020;
- Lease Payment - \$300 per year (one-time payment);
- may be amended at any time upon written authorization of the parties;
- may be terminated at any time by the City;
- may not be assigned/subleased to any other party;
- default language allows full contract price if Company defaults; voluntary termination early will result in prorated costs due and payable.

Financial Review

The lease payment will be deposited in the Parks Fund (207). Revenue is used to offset the cost of overhead and maintenance related to the building.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 5-2024 is in order.

[Resolution No. 5-2025 Paddle Shack Lease Agreement \\$450 per year \(2\).docx](#)

[Resolution No. 5-2024 Exh A Paddle Shack Lease-License Agreement \\$450 per Year \(1\).docx](#)

RESOLUTION NO. 5-2024
Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A 2-YEAR LICENSE/LEASE AGREEMENT FOR COMMERCIAL RENTAL OPERATIONS AND RELATED ON-SITE STORAGE WITH THE PADDLESHACK, LLC TO USE CITY-LEASED PROPERTY LOCATED AT NICKEL PLATE BEACH BETWEEN MEMORIAL DAY AND LABOR DAY FOR CALENDAR YEARS 2024 AND 2025 FOR THE COMBINED LICENSE FEE/LEASE PAYMENT OF FOUR HUNDRED FIFTY AND XX/100 DOLLARS (\$450.00) PER YEAR FOR EACH YEAR OF THE 2-YEAR PERIOD, FOR AN AGGREGATED AMOUNT OF NINE HUNDRED AND XX/100 DOLLARS (\$900.00).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1: That the City Manager is authorized and directed to enter into a License/Lease Agreement with The Paddle Shack, LLC for commercial rental operations and related on-site storage to be conducted on the City's leased property at Nickel Plate Beach relating to the rental of equipment for water recreation activities and related on-site storage usage in the amount of Four Hundred Fifty and XX/100 Dollars (\$450.00) per year, for an aggregated amount of Nine Hundred and XX/100 Dollars (\$900.00). A copy of the License/Lease Agreement is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

Mark Claus, Vice-Mayor

ATTEST:

Clerk of Council

ADOPTED:

LICENSE/LEASE AGREEMENT

THIS AGREEMENT made and entered into this ____ day of January, 2024 by and between THE CITY OF HURON, OHIO, an Ohio Municipal Corporation, hereinafter referred to as "City" and THE PADDLE SHACK, LLC, an Ohio Limited Liability Company, hereinafter referred to as "Company"

WITNESSETH:

WHEREAS, the City operates a public beach located and known as Nickel Plate Beach ("Beach"), which is subject to a long-term lease from Norfolk and Southern Railroad; and

WHEREAS, the City desires to provide amenities and attractions for the benefit of visitors to its public beach; and

WHEREAS, Company has proposed an opportunity to the City which satisfies that goal; and

WHEREAS, it is the purpose and intent of this document to set forth the agreements which have been reached by the parties concerning the above referenced matters and other matters.

NOW, THEREFORE, in consideration of the mutual promises of the parties and other good and valuable consideration of the mutual promises of the parties and other good and valuable consideration, the parties agree as follows:

1. PURPOSE. The Purpose of this Agreement is to establish a License Agreement between the City and the Company for the use of land consistent with Company's rental service. Additionally, this Agreement shall establish a Lease Agreement for miscellaneous storage which is supplemental to, and in support of, Company's rental service.

1.1. License Agreement: Company will own and operate a rental service consisting of the rental of kayaks, paddle boards and other related merchandise consistent with non-motorized water recreation activities. Company is expressly prohibited from any commercial activities which may be deemed in competition with City sponsored endeavors on the Beach. Additionally, Company is expressly forbidden to engage in marketing or advertisement of any form identifying Company as being a partner, subsidiary or agent of the City. It is anticipated by the Parties that the rental of equipment for water recreation activities will commence on Memorial Day Weekend and conclude on Labor Day of each calendar year subject to this Agreement. This Agreement shall convey from the City to Company a License to permit such operations on the Beach.

1.2. Lease Agreement: The City will provide storage space on the Beach for storage of kayaks, paddles boards and other related merchandise consistent with non-motorized water recreation activities to Company. Storage for this purpose is secondary to the needs of the City and the Company will make reasonable accommodations to assist Company in utilizing the storage. Said storage is anticipated by the City to be needed by Company during all months of the term of this Agreement. This Agreement shall convey from the City to Company a Lease for the storage of said property. Company understands and affirms that the storage facility is not monitored by the City and Company assumes the risk of loss when utilizing the storage facility. At any time during this Agreement, the City reserves the right to rescind any access privileges afforded to Company, and therefore rescind the right to use the storage space(s) by way of keycode, or key access to said storage facility.

