



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

COMMITTEE MEETING - MONDAY, JUNE 13, 2016
Council Caucus Room
7:00 p.m.

MEETING CALLED TO ORDER | ROLL CALL

City officials who will be present for committee items:

- Shawn Leininger, Public Service & Development Director
- Greg Cingle, Interim Finance Director
- Tony Raffin, Fire Chief
- Steve Owens, Recreation Director

ENVIRONMENT, PUBLIC WORKS, PLANNING, ZONING AND DEVELOPMENT - Councilman Minek, Chair

- ✧ Ord. 16-16 | Amending Chapter 1129 to Permit Mixed Use in Office Building 3 Zoning District
- ✧ Res. 16-09 | Placing Amendment to Office Building 3 Zoning District on the Ballot
- ✧ Ord. 16- ___ | 2017 Water Main Replacement Plans and Specifications
- ✧ Ord. 16- ___ | 2017 Water Main Replacement Bids and Contracts
- ✧ Issue: Municipal Facilities

LOCAL GOVERNMENT & COMMUNITY SERVICE - John Hinkel, Chair

- ✧ Chief Raffin - Fire Department Update
- ✧ Issue: Autism Safety Roster

FINANCE - Councilwoman Cleary, Chair

- ✧ Ord. 16-14 | Advanced Energy District Declaring Determination to Proceed
- ✧ Ord. 16-15 | Advanced Energy District Levying Special Assessments
- ✧ Res. 16-04 | Advanced Energy District Approving Petition
- ✧ Res. 16-05 | Advanced Energy District Approving Necessity
- ✧ Ord. 16- ___ | Authorizing Trade-In for City-Owned Lawnmowers
- ✧ Issue: Gemini Revenue

BOARD & COMMISSIONS REPORTS

ROUNDTABLE

Agenda and meeting documents for this meeting can be viewed online by using this code:



CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-16
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1129 OF THE OFFICE BUILDING DISTRICTS TO PERMIT MIXED USE DEVELOPMENTS, WITH THE REGULATIONS RELATING THERETO, IN THE OFFICE BUILDING “3” ZONING DISTRICT.

WHEREAS, the City zoning regulations concerning OFFICE BUILDING “3” Zoning District (hereafter referred to as OFFICE “3”) are not presently constituted to allow a mixed use component that would enhance the property use to the benefit of the residents;

WHEREAS, residents and developers have made inquiry as to the ability of the City to create a framework that would provide a developer with the option of planning a project that mixes office, retail and multi-family residential living in a single zoning district;

WHEREAS, the City’s master plan, the City Council and the Mayor support the vision of Mixed Use Developments in the OFFICE “3” District;

WHEREAS, the redevelopment of focus areas identified by the master plan task force as key areas for potential changes in land use, could provide the city with a significant boost in income and property tax revenue as well as providing important retail office and housing opportunities in the years to come;

WHEREAS, after consulting with zoning experts from CT Consultants, it has been determined to focus on creating a zoning district that will enhance the quality of the residents’ living, encourage further economic development and provide additional income and property taxes to the City and schools;

WHEREAS, the attached Exhibit “A” includes the proposed amendments to Office “3.” *(Note: The attached foundation and Outline would be replaced with the final text of the proposed amendments upon review and recommendation by the Planning and Design Commission.)*

WHEREAS, Article IV, Section 16(b) of the City Charter states: (b) An ordinance, resolution, or other action, whether legislative or administrative in nature, effecting change in the uses permitted in any zoning use classification or district of the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or other action to the electorate at a regularly scheduled election in November or a primary election in May occurring more than sixty (60) days after the passage of the ordinance, resolution or other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, CUYAHOGA COUNTY, AND STATE OF OHIO:

SECTION 1. That the amendments to the OFFICE “3” are found to be consistent with the principles of the mission, charter and ordinances of the City;

SECTION 2: That Chapter 1129 relating to OFFICE “3” be amended, by incorporating the Mixed Use Development Regulations provided in Exhibit “A”, attached hereto and incorporated herein as if fully rewritten, subject to the amendments being approved by the voters pursuant to Section 16(b) of the City Charter.

SECTION 3: It is found in determined that all formal actions of this Council concerning relating to the adoption 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.

SECTION 4: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.16.16
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

EXHIBIT A

Proposed Zoning Text Amendments
to Permit Mixed-Use Developments, with Related Development Standards
and Criteria, in the Office Building “3” Zoning District

(Revised 6-2-16)

Tracked changes are compared to the existing Zoning Regulations.

CHAPTER 1129
Office Building Districts

- | | | | |
|--------------------|--|----------------|--|
| 1129.01 | Use regulations. | 1129.14 | Accessory parking facilities required/ |
| 1129.02 | Schedule of permitted buildings and uses. | 1129.15 | Measurement standards. |
| 1129.03 | Construction of residential buildings prohibited. | 1129.16 | Schedule |
| 1129.04 | Office buildings in General Business Districts. | 1129.17 | Access ways to parking areas. |
| 1129.05 | Schedule of area requirements. | 1129.18 | Surface improvement of parking areas. |
| 1129.06 | Yard regulations. | 1129.19 | Approval of parking facilities. |
| 1129.07 | Projections into yards. | 1129.20 | Illumination of parking facilities. |
| 1129.08 | Height regulations. | 1129.21 | Application and design of parking areas. |
| 1129.09 | Sign purpose, type and number. | 1129.22 | Required trash cans. |
| 1129.10 | Sign area. | 1129.23 | Approval of City Engineer required. |
| 1129.11 | Sign location. | <u>1129.25</u> | <u>Standards and Criteria for Mixed-Use Developments</u> |
| 1129.12 | Sign illumination. | | |
| 1129.13 | Signs; miscellaneous. (Repealed) | | |

1129.01 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be erected, altered, moved or maintained only for the uses set forth in the schedules and regulations of this chapter.

- (a) Main buildings and uses listed in Section [1129.02](#) shall be permitted as the principal buildings, use or activity of a lot zoned for office buildings.
- (b) Accessory buildings and uses listed in Section [1129.02](#) shall be permitted as a subordinate building or use which is clearly incident to, and located on, the same zoning lot as the main building or use.
(Ord. 69-39. Passed 6-2-69.)

1129.02 SCHEDULE OF PERMITTED BUILDINGS AND USES.

(a) Main Uses permitted in the Office Building “1,” “2” and “3” Districts shall be permitted as listed in Schedule 1129.02:.

- ~~(1) Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such uses.~~
- ~~(2) Research and development laboratories.~~

1129.02 Schedule of Permitted Buildings and Uses

<u>Permitted Uses</u>	<u>Office Building “1” (OB-1)</u>	<u>Office Building “2” (OB-2)</u>	<u>Office Building “3” (OB-3)</u>
<u>Office Buildings for business and professional use ⁽¹⁾</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Research and Development Laboratories</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Mixed-Use Developments pursuant to Section 1129.25</u>			<u>X</u>
<u>⁽¹⁾ Including administrative, training, statistical, financial, and similar purposes in connection with such uses.</u>			

Any other office or laboratory use determined to be similar by the Planning and Design Commission is also permitted.

- (b) Accessory Uses.
 - (1) Buildings and uses immediately and exclusively accessory to the main uses permitted on the site.
 - A. Accessory off-street parking facilities.
 - B. Direct broadcast satellite receiving stations, and other telecommunications structures as set forth in Section [1129.08\(a\)](#).
 - C. Signs
 - (2) Uses within the main building or buildings.
 - A. Central air conditioning and power plants.
 - B. Incidental storage of documents or other property.
 - C. Training facilities for employees.

- D. Living quarters for a custodian or caretaker of the office building or buildings.
- E. Clinics, cafeterias, lunch rooms, banks, post offices, recreation and meeting rooms, retail trade and service uses where necessary for the comfort, convenience and use of the tenants, employees and business visitors in the building or buildings.

~~1129.03 CONSTRUCTION OF RESIDENTIAL BUILDINGS PROHIBITED.~~

~~Nothing in this chapter shall be construed to permit erection of residential dwellings within an Office Building District. Such dwellings are specifically prohibited.~~

~~1129.04 OFFICE BUILDINGS IN GENERAL BUSINESS DISTRICTS.~~

~~Nothing in this chapter shall preclude construction and/or use of office buildings located in a General Business District. Such buildings and/or uses are, or may be, located in the district and shall be subject to the regulations established therefor in Chapter 1137. *(Note: This Section is not needed since this is a repeat of the "permission" explicitly stated in Chapter 1137.)*~~

(Note: Sections 1129.03 and 1129.04 will be "noted as deleted" in the final version of these amendments so that the remaining Sections of this Chapter do not need to be renumbered which would, most likely, affect references throughout the Code.)

1129.05 SCHEDULE OF AREA REQUIREMENTS.

Maximum area covered by main buildings	Thirty percent (30%)
Maximum area covered by all buildings and all accessory buildings and structures on or above grade	Forty percent (40%)
<u>Minimum "Green Space Area"(*)</u>	<u>Twenty-Five percent (25%)</u>

*The minimum ~~outdoor livable area~~ "Green Space Area", ~~which~~ is equal to gross land area minus ground area of buildings, driveways and parking areas, including such areas which are enclosed on or above grade parking garage areas and/or structures, ~~shall not be less than twenty five percent (25%) of the gross land area.~~ The Minimum Green Space Area ~~Outdoor livable area~~ is land area planted with grass, ground cover, landscape material, trees, natural vegetation or land area for recreation uses, structures and facilities. A lesser Green Space Area percentage may be considered by the Planning and Design Commission for a Mixed-Use Development when the P&DC determines that such lower percentage is appropriate and necessary to achieve the objectives of Section 1129.25.

1129.06 YARD REGULATIONS.

(a) For every main or accessory building or use, the following yards shall be provided:			
	Front (Feet)	Side (Feet)	Rear (Feet)
(1) For every main or accessory building in Office Building "1", "2", and Office Building "3"	30	10	10
(2) For every main or accessory building In Office Building - "1" Office Building - "2", Office Building "3" adjacent to a Residential District as enumerated in Section <u>1109.01</u>	N/A	40*	10

<u>(33)</u>	<u>For every main or accessory building in an Office Building "3" adjacent to a public park or dedicated open space</u>	<u>NA</u>	<u>10</u>	<u>10</u>
<u>(4)</u>	Accessory open off-street parking	20	10	10
<u>(45)</u>	Accessory open off-street parking adjacent to a Residential District as enumerated in Section <u>1109.01</u>	N/A	15*	15*

*Landscape buffering and/or landscape screening shall be provided as required by subsection (c) hereof.

The specific setback requirement as set forth herein as is specifically applicable to a specific wall of a main or accessory building shall be increased one foot for each one foot the highest point of the roof of such wall of the building exceeds twelve feet in height above grade.

- (b) A curb or other barrier shall be erected on the line marking required yards pertaining to off-street parking. The remaining yard shall be landscaped and attractively maintained.
- (c) The Planning and Design Commission may require landscape buffering or landscape screening in accordance with Section 1149.05 along a side or rear lot line provided that any wall or any fencing whether incorporated as part of a landscaped buffer or whether used as a landscape screen along the side lot of the front yard of an adjacent Residential District or any other zoning district with an existing residence thereon shall not be constructed, erected or installed closer than twenty feet from the right-of-way line. Except as otherwise specifically permitted or as specifically required by the provisions of this chapter, trees and shrubs, yard structures and other landscape features shall not be constructed, erected or installed closer than twenty feet from the right-of-way line.
- (d) Direct broadcast satellite receiving stations shall be located only in rear yards subject to the provisions and requirements of Section 1117.17 or on the roof of a main or accessory building subject to the provisions and requirements of Section 1129.08.