2. TERM. The term of this Agreement shall commence upon the execution of all parties and shall terminate promptly after Labor Day weekend of 2025, subject to annual renewal periods as follows, unless written notice is provided by a party to the Agreement of an intent to terminate the Agreement pursuant to Section 4 or renegotiate the Agreement's terms within sixty (60) days prior to the expiration of the then-existing term: (i) Memorial Day Weekend thru Labor Day in the year 2024; and (ii) Memorial Day Weekend thru Labor Day in the year 2025.

3. COSTS. The following itemization of costs shall be applicable unless otherwise agreed upon by the Parties in accordance with this Agreement.

3.1. License for commercial operations. Upon execution of the Agreement, and for each annual term of the Agreement, Company agrees to pay to City \$450.00 annually, payable in three monthly installments of \$150.00 each, payable in each June, July and August for the license. Payments are due no later than the 7th day of the month.

3.2. Lease for storage facility. Upon execution of the Agreement, and for the initial term of the Agreement and any and all renewals as set forth in Section 2 hereof, Company agrees to pay to City \$300.00 annually, payable in a one-time payment for the initial lease term and payable in a one-time payment for each successive annual renewal thereof (if any) as outlined in Section 2. Company shall notify the City of its intent to exercise the lease option no later than October 1 of each year. Notwithstanding the termination provisions set forth in Section 4 below, the cost of the lease is non-refundable and shall not be prorated in the event of the early termination of the lease provisions.

4. TERMINATION. The City shall have the option to terminate this Agreement in the event the storage facilities being leased to Company become unavailable for any reason. The decision as to whether or not the storage facilities are unavailable shall be decided by the Huron City Administration, notice of which will be provided to Company in writing no less than thirty (30) days prior to termination.

4.1. Should City terminate this Agreement for reason other than an Event of Default (defined in Section 9 herein), all costs associated with this Agreement shall be prorated for those monies due up to the termination date.

4.2. Should Company terminate the License for commercial operations prior to the expiration of the term, all costs associated with this Agreement shall be prorated for those monies due up to the termination date.

5. AMENDMENT. This Agreement may only be amended by written instrument executed by all parties.

6. ASSIGNABILITY AND TRANSFER. The rights and authority conveyed through this Agreement shall not be assignable or transferrable by either party. This Agreement shall not be recognized as valid for any sublease, subcontract or conveyance to another party regardless of whether said sublease, subcontract or conveyance is in exchange for compensation.

7. LIMITATION OF LIABILITY AND INDEMNIFICATION. Company agrees to indemnify, defend, and hold the City harmless from any and all claims, demands, or suits arising or claimed to arise from its use or the use by participants, customers, creditors related to Company use as authorized by this Agreement and shall secure liability insurance, at least in the amount of One Million Dollars (\$1,000,000) bodily injury and death; One Hundred Thousand Dollars (\$100,000) property damage, which policies shall name City as an additional named insured. Company shall furnish City with evidence that the required insurance has been obtained, with proof of payment of the premium for the duration of this Agreement, prior to the opening event and a copy of such shall herein be attached and incorporated as Exhibit A. Such policy shall include a 30-day cancellation clause. This indemnification shall include all costs of defense, including reasonable attorneys' and expert witness fees, and shall also extend to use of the any City equipment by the Company.

8. CHOICE OF LAW. This Agreement shall be governed and interpreted in accordance with the laws of the State of Ohio and the parties hereto agree that any dispute or other matter arising out of

the interpretation or operation of this Agreement shall be determined in a Court of competent jurisdiction located within the State of Ohio and County of Erie.