1129.07 PROJECTIONS INTO YARDS.

No portion of a building, such as fire escapes or balconies, may project into a required front yard except signs as permitted in Section 1129.11.

1129.08 HEIGHT REGULATIONS.

- (a) The height of any main or accessory building in Office Building Districts "1" shall not exceed twenty-five feet. The height of any main or accessory building in Office Building District - "2" shall not exceed fifty feet. The height of any main or accessory building in Office Building District - "3" shall not exceed seventy-five feet.

In any Office Building District stacks, water tanks, elevator penthouses, bulkheads, skylights, ventilators, air conditioning and temperature control equipment, other mechanical appurtenances relating to the operation of the main or accessory building itself and penthouse enclosures for mechanical appurtenances erected upon or constituted as an integral part of the main or accessory building itself and not used for human occupancy may be erected to a height not to exceed fifteen feet above the finished roof line of the building.

Wireless, broadcasting, receiving and transmitting towers, radio and television antennae (except as provided in subsection (b) hereof), chimneys, flag poles and other like structures may be erected above the applicable height limit specified in subsection (a) hereof, subject to the following constraints:

- (1) The height from the base of such structure, or the uppermost point at which such structure is attached to the main or accessory building, to the top of such structure

shall not be greater than the horizontal distance from the base of such structure to the nearest adjoining property line.

- (2) A variance approved by the Board of Zoning and Building Appeals shall be required for any such structure over thirty-five feet in height if detached from or not attached to the main building, or over fifteen feet in height above the uppermost point of attachment to the main building.

No wireless, broadcasting, receiving and transmitting tower and no radio or television antennae shall be erected in a front yard. Any wireless, broadcasting, receiving and transmitting tower and any radio or television antennae may be erected only in a side yard or in a rear yard in accordance with the provisions of this section.

Wireless, broadcasting, receiving and transmitting towers, radio and television antennae, chimneys, flag poles and other like structures shall be designed and constructed to withstand wind loads in accordance with ANSI (American National Standards Institute) A 58.1 Structural calculations and details for the installation shall be furnished to the Division of Building.

- (b) A direct broadcast satellite receiving station may be placed on the roof of a main or accessory building provided all of the following conditions are satisfied:
 - (1) The receiving station is not linked or otherwise connected to receivers which are not located within the same premises as the antenna;
 - (2) The highest point of the satellite receiving dish shall not exceed three feet greater than the dimension of the dish above the plane upon which it is mounted which shall include the height of any base upon which the dish is mounted;
 - (3) The satellite receiving dish shall not exceed nine feet in dimension;
 - (4) The satellite receiving dish shall be constructed and anchored in such a manner as to withstand wind loads in accordance with ANSI (American National Standards Institute) A 58.1. Structural calculations, including calculations certifying to the capability of the roof to support the dish and the base, and details for the installation shall be furnished to the Division of Building;
 - (5) The satellite receiving dish shall be affixed in a permanent fashion such that it would only be removable for repair or replacement;
 - (6) The dish shall not be placed closer than twenty feet from any roof edge;
 - (7) Only one such station shall be permitted at any one time on the same building;
 - (8) No lettering, numerals, symbols, pictorial signs or designs exceeding one-half inch in any dimension shall be permitted on any surface.

1129.09 SIGN PURPOSE, TYPE AND NUMBER.

The signs permitted in Office Building Districts as to purpose, type and number shall be as regulated in Chapter [1145](#).

1129.10 SIGN AREA.

The area of signs shall be as regulated in Chapter [1145](#).

1129.11 SIGN LOCATION.

The location of signs shall be as regulated in Chapter [1145](#).

1129.12 SIGN ILLUMINATION.

Signs in Office Building Districts may be illuminated subject to the regulations of Chapter [1145](#).

1129.13 SIGNS; MISCELLANEOUS.

(EDITOR'S NOTE: This section was repealed by Ordinance 80-117, passed June 1, 1981. See Chapter [1145](#) for relevant provisions.)

1129.14 ACCESSORY PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be determined in conformance with the standards set forth in this chapter.

- (a) Such facilities shall be provided on the same lot or on an adjoining lot under the same ownership whenever:
 - (1) A building is constructed;
 - (2) An existing building is altered, resulting in an increase in measurement capacity.
- (b) Required off-street parking facilities, including access driveways, accessory to an existing use, and those required as accessory to a use created or a building constructed or altered hereafter, shall be continued and maintained in operation and shall not be reduced below the requirements during the period that the main use is maintained. Failure by the owner or owners to supply such off-street parking shall cause the Building Commissioner to revoke the occupancy of a sufficient number of the units in order to bring the facility into conformity with parking requirements. Accessory off-street parking facilities shall not be used for the rebuilding, overhauling or dismantling of any vehicle as defined in Section [301.51](#) or for the storage of motor or body parts or for minor repair services on any vehicle.
- (c) Required parking spaces may be either enclosed, underground or open.

1129.15 MEASUREMENT STANDARDS.

- (a) "Accessory parking space" means an open or enclosed area (garage) directly accessible from a public street for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building or use. Each space shall be directly accessible from a drive or aisle, and shall have a minimum rectangular dimension of not less than nine feet in width and eighteen feet in length for ninety degree parking; nine feet in width and twenty-two feet in length for parallel parking; ten feet in width and eighteen feet in length for sixty degree parking and twelve feet in width and eighteen feet in length for forty-five degree parking, exclusive of all drives, aisles, ramps and other circulation areas, and determined from an accurate plan of the area.
- (b) "Floor area" means the total area of all the floors of the building measured from the exterior faces of the building. Basement areas or other floors or parts thereof designed, arranged or used exclusively for storage or similar uses may be excluded from the floor area if the areas or floors or parts thereof are not open to the public.
Such areas as stairs, hallways, restrooms, equipment or furnace rooms, elevator shafts, etc. shall be excluded.
- (c) When the computation results in a fractional unit, one additional space shall be provided.