9. EVENTS OF DEFAULT. The following events are referred to, collectively, as “Event(s) of Default”;

9.1. Failure to provide due and timely rent payments. In the event that Company fails to provide timely rent payments, the City shall provide written notice no later than ten (10) days after the first day of the month in which the rent is due. Such written notice shall permit the Company five (5) business days to rectify the delinquency of rent. Failure to do so shall result in an immediate default of the Agreement. The City will not be required to provide any further written notice beyond the first notice; or,

9.2. Company vacates or abandons the storage facilities or Company’s cessation of the operation of its rental service set forth in Section 1.1; or,

9.3. Company purports to assign this Agreement, or sublet all or a portion of the storage facilities, in violation of the terms set forth herein; or,

9.4. Company breaches any of the other agreements, terms, covenants, or conditions not in conflict with the terms included herein, and such breach continues for a period of ten (10) days after written notice from the City to Company or, if such breach cannot be cured reasonably with such ten (10) day period, if Company fails to diligently commence to cure such breach within ten (10) days after written notice from the City and to complete such cure within a reasonable time thereafter.

10. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAW, ORDERS, GUIDANCE, RULES AND REGULATIONS. Company shall ensure that it and all employees, agents, contractors, and any other persons subject to their direction and control shall strictly comply with all federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to any and all communicable diseases, including COVID-19. Company agrees to be solely responsible for ensuring that the activities covered by this Agreement will be operated, run, managed, and conducted in a manner consistent with all applicable all federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to COVID-19, and will coordinate with the Erie County Department of Health to ensure the same. Company understands that its proposed activities under this Agreement and the use of the Beach and storage facilities will expose the it and its employees,

agents, guests, contractors and other persons subject to its control to a risk of injury and illness (ex: communicable diseases such as MRSA, influenza, and COVID-19), including the potential for permanent paralysis and death, and while particular rules, equipment, and personal discipline may reduce these risks, the risks of serious injury and illness do exist, and KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS, both known and unknown, EVEN IF ARISING FROM THE NEGLIGENCE OF THE CITY, and assumes full responsibility for any such risk which may occur during its proposed activities under this Agreement and the use of the Beach and storage facilities. Company further AGREES TO DEFEND, INDEMNIFY, RELEASE, AND HOLD HARMLESS the City, and its officials, agents, and/or employees ("RELEASEES"), WITH RESPECT TO ANY AND ALL CLAIMS, DEMANDS, LAWSUITS, ACTIONS, ETC. OF ANY TYPE FOR ANY ALLEGED INJURY, ILLNESS, DISABILITY, DEATH, or loss or damage to person or property, WHETHER ARISING FROM THE NEGLIGENCE OF THE CITY OR OTHERWISE, to the fullest extent permitted by law.

11. REMEDIES OF DEFAULT. If any one or more Events of Default set forth in this Agreement occurs then the City has the right, at its election:

11.1. To terminate this Agreement, in which case Company's right to use the storage facilities and operate its rental service at the Beach will cease and this Agreement will be terminated as if the expiration of the Term fixed in such notice were the end of the Term. If this Agreement is terminated pursuant to this Section, the City will be entitled to recover from Company: (i) the unpaid rent that has been earned at the time of termination; (ii) the unpaid rent for the balance of the Term of this Agreement.

11.2. To reenter and take possession of the Beach and license/lease-related areas, expel Company by means of "self-help" repossession, and remove the effects of Company, using such force for such purposes as may be necessary, without being liable for prosecution, and without prejudice to any remedies for arrears of all amounts payable under this Agreement.

11.3. Remedies Cumulative. The City's rights hereunder shall be in addition to, and not in lieu of, every other right or remedy provided for herein or now or hereafter existing at law or in equity by statute or otherwise, including, but not limited to injunctive relief, specific performance and damages. The exercise or beginning of exercise by the City of any one or more rights or remedies, provided herein or now or hereafter existing at law or in equity by statute or otherwise, shall not preclude the simultaneous or later exercise by the City of any or all other rights or remedies provided for in this Agreement or now or hereafter existing at law

or in equity or by statute or otherwise. All such rights and remedies shall be considered cumulative and nonexclusive.

12. GENERAL TERMS AND CONDITIONS. This Agreement constitutes the entire Agreement between the parties and supersedes all prior or written agreements or understandings. Company shall comply with all Federal, State and Local laws and ordinances. Company shall submit a completed Regional Income Tax Registration Form at the time of execution of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names to duplicates hereof on the day and year last aforesaid.

CITY OF HURON, OHIO

THE PADDLE SHACK, LLC

Matthew Lasko, City Manager
Date: _____

By: _____
Its: _____
Date: _____

APPROVED AS TO FORM:

Todd A. Schrader, Law Director

Notary Jurats Follow

ACKNOWLEDGEMENT

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named City of Huron, Ohio, by Matthew Lasko, its City Manager, who acknowledged that he did sign the foregoing instrument in his capacity as City Manager and that the same is his free act and deed in such capacity. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to signer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Huron, Ohio, this ____ day of January, 2024.

NOTARY PUBLIC

My Commission Expires:_____

ACKNOWLEDGEMENT

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the abovenamed The Paddle Shack, LLC, by _____, its _____ who acknowledged that they did sign the foregoing instrument in their capacity as _____ and that the same is their free act and deed in such capacity. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to signer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this ____ day of January, 2024.

NOTARY PUBLIC

My Commission Expires:_____



TO: Mayor Tapp and City Council
FROM: Terry Graham
RE: Resolution No. 6-2024 (*submitted by Chief Terry Graham*)
DATE: January 23, 2024

Subject Matter/Background

Resolution No. 6-2024 ratifies an application submitted to the Ohio Department of Job and Family Services - OhioMeansJobs On-The-Job Training Grant Program, which reimburses municipalities for up to 50% of the salary of any police officer hired prior to completing the Police Academy.

The City of Huron hired Eric Ritter earlier this month, and he is currently training at the Police Academy. His training academy tuition will not be charged to the City, as it has been paid through a separate grant obtained by Officer Ritter.

Once Officer Ritter completes the academy, the City can submit a request for reimbursement in the form of grant funds for 50% of Officer Ritter's salary paid by the City while he was in the Police Academy, up to the maximum amount of \$13,000.

Financial Review

Budget for the new police officer was included in the 2024 budget. The grant will help offset personnel costs in the General Fund for the new officer while the officer is attending the academy.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 6-2024 is in order.

[Resolution No. 6-2024 PDFS OJT Grant Eric Ritter up to \\$13,000.doc](#)

[Resolution No. 6-2024 Exh A JFS OJT Training Agreement.pdf](#)

[Resolution No. 6-2024 Exh B JFS OJT Workforce Development Training Plan.pdf](#)

RESOLUTION NO. 6-2024
Introduced by Sam Artino

A RESOLUTION RATIFYING SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES – OHIOMEANSJOBS ERIE COUNTY FOR ON-THE-JOB TRAINING WAGE REIMBURSEMENT RELATING TO NEWLY-HIRED POLICE OFFICER ERIC RITTER IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND AND XX/100 DOLLARS (\$13,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND AND XX/100 DOLLARS (\$13,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from the Ohio Department of Job and Family Services – OhioMeansJobs Erie County for on-the-job training wage reimbursement relating to newly-hired Police Officer, Eric Ritter; and

WHEREAS, the City meets basic eligibility requirements for funding as it has hired a new Police Officer who will be completing Police Academy training while on-the-job; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from the Ohio Department of Job and Family Services; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and project, if awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON AS FOLLOWS:

SECTION 1. That the Council of the City of Huron hereby ratifies submission of a grant application to the Ohio Department of Job and Family Services – OhioMeansJobs Erie County to become eligible for potential funding assistance relating to on-the-job training wage reimbursement for newly-hired Police Officer, Eric Ritter in an amount not to exceed Thirteen Thousand and xx/100 Dollars (\$13,000.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the Ohio Department of Job and Family Services for a grant in the amount not to exceed Thirteen Thousand and xx/100 Dollars (\$13,000.00), and which agreement shall be in substantially in the form on file with the Clerk of Council.

SECTION 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

Mark Claus, Vice-Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



On-the-Job Training Agreement

Section 1: Purpose

This On-the-Job Training (OJT) Agreement is between **City of Huron / Huron PD**, hereinafter called the Employer and **OhioMeansJobs Erie County**, herein after called the One-Stop. Both parties agree to the terms and conditions set forth within this agreement. The agreement term commences on the date of last signature and terminates on **6/30/2024**, the dates of which may be amended or extended by signatures of all parties.

Section 2: General Terms and Conditions

Agreement Purpose

The purpose of this agreement is to establish the general terms and conditions under which the One-Stop may refer individual WIOA participants ("the Trainee") to the Employer to enable Workforce Innovation & Opportunity Act (WIOA) participants to take part in an OJT as that term is defined under the Workforce Innovation & Opportunity Act.