1129.16 SCHEDULE.

For other than medical and dental offices and clinics, one off-street parking space per each 150 square feet of floor area of 6,000 square feet or less; forty off-street parking spaces plus one space per each 200 square feet of floor area over 6,000 square feet. For medical and dental offices and clinics, one off-street parking space shall be provided per each 100 square feet of floor area to 10,000 square feet and one space per each 200 square feet of floor area over 10,000 square feet.

1129.17 ACCESSWAYS TO PARKING AREAS.

The location and width of entrance and exit driveways to parking facilities shall be planned so as to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the adjacent streets.

- (a) Whenever possible, the center line of the access driveways on the frontage streets shall be at least forty feet from the right-of-way line of the nearest intersecting street and be spaced at not less than 120-foot intervals, measured from the center line of the driveways.
- (b) Parking areas shall be designed so that vehicles can be driven forward into the street. Those of fifteen spaces or less shall have at least one single-lane or one two-lane driveway; those of sixteen spaces or more shall have at least two single-lane, or one two-lane driveway. Each entrance to, or exit from, a parking area of sixteen spaces or more shall be limited to two lanes.
- (c) The widths of driveways, measured at the setback line, shall conform to the following schedule. At no point where adjoining a public sidewalk shall the maximum widths be exceeded.

Lanes	Minimum feet	Maximum feet
One	10	12
Two	18	24

- (d) The angle of intersection between the driveway and the street shall be between sixty degrees and ninety degrees. The radius at the edge from the apron shall be at least twelve feet, twenty feet recommended, so that a motor vehicle entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or in the curb lane of the street.

1129.18 SURFACE IMPROVEMENTS OF PARKING AREAS.

- (a) Proposed and existing parking areas and access driveways shall be improved with asphalt concrete or Portland cement concrete or other impervious surface and shall be so graded and drained into proper inlets so that all water is drained within the lot on which the parking area or driveway is located in such manner that water shall not drain across other public or private property.
- (b) Parking areas shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles in accordance with the design standards in this chapter, and shall be improved, except at entrances and exits with guardrails, curbs or other devices to define parking spaces or limits of paved areas, so as to prevent encroachment of vehicles into adjacent areas or public ways, yards or setbacks required by the Zoning Code, and so as to regulate the flow of traffic within the lot.
- (c) The Planning and Design Commission may require landscape buffering or landscape screening to be provided on the parking area property to insulate the parking areas and driveways from a side or rear lot line of other property in Residential Districts or any other Zoning District with an existing residence thereon. Landscape buffering may include, but shall not be limited to, evergreen trees and bushes, compact hedges, shrubs, earth berms or a combination thereof. Landscape screening shall include plant material or other nonliving durable material, including, but not limited to, walls, berms or substantially solid decorative wood fencing. Where trees and shrubs are used to provide a landscape buffer, such shall provide a year-round state of being substantially impervious to rays of light. It shall be acceptable to incorporate fencing as part of the landscape buffer where noise and lights create a need that such landscape buffer include fencing. Fencing may also be used to provide landscape screening. Whenever used, fences shall be of a decorative style and type. Walls and berms shall be used only in the most unusual cases.
The desired buffering or screening effect shall be achieved not later than twelve months after the initial installation. The Planning and Design Commission may extend this twelve

month period of time when a hardship would be created because of expected growth or material shortages, but such extension shall not be for more than two years from the time the initial installation was to have been or has been installed. All buffering and screening requirements imposed under the provisions of this subsection shall be installed and constructed before a certificate of occupancy is issued for a new building or structure. No existing building, structure or vehicular use area adjoining a Residential District or any other zoning district with an existing residence thereon shall be expanded, altered or modified until the plans are submitted by the opener or developer to the Planning and Design Commission for its determination as to whether the change adversely affects any properties in a Residential District or any other zoning district with an existing residence thereon. The Commission, after its review, shall require, where necessary, the establishment of a landscape buffering area or the installation of landscape screening, or a revision of a previously established buffered area or screening. The width and height of the landscape buffer or landscape screening shall be determined by the Planning and Design Commission provided, however, that the maximum height of fencing, whether incorporated as part of the landscape buffer or whether used as a landscape screen, which may be permitted shall be seven feet above finished grade. The owner, tenant and developer shall be responsible for the maintenance and replacement, if necessary, of the landscape buffer or landscape screening.

Owners or developers of off-street parking areas shall be required to include a plan for buffering or screening the parking areas and driveways, including a detailed description and sketch of the landscape buffer or landscape screening which visually and verbally outlines the nature and the effect of the proposed landscape buffer or landscape screening. A certificate of occupancy shall not be granted until the buffering or screening requirements have been completed. If completion, in the case of living materials, is delayed because of the growing season, a temporary permit to occupy may be granted by the Building Commissioner. Such delay shall not extend beyond the next growing season following the date upon which the certificate of occupancy is requested.

(Ord. 95-69. Passed 10-16-95.)

- (d) In order to carry out the objectives of this Zoning Code and to preserve the use and enjoyment of adjoining property not less than five percent (5%) of an off-street parking area of a lot with twenty or more off-street accessory parking spaces shall have landscaping islands to break up the expanse of pavement. Each landscaping island shall not be less in size than the required area of one off-street parking space, shall be interspersed throughout the entire off-street parking area and shall have trees and such other landscaping as may be required by the Planning and Design Commission. Areas of landscaping surrounded by at least three sides by accessory off-street parking areas or accessories to parking areas may be considered a landscaped island.

1129.19 APPROVAL OF PARKING FACILITIES.

Detailed drawings of off-street parking facilities shall be submitted to the Planning and Design Commission for review and approval in accordance with all the provisions of this chapter before a building permit or certificate of occupancy may be issued. Such drawings shall show the number of spaces and locations, dimensions and descriptions of all features as set forth in this chapter.

1129.20 ILLUMINATION OF PARKING FACILITIES.

Areas used to provide required off-street parking, and accessways thereto shall be illuminated whenever deemed necessary by the Planning and Design Commission to protect the public safety. The illumination of parking areas in office building districts shall be reduced in intensity after the close of business of the main use or uses. Lighting fixtures shall be so designed and located so as not to reflect direct

rays of light upon adjoining residential properties and streets or cause a glare hazardous to pedestrians or drivers of motor vehicles on adjacent public streets, and shall be subject to the approval of the Commission.

1129.21 APPLICATION AND DESIGN OF PARKING AREAS.

- (a) Application for Providing Facilities. An application for a building permit pertaining to constructing a building or parking facility or for a certificate of occupancy for a change in use of land or a building shall include a site plan drawn to scale and fully dimensioned, showing the proposed design of the parking area to be provided in accordance with the space requirement schedules that are a part of this Zoning Code.
- (b) Determination of Required Parking Facilities. The minimum number of spaces required for accessory off-street parking shall be determined by applying the measurement standards in Section [1129.15](#), the standards for designing parking areas in subsection (c) hereof, the schedule of accessory parking requirements for the various uses in Section [1129.16](#) and any other applicable provisions of this Zoning Code.
The Planning and Design Commission may modify the parking requirements of Section [1129.16](#) under such terms and conditions as it determines will protect the public interest where it finds based upon the factual evidence presented that due to the nature of the particular use such requirements will not be adequate to provide sufficient parking or where the strict application of the requirements will result in an excessive amount of parking related to the particular use.
- (c) Design Standards. The plan of the parking spaces of a parking area included with an application to construct a building or parking area, or change in use, shall be designed, dimensioned and the number of spaces determined in accordance with the standards for designing parking areas as may be adopted by the Commission and which is part of this Zoning Code. Design standards for enclosed parking areas and garages, shall be in accordance with other provisions of this Zoning Code.
- (d) Handicapped parking spaces shall be provided in accordance with the provisions of the Ohio Basic Building Code.

1129.22 REQUIRED TRASH AREAS.

All office building uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Planning and Design Commission shall be required.

1129.23 APPROVAL OF CITY ENGINEER REQUIRED.

The City Engineer shall make a survey of the public sanitary and storm sewers to be affected by the proposed building or use set forth in the application for a building permit and shall forward his approval to the Building Commissioner prior to the issuance of a building permit.

1129.25 DEVELOPMENT STANDARDS AND CRITERIA FOR MIXED-USE DEVELOPMENTS

- (a) Purposes: The purposes of Mixed-Use Development are to:

- (1) Encourage a mixture of complementary land uses that includes residential, retail, offices, lodging, theaters and other places of assembly to create economic vitality all in the same location.
- (2) Encourage skillful planning by allowing flexibility in the type and placement of buildings while promoting coordinated architectural design within a unified development area
- (3) Provide flexibility in the siting and design of the development and subsequent redevelopment to anticipate changes in the marketplace.
- (4) Utilize design criteria for the new developments that are aesthetically pleasing and foster pedestrian movement among the facilities in the development and to and from the adjacent areas to the extent practicable.

(b) Use Parameters:

- (1) In a **Mixed-Use Development** the following uses are permitted in addition to the permitted Office Uses listed in section 1129.02 “Schedule of Permitted Buildings and Uses:”
 - A. **Retail Uses** when in completely enclosed buildings and shall include the retail sales of goods and personal services such as beauty and barber shop, banks and savings and loan, travel agency and other similar uses, Permitted retail explicitly excludes automotive services such as, but not limited to, new and used car dealerships, tire sales, vehicle maintenance and repair services, auto or truck wash, gasoline service stations and similar automotive services as determined by the Planning and Design Commission.
 - *B. **Hotels/motels** and similar transient lodging facilities.
 - C. **Restaurants** which may include outdoor dining as approved by the Planning and Design Commission.
 - D. Residential including: **Multiple Family** development, **Senior Citizen Housing, Congregate Housing** for Independent and/or Assisted Living, and **Nursing Care.**
 - E. **Assembly Facilities** which are limited to conference center, Meeting Halls, theaters and similar places of assembly.
- (2) Retail (Subsection (1)A, above) and Assembly Facilities (Subsection (1)E, above), combined, shall not comprise more than thirty (30 %) percent of the total floor area – including both existing and new floor area.
- (3) Residential shall not comprise more than seventy (70%) of the total floor area – including both existing and new floor area. The minimum size of the dwelling units shall be: 1-bedroom 550 sq. ft.; 2-bedroom 750 sq. ft.; and 3-bedroom 900 sq. ft.).

- (4) The retail and residential percentage limitations, above, do not include ancillary or accessory uses such as dining areas, fitness centers, conference facilities, or similar activity areas when determined by the Planning and Design Commission to be provided primarily for the residents and/or guests at the hotel.
- (c) **The Project Size** shall be a minimum of eight (8) acres to be eligible for a Mixed-Use Development.
- (d) **Setbacks, Coverage, Height, etc.** shall comply with Sections 1129.05 through 1129.08.
- (e) **Off-Street Parking** shall be developed in compliance with Sections 1129.14 through 1129.21 except as modified herein:
- (1) The number of parking spaces required in a Mixed-Use Development shall be as a minimum:
- A. Offices (non-medical) – **1 space per 300 square feet** of floor area.
 - B. Medical offices, dental offices and clinics – **1 space per 200 square feet** of floor area.
 - C. Hotels/lodging - .85 spaces per room.
 - D. Retail – **1 space per 250 square feet** of floor area.
 - E. Residential – Attached Single Family Homes – 2 enclosed spaces per dwelling unit; Apartments - one and one-half (1.5) spaces per dwelling unit; Senior Apartments – one and one-quarter (1.25) spaces per dwelling unit; Assisted Living – one-half (.5) of a parking space per bed and Nursing Care.
 - F. Restaurants – **1 space for 75 square feet** of floor area.
 - G. Assembly Facilities – **1 space for every 3 seats** of capacity.
- (2) The minimum width of a parking space shall be nine (9) feet for angled parking and eight (8) feet for parallel parking when permitted on a designated public or private street or driveway.
- (3) Shared Parking: Notwithstanding the requirements set forth in this Section, in a Mixed-Use Development, the Planning and Design Commission may approve a lesser amount of parking than the total spaces required taking into consideration: the hours of operation of uses; the overlap in parking demand

by different adjacent uses; and the operating characteristics of the specific uses proposed.