OJT Definition

In accordance with the WIOA section (101) (31), the term "on-the-job training" means training by an employer that is provided to a paid trainee while engaged in productive work. This training will:

1. Provide knowledge or skills essential to the full and adequate performance of the job;
2. Qualify for reimbursement to the employer of up to 50% of the wage rate of the Trainee, for the extraordinary costs of providing the training and additional supervision related to the training;
3. Limit the OJT contract period of time for a trainee to become proficient in the occupation for which the training is being provided. In determining the length of the training, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the trainee, the prior work experience of the trainee, and the individual employment plan.

Training

1. The Employer agrees to employ the Trainee and develop a training plan for the OJT Trainee that includes competencies needed to be satisfactorily skilled in the OJT position.
2. Training plans for Trainee(s) will be signed by the Employer and the One-Stop and will become attached to and part of this contract before reimbursable costs can be incurred for each trainee.
3. The Trainee will be maintaining full-time employment, considered by the Area 7 Workforce Investment Board to be no less than 32 hours per week.

Fiscal

1. Employer may invoice the OhioMeansJobs Center midway through training and at the end of training in an amount not to exceed 50% wage reimbursement for Employer's extraordinary costs of providing training to the Trainee.
2. Employer agrees to maintain adequate time and attendance, payroll, and other records to support amounts reimbursed under the OJT contract and that such records are subject to review,

- monitoring, and audit by the One-Stop System, the Area 7 Workforce Development Board, and the State and/or the federal government, at any time and without prior notice to the employer.
3. Employer shall provide adequate insurance coverage to protect against legal liability arising out of OJT activity.
 4. Employer shall preserve all Trainee payroll records, fringe benefits, and personnel records for at least three (3) years after reimbursement is made for the cost of training.



Employer Assurances

1. Employer shall provide Worker's Compensation coverage for the OJT.
2. Employer certifies that the company is financially solvent on the date of this contract, and the Employer's best projection is that they will remain financially able to meet contract obligations at the end of the training period, including OJT Trainee's retention.
3. Employer agrees that wage and labor standards will be adhered to and to pay the OJT Trainee at the same rates, including increases and benefits, as trainees or employees who are situated in similar jobs. Such rates shall be in accordance with applicable law, except when less than the normal rate is specifically allowed by section 6(a)(1) of the Fair Labor Standards Act of 1938 or the applicable state or local minimum wage law per WIOA sect. 181(a)(1)(A).
4. Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws and ordinances (including but not limited to anti-discrimination, labor and employment laws, environmental laws or health and safety laws) per 29 CFR 37.38(b).
5. Employer certifies that the OJT will not impair existing agreements for services or collective bargaining agreements and that either it has the concurrence of the appropriate labor organization as to the design and conduct of an OJT, or it has no collective bargaining agreement with a labor organization that covers the OJT position.
6. Employer assures that they have not been debarred or suspended in regard to federal funding pursuant to 29 CFR Part 98.
7. Employer further assures that OJT funds will not be used to assist, promote or deter union organizing per 20 CFR 663.730.
8. Employer certifies that no member of the OJT Trainee's immediate family is engaged in an administrative capacity for the Employer, or will directly supervise the OJT Trainee. For the purpose of this contract, immediate family is defined as spouse, children, parents, grandparents, grandchildren, brothers, sisters or person bearing the same relationship to the OJT Trainee's spouse per 20 CFR 667.200(g).
9. Employer assures that the OJT Trainee(s) will not be employed to carry out the construction, operation, or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship per 29 CFR 37.6(F).
10. Employer assures that the OJT Trainee has not been hired into or will remain working in any position when any other person is on layoff from the same or a substantially equivalent job within the same organizational unit or has been bumped and has recall rights to that position, nor if the OJT is created in a promotional line that infringes on opportunities of current employees 20 CFR 667.270

Additional Terms

The OJT Agreement is subject to modification or termination due to actions taken by the Federal, State, or Local governments that result in a frustration of contract purpose. Such actions include, but are not limited to, withdrawal of WIOA funding by the United States Congress.