(4) For any off-street parking that is located on adjacent land which is not part of the development site (because such land, for example, is not owned by the applicant or the land is in another municipal jurisdiction such as the City of Cleveland) and such land is needed to satisfy the parking requirements of Fairview Park, the applicant shall provide the City of Fairview Park, with the development plan application, sufficient binding documentation and legal instruments, acceptable to the Law Director, that the parking is sufficiently secured to meet the parking requirements for the proposed mixed-use development.

(f) **Signs:** Signs in a Mixed-Use Development shall comply with the requirements of Chapter 1145 except that:

(1) Wall signs for each building or tenant unit (Section 1145.15 (c)(1);

(2) Canopy signs (Section 1145.15 (c)(3), and

(3) Monument signs (Section 1145.15 (c)(6)

will not be confined to the above size and height limitations of Chapter 1145 if the Planning and Design Commission determines - because of the location of the proposed development, the large size of the buildings, the overall scale of the development, and/or the location of the proposed signs relative to the adjacent street – that such larger and higher signs are compatible with the scale of the development, are appropriate to meet the needs of the businesses, and are consistent with the intent and purposes of this Section 1129.25.

(g) **Review Procedures for Mixed-Use Developments:** Development plan review is required for a Mixed-Use Development in accordance with the procedures in Section 1149.05. When reviewing the development plan the Planning and Design Commission shall consider, in addition to the criteria in Sections 1149.05 and 1149.10, and the specific intent of a Mixed-Use Development as set forth in Sub-section 1129.25 (a), above.

CITY OF FAIRVIEW PARK

RESOLUTION NO. 16-09 AMENDED *(amendments to be considered at 06.13.16 committee)*

REQUESTED BY: MAYOR EILEEN ANN PATTON

SPONSORED BY: COUNCILMAN MINEK

A RESOLUTION DECLARING THE NECESSITY OF SUBMITTING TO THE ELECTORATE OF THE CITY OF FAIRVIEW PARK AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1129 OF THE CODIFIED ORDINANCES OF THE CITY AS IT RELATES TO PERMITTING MIXED USE DEVELOPMENTS IN THE OFFICE BUILDING “3” ZONING DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, Fairview Park Charter, Article IV Section 16, VOTER APPROVAL OF ZONING CHANGES states:

(a) An ordinance, resolution, or other action, whether legislative or administrative in nature, effecting a change in the zoning classification or district of any property within the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or other action to the electorate at a regularly scheduled election in November or a primary election in May occurring more than sixty (60) days after the passage of the ordinance, resolution, or other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.

(b) An ordinance, resolution, or other action, whether legislative or administrative in nature, effecting change in the uses permitted in any zoning use classification or district of the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or other action to the electorate at a regularly scheduled election in November or a primary election in May occurring more than sixty (60) days after the passage of the ordinance, resolution or other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward. (Amended 11-7-95.)

(c) The requirement of approval by a majority of voters voting thereon in this Municipality and in each ward in which the change is applicable shall also apply to changes in zoning classification, district or use sought to be effected by initiative petition.

(d) All ordinances, resolutions, proclamations, motions and Charter provisions inconsistent with this section are hereby repealed and declared null and void.

(e) This section shall be severable and if any subsection, part, word or application thereof is held invalid for any reason, such holding shall not invalidate or affect the force and effect of any other subsection, part, word or application thereof. (Amended 11-4-75.)

WHEREAS, the amendments to OFFICE BUILDING “3” and the regulations thereto create a framework and would provide a developer with the option of office, retail and multi-family residential living the single zoning sector;

WHEREAS, the City’s master plan, the Council’s and Mayor’s vision all project a reality to this goal with an amendment to the OFFICE BUILDING “3” BUSINESS DISTRICT zoning regulations.

WHEREAS, Council has passed Ordinance 16-16 (a copy of which is attached as Exhibit “A” and incorporated into this resolution as if fully rewritten).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of Fairview Park, Ohio election to be held at the usual place of voting in the city on Tuesday, November 8, 2016 between the hours of 6:30 AM and 7:30 PM ~~of that day on the question of approving the passage of an ordinance~~ to amend portions of **the Planning & Zoning Code** Chapter 1129 **Office Building Districts** of the codified ordinances of the City of Fairview Park.

SECTION 2. Council has passed Ordinance 16-16 (a copy of which is attached as Exhibit “A” and incorporated into this resolution as if fully rewritten).

SECTION ~~32~~. It is the desire of this Council that the ballots presented to the electorate of the City of Fairview Park should be essentially in the following terms:

~~“Shall the Ordinance providing for the amendments to Chapter 1129 of the Codified Ordinances of the City of Fairview Park be amended to permit mixed use developments in OFFICE BUILDING “3” be adopted?”~~

“Shall Section Chapter 1129 Office Building Districts of the Planning and Zoning Code of the City of Fairview Park be amended to permit mixed use developments in Office Building “3” districts?”

YES _____

NO _____

A majority vote of electors voting in the municipality and also a majority vote of electors of Ward 5 are necessary for adoption.

SECTION ~~43~~. That the Clerk of Council is directed to certify a copy of this resolution to the board of elections of Cuyahoga County. The Clerk is further directed to take all other required by law relative to the submission of the ordinance of the voters on November 8, 2016.

SECTION 54. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and any committees that resulted formal action or in meetings open the in compliance with all legal requirements.

SECTION 65. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare; and for the further reason that it must meet an election filing deadline, and provided it receives the affirmative vote of a majority plus one of the members of Council, it shall take effect and be enforced immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.16.16
2nd reading: 06.06.16
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-16
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1129 OF THE OFFICE BUILDING DISTRICTS TO PERMIT MIXED USE DEVELOPMENTS, WITH THE REGULATIONS RELATING THERETO, IN THE OFFICE BUILDING “3” ZONING DISTRICT.

WHEREAS, the City zoning regulations concerning OFFICE BUILDING “3” Zoning District (hereafter referred to as OFFICE “3”) are not presently constituted to allow a mixed use component that would enhance the property use to the benefit of the residents;

WHEREAS, residents and developers have made inquiry as to the ability of the City to create a framework that would provide a developer with the option of planning a project that mixes office, retail and multi-family residential living in a single zoning district;

WHEREAS, the City’s master plan, the City Council and the Mayor support the vision of Mixed Use Developments in the OFFICE “3” District;

WHEREAS, the redevelopment of focus areas identified by the master plan task force as key areas for potential changes in land use, could provide the city with a significant boost in income and property tax revenue as well as providing important retail office and housing opportunities in the years to come;

WHEREAS, after consulting with zoning experts from CT Consultants, it has been determined to focus on creating a zoning district that will enhance the quality of the residents’ living, encourage further economic development and provide additional income and property taxes to the City and schools;

WHEREAS, the attached Exhibit “A” includes the proposed amendments to Office “3.” *(Note: The attached foundation and Outline would be replaced with the final text of the proposed amendments upon review and recommendation by the Planning and Design Commission.)*

WHEREAS, Article IV, Section 16(b) of the City Charter states: (b) An ordinance, resolution, or other action, whether legislative or administrative in nature, effecting change in the uses permitted in any zoning use classification or district of the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or other action to the electorate at a regularly scheduled election in November or a primary election in May occurring more than sixty (60) days after the passage of the ordinance, resolution or other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, CUYAHOGA COUNTY, AND STATE OF OHIO:

SECTION 1. That the amendments to the OFFICE “3” are found to be consistent with the principles of the mission, charter and ordinances of the City;

SECTION 2: That Chapter 1129 relating to OFFICE “3” be amended, by incorporating the Mixed Use Development Regulations provided in Exhibit “A”, attached hereto and incorporated herein as if fully rewritten, subject to the amendments being approved by the voters pursuant to Section 16(b) of the City Charter.

SECTION 3: It is found in determined that all formal actions of this Council concerning relating to the adoption 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.

SECTION 4: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.16.16
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

EXHIBIT A

Proposed Zoning Text Amendments
to Permit Mixed-Use Developments, with Related Development Standards
and Criteria, in the Office Building “3” Zoning District

(Revised 6-2-16)

Tracked changes are compared to the existing Zoning Regulations.

CHAPTER 1129
Office Building Districts

- | | | | |
|--------------------|--|----------------|--|
| 1129.01 | Use regulations. | 1129.14 | Accessory parking facilities required/ |
| 1129.02 | Schedule of permitted buildings and uses. | 1129.15 | Measurement standards. |
| 1129.03 | Construction of residential buildings prohibited. | 1129.16 | Schedule |
| 1129.04 | Office buildings in General Business Districts. | 1129.17 | Access ways to parking areas. |
| 1129.05 | Schedule of area requirements. | 1129.18 | Surface improvement of parking areas. |
| 1129.06 | Yard regulations. | 1129.19 | Approval of parking facilities. |
| 1129.07 | Projections into yards. | 1129.20 | Illumination of parking facilities. |
| 1129.08 | Height regulations. | 1129.21 | Application and design of parking areas. |
| 1129.09 | Sign purpose, type and number. | 1129.22 | Required trash cans. |
| 1129.10 | Sign area. | 1129.23 | Approval of City Engineer required. |
| 1129.11 | Sign location. | <u>1129.25</u> | <u>Standards and Criteria for Mixed-Use Developments</u> |
| 1129.12 | Sign illumination. | | |
| 1129.13 | Signs; miscellaneous. (Repealed) | | |

1129.01 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be erected, altered, moved or maintained only for the uses set forth in the schedules and regulations of this chapter.

- (a) Main buildings and uses listed in Section [1129.02](#) shall be permitted as the principal buildings, use or activity of a lot zoned for office buildings.
- (b) Accessory buildings and uses listed in Section [1129.02](#) shall be permitted as a subordinate building or use which is clearly incident to, and located on, the same zoning lot as the main building or use.
(Ord. 69-39. Passed 6-2-69.)

1129.02 SCHEDULE OF PERMITTED BUILDINGS AND USES.

(a) Main Uses permitted in the Office Building “1,” “2” and “3” Districts shall be permitted as listed in Schedule 1129.02:.

- ~~(1) Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such uses.~~
- ~~(2) Research and development laboratories.~~

1129.02 Schedule of Permitted Buildings and Uses

<u>Permitted Uses</u>	<u>Office Building “1” (OB-1)</u>	<u>Office Building “2” (OB-2)</u>	<u>Office Building “3” (OB-3)</u>
<u>Office Buildings for business and professional use ⁽¹⁾</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Research and Development Laboratories</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Mixed-Use Developments pursuant to Section 1129.25</u>			<u>X</u>
<u>⁽¹⁾ Including administrative, training, statistical, financial, and similar purposes in connection with such uses.</u>			

Any other office or laboratory use determined to be similar by the Planning and Design Commission is also permitted.

(b) Accessory Uses.