Section 3: Authorized Signatures

Employer	Collective Bargaining Unit	OhioMeansJobs
		
Signature	Signature	Signature
TERRY F. GRAHAM	BRIAN D. CLAYMAN	
Typed/Printed Name	Typed/Printed Name	Typed/Printed Name
CHIEF OF POLICE	FOP/REPRESENTATIVE	
Title	Title	Title
12-21-2023	12-21-2023	
Date	Date	Date

Ohio Department of Job and Family Services
ON-THE-JOB TRAINING PLAN
LOCAL WORKFORCE DEVELOPMENT AREA

Employer Name CITY OF HURON	Supervisor's Name TERRY F. GRAHAM, CHIEF OF POLICE	
Employee/Trainee Name ERIC D. RITTER	Phone Number (419) (440) 371-2917 (PERSONAL) (419) 433-4114 (WORK)	
Position Title POLICE OFFICER/CADET	E-Mail RITTERERIC38@GMAIL.COM	
O*Net Code	Reimbursement Rate 50%	
Training Period From 6-7-24 to 7-24	Maximum Obligation \$ 43/month	
Starting Hourly Wage \$ 22.43	Amount for Training Payment \$	
Expected Hourly Wage at End of Training Period \$ 22.43	Amount for Retention Payment (if any) \$	
Hire Date 01-07-2024	Hours Per Week 40	Total Hours

Skills to be Learned	Starting Capability Date Scored:	Mid Capability Date Scored:	Ending Capability Date Scored:
THOROUGH KNOWLEDGE OF APPLICABLE FEDERAL, STATE AND LOCAL LAWS RELATED TO LAW ENFORCEMENT	<input type="checkbox"/> Some skill <input checked="" type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
THOROUGH KNOWLEDGE OF LAW ENFORCEMENT METHODS, PRINCIPLES, PRACTICES, AND PROCEDURES	<input type="checkbox"/> Some skill <input checked="" type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
EXTENSIVE KNOWLEDGE OF SAFETY PRACTICES AND PROCEDURES	<input type="checkbox"/> Some skill <input checked="" type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
GENERAL KNOWLEDGE OF MUNICIPAL GOVERNMENT STRUCTURE AND PROCESS	<input type="checkbox"/> Some skill <input checked="" type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
SKILL IN THE USE OF AUTHORIZED FIREARMS	<input type="checkbox"/> Some skill <input checked="" type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
GOOD INTERPERSONAL AND HUMAN RELATIONS SKILLS	<input checked="" type="checkbox"/> Some skill <input type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
GOOD WRITTEN AND VERBAL COMMUNICATION SKILLS	<input checked="" type="checkbox"/> Some skill <input type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
ABILITY TO CALCULATE FRACTIONS, DECIMALS, AND PERCENTAGES	<input checked="" type="checkbox"/> Some skill <input type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
ABILITY TO USE PERSONAL COMPUTER TO ENTER DATA AND PRODUCE REPORTS	<input checked="" type="checkbox"/> Some skill <input type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
ABILITY TO OPERATE A MOTOR VEHICLE SAFELY AND EFFECTIVELY	<input checked="" type="checkbox"/> Some skill <input type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained
ABILITY TO UNDERSTAND AND CARRY OUT DETAILED ORAL AND WRITTEN INSTRUCTIONS	<input checked="" type="checkbox"/> Some skill <input type="checkbox"/> No skill	<input type="checkbox"/> Progress <input type="checkbox"/> No Progress	<input type="checkbox"/> Attained <input type="checkbox"/> Not Attained

Signature Page

Funding for training is authorized when OJT Training Plans are signed below by the Employer, the local workforce development area, the trainee, the Union (if applicable), and the ODJFS Trade Program (if applicable). All On-the-Job Training Agreement terms, conditions, and OJT Requirements, plus the Training Plan Instructions, apply to this Training Plan.

Employer <i>CITY OF HURON</i>	Local Workforce Development Area
Authorized Signature and Date <i>[Signature]</i> 12-26-23	Authorized Signature and Date
Print Name and Title <i>TERRY E. GILMAN, CHIEF OF POLICE</i>	Print Name and Title
Staffing Agency, if any	Trainee <i>ERIC D. RITTER</i>
Authorized Signature and Date	Trainee Signature and Date <i>[Signature]</i>
Print Name and Title	Print Name and Title <i>ERIC DANIEL RITTER, CADET</i>
Union (if any) <i>FEDERAL ORDER OF POLICE</i>	
Authorized Signature and Date <i>[Signature]</i> 12/28/2023	ODJFS Trade Representative
Print Name and Title <i>Brian Clayman, Detective</i>	ODJFS Trade Support Office – Signature / Date (if applicable)



TO: Mayor Tapp and City Council
FROM: Jack Evans
RE: Resolution No. 7-2024 (*submitted by Jack Evans*)
DATE: January 23, 2024

Subject Matter/Background

This legislation ratifying submission of a grant application to the Ohio Department of Development - Water and Wastewater Infrastructure Grant Program FY 2024-25 relating to the Huron River Alternate Raw Water Intake and Sludge Lagoon Sewer Project in the amount of \$2,311,700.00.