- (1) Buildings and uses immediately and exclusively accessory to the main uses permitted on the site.
 - A. Accessory off-street parking facilities.
 - B. Direct broadcast satellite receiving stations, and other telecommunications structures as set forth in Section [1129.08\(a\)](#).
 - C. Signs
- (2) Uses within the main building or buildings.
 - A. Central air conditioning and power plants.
 - B. Incidental storage of documents or other property.
 - C. Training facilities for employees.

- D. Living quarters for a custodian or caretaker of the office building or buildings.
- E. Clinics, cafeterias, lunch rooms, banks, post offices, recreation and meeting rooms, retail trade and service uses where necessary for the comfort, convenience and use of the tenants, employees and business visitors in the building or buildings.

~~1129.03 CONSTRUCTION OF RESIDENTIAL BUILDINGS PROHIBITED.~~

~~Nothing in this chapter shall be construed to permit erection of residential dwellings within an Office Building District. Such dwellings are specifically prohibited.~~

~~1129.04 OFFICE BUILDINGS IN GENERAL BUSINESS DISTRICTS.~~

~~Nothing in this chapter shall preclude construction and/or use of office buildings located in a General Business District. Such buildings and/or uses are, or may be, located in the district and shall be subject to the regulations established therefor in Chapter 1137. *(Note: This Section is not needed since this is a repeat of the "permission" explicitly stated in Chapter 1137.)*~~

(Note: Sections 1129.03 and 1129.04 will be "noted as deleted" in the final version of these amendments so that the remaining Sections of this Chapter do not need to be renumbered which would, most likely, affect references throughout the Code.)

1129.05 SCHEDULE OF AREA REQUIREMENTS.

Maximum area covered by main buildings	Thirty percent (30%)
Maximum area covered by all buildings and all accessory buildings and structures on or above grade	Forty percent (40%)
<u>Minimum "Green Space Area"(*)</u>	<u>Twenty-Five percent (25%)</u>

*The minimum ~~outdoor livable area~~ "Green Space Area", ~~which~~ is equal to gross land area minus ground area of buildings, driveways and parking areas, including such areas which are enclosed on or above grade parking garage areas and/or structures, ~~shall not be less than twenty five percent (25%) of the gross land area.~~ The Minimum Green Space Area ~~Outdoor livable area~~ is land area planted with grass, ground cover, landscape material, trees, natural vegetation or land area for recreation uses, structures and facilities. A lesser Green Space Area percentage may be considered by the Planning and Design Commission for a Mixed-Use Development when the P&DC determines that such lower percentage is appropriate and necessary to achieve the objectives of Section 1129.25.

1129.06 YARD REGULATIONS.

(a) For every main or accessory building or use, the following yards shall be provided:			
	Front (Feet)	Side (Feet)	Rear (Feet)
(1) For every main or accessory building in Office Building "1", "2", and Office Building "3"	30	10	10
(2) For every main or accessory building In Office Building - "1" Office Building - "2", Office Building "3" adjacent to a Residential District as enumerated in Section <u>1109.01</u>	N/A	40*	10

(33)	<u>For every main or accessory building in an Office Building “3” adjacent to a public park or dedicated open space</u>	<u>NA</u>	<u>10</u>	<u>10</u>
(4)	Accessory open off-street parking	20	10	10
(45)	Accessory open off-street parking adjacent to a Residential District as enumerated in Section <u>1109.01</u>	N/A	15*	15*

*Landscape buffering and/or landscape screening shall be provided as required by subsection (c) hereof.

The specific setback requirement as set forth herein as is specifically applicable to a specific wall of a main or accessory building shall be increased one foot for each one foot the highest point of the roof of such wall of the building exceeds twelve feet in height above grade.

- (b) A curb or other barrier shall be erected on the line marking required yards pertaining to off-street parking. The remaining yard shall be landscaped and attractively maintained.
- (c) The Planning and Design Commission may require landscape buffering or landscape screening in accordance with Section 1149.05 along a side or rear lot line provided that any wall or any fencing whether incorporated as part of a landscaped buffer or whether used as a landscape screen along the side lot of the front yard of an adjacent Residential District or any other zoning district with an existing residence thereon shall not be constructed, erected or installed closer than twenty feet from the right-of-way line. Except as otherwise specifically permitted or as specifically required by the provisions of this chapter, trees and shrubs, yard structures and other landscape features shall not be constructed, erected or installed closer than twenty feet from the right-of-way line.
- (d) Direct broadcast satellite receiving stations shall be located only in rear yards subject to the provisions and requirements of Section 1117.17 or on the roof of a main or accessory building subject to the provisions and requirements of Section 1129.08.

1129.07 PROJECTIONS INTO YARDS.

No portion of a building, such as fire escapes or balconies, may project into a required front yard except signs as permitted in Section 1129.11.

1129.08 HEIGHT REGULATIONS.

- (a) The height of any main or accessory building in Office Building Districts "1" shall not exceed twenty-five feet. The height of any main or accessory building in Office Building District - "2" shall not exceed fifty feet. The height of any main or accessory building in Office Building District - "3" shall not exceed seventy-five feet.

In any Office Building District stacks, water tanks, elevator penthouses, bulkheads, skylights, ventilators, air conditioning and temperature control equipment, other mechanical appurtenances relating to the operation of the main or accessory building itself and penthouse enclosures for mechanical appurtenances erected upon or constituted as an integral part of the main or accessory building itself and not used for human occupancy may be erected to a height not to exceed fifteen feet above the finished roof line of the building.

Wireless, broadcasting, receiving and transmitting towers, radio and television antennae (except as provided in subsection (b) hereof), chimneys, flag poles and other like structures may be erected above the applicable height limit specified in subsection (a) hereof, subject to the following constraints:

- (1) The height from the base of such structure, or the uppermost point at which such structure is attached to the main or accessory building, to the top of such structure

shall not be greater than the horizontal distance from the base of such structure to the nearest adjoining property line.

- (2) A variance approved by the Board of Zoning and Building Appeals shall be required for any such structure over thirty-five feet in height if detached from or not attached to the main building, or over fifteen feet