This secondary/river intake is another essential step is ensuring our customers water supply. Lake Erie produces a lot of frazzle ice that will block out raw water intake, which in turn means the plant will receive no water to treat. This secondary intake will provide a frazzle ice free intake in the river ensuring that the plant is always supplied raw water to treat and supply our customers. The total expected cost of this project is ~\$3.5M.

Financial Review

The total cost of the project will be paid out of the Water Capital Fund (Fund 603). If the grant is awarded, the City will reduce the amount of low-interest OWDA funds needed to gap finance the project. The loan will be paid back with quarterly water charges.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution 7-2024 is in order.

[Resolution No. 7-2024 ODOD Water and Wastewater Infra Grant 2024-2025 Alternate Intake \\$2,311,700.doc](#)
[Resolution No. 7-2024 Exh A ODOD Wastewater Grant Appl.pdf](#)

RESOLUTION NO. 7-2024
Introduced by Joel Hagy

A RESOLUTION RATIFYING SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF DEVELOPMENT – WATER AND WASTEWATER INFRASTRUCTURE GRANT PROGRAM FY 2024-25 RELATING TO THE HURON RIVER ALTERNATE RAW WATER ALTERNATE INTAKE AND SLUDGE LAGOON SEWER PROJECT IN THE AMOUNT OF TWO MILLION THREE HUNDRED ELEVEN THOUSAND SEVEN HUNDRED AND XX/100 DOLLARS (\$2,311,700.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED TWO MILLION THREE HUNDRED ELEVEN THOUSAND SEVEN HUNDRED AND XX/100 DOLLARS (\$2,311,700.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from the Ohio Department of Development (“ODOD”)– Water and Wastewater Infrastructure Grant Program FY 2024-25 to partially subsidize the Huron River Raw Water Intake and Sludge Lagoon Sewer Project (referred to as the “Project”); and

WHEREAS, the Projects meets basic eligibility requirements for project funding as it has a direct relationship to water and wastewater infrastructure improvements; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from ODOD; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and project, if awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON AS FOLLOWS:

SECTION 1. That the Council of the City of Huron hereby ratifies submission of a grant application to the Ohio Department of Development – Water and Wastewater Infrastructure Grant Program FY 2024-25 to become eligible for potential funding assistance relating to the Huron River Raw Water Alternate Intake and Sludge Lagoon Sewer Project in an amount not to exceed Two Million Three Hundred Eleven Thousand Seven Hundred and xx/100 Dollars (\$2,311,700.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the Ohio Department of Development – Water and Wastewater Infrastructure Grant Program, for a grant in the amount not to exceed Two Million Three Hundred Eleven Thousand Seven Hundred and xx/100 Dollars (\$2,311,700.00), and which agreement shall be in substantially the form on file with the Clerk of Council.

SECTION 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

Mark Claus, Vice-Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

Water and Wastewater Infrastructure Grant Program

Application Information


Application Name:	DEV--2023 - 205537
Project Type:	Construction grant - public drinking water
Created On:	12/14/2023 9:52 AM
Created By:	Lawrence Fridrich
Online Application Status:	Application in Progress

Applicant Organization

Federal Tax ID:	34-6400671
OAKS ID:	0000104317
Applicant Name:	Huron, City of
Applicant Address:	417 Main St., Huron, OH, 44839

Project Contact Information

Position/Role	Primary Contact	First Name	Last Name	Phone Number	Email
Mayor/Village Administrator					
Application Preparer	<input checked="" type="checkbox"/>	Larry	Fridrich	(440) 821-7871	larry.fridrich@ohm-advisors.com
Authorized Official					
Consulting					

Engineer					
CITY MANAGER		Matt	Lasko	(419) 433-5000	matt.lasko@huronohio.us

Project Information

Project Name:

Huron River Alternate Raw Water Intake

Project Location (list city/village):

Huron

Select County(ies) served:

Erie

Please Provide a brief description of the project:

The City of Huron Water Plant provides water to the City of Huron and areas of Erie County surrounding the city. This project will construct an alternative raw water intake and pump station on the west bank of the Huron River. The alternative intake will supplement the City's primary (only) water intake which draws supply water from Lake Erie. Constructed circa 1957, the primary 36-inch diameter pipe intake capacity is approximately 13 MGD. Records dating back to the late 1980's show the intake system has been plagued by freeze ups due to frazil ice occurring in Lake Erie. These issues occur almost every winter season and at times render the filtration plant inoperable. The city has made attempts over the last three decades to mitigate the icing at the intake using several measures, such as a bubbler system and inlet heater, but none of these have been successful. On occasion, the city fire department has been called to assist in creating an opening in the lake surface ice for temporary pumps to be utilized to bring water into the treatment plant. These freeze ups of the intake severely limit and, on some occasions, completely block the intake, causing water service to be rationed, and at times suspended, to the city and surrounding county areas. This not only is a severe health issue for water service to homes and businesses in the community but is also a safety issue as lack of water severely affects firefighting services in the communities. This project would construct a 36-inch intake from the Huron River by means of a pump station. This pump station would consist of a 30-foot deep, 12 -foot diameter concrete wet well with two submersible pumps and emergency backup generator. Water would then be conveyed to the water filtration plant via a 20-inch raw water line. This project would provide access to raw water in the Huron River. This source is not subject to the needle and frazil icing conditions that develop in the lake. Additionally, this inlet would provide a defense against harmful algal blooms in the summer seasons. Having this source would insure a reliable source of raw water for the City of Huron and surrounding areas of Erie County.

Estimated population number to be served:

49000

Community & Project Information

Is this project listed on the County Engineers prioritization list as submitted?

If you've checked yes, what is the prioritization level of the project (on a scale of 1-10) (insert number or check do not know)?

Does the community where the project is located meet any of the economically disadvantaged criteria below? If so, check all that apply.

Is the community unemployment rate greater than the current State Unemployment Rate; Median Household Income for the area served is less than the state-wide average Median Household Income

What is your estimated average monthly residential charge for water usage?

\$50.00

What is your estimated average monthly residential charge for wastewater?

Does the project address any of the following areas? If so, check all that apply.

Addressing significant water quality and/or public health concerns (attach supporting documentation)

Does the project address significant water quality and/or public health concerns related to any of the following:

The project will address a high-risk for critical infrastructure failure (ex: collapse of critical treatment plant components, catastrophic failure of storage pond or water tower, etc.)

Indicate (check all that apply) the construction readiness of the project:

Engineering/design plans are in development; Construction on the project can begin in 12-18 months

Project Start date:

12/16/2024

Project End date:

5/29/2026

Costs

ARPA Water and Sewer/Wastewater Quality Construction Grant Project Budget

Category Number	Cost Categories	Total Amount Requested
1	Water Facility Improvements	\$2,010,420.00
2	Sewer Facility Improvements	\$0.00
4	Professional Fees	\$0.00
5	Administrative Costs	\$0.00
5	Construction Administration & Inspection	\$301,280.00
Total:		\$2,311,700.00

Match funds:

Is there match funding for the project?
Yes

Total Amount	Source	Funds Committed?
\$1,340,280.00	Local Funding	Yes
Total : \$1,340,280.00		

Total Project Cost:	3651980.0
Total Requested Amount:	2311700.0

Required Documents

Required Documents			
Document Name:	Description	Date Uploaded:	Uploaded by:
Economically Disadvantaged Criteria Verification		12/14/2023 10:11 AM	Lawrence Fridrich
SAM.gov documentation		12/14/2023 10:10 AM	Lawrence Fridrich
Project Map		1/17/2024 12:59 PM	Lawrence Fridrich
Documentation of match funds		1/17/2024 1:00 PM	Lawrence Fridrich
Engineering agreements		1/17/2024 12:58 PM	Lawrence Fridrich
Other	Unemployment in Erie County	1/17/2024 2:12 PM	Lawrence Fridrich
Other	Huron Water Superintendent History Summary	1/17/2024 2:17 PM	Lawrence Fridrich

Submit

As an authorized representative, I, Larry Fridrich from Huron, City of, hereby submit this Application to the Department of Development. I have read and understand the program eligibility requirements and also understand that this document in no way constitutes a commitment of funds by the State of Ohio for any of its programs. Further, I hereby represent that the foregoing and the information provided in the Application, to the best of my knowledge and belief, is true, complete and accurately describes the proposed project for which the financial assistance is being sought.

Typed Name: Larry Fridrich **Title:** Client Representative **Date:** _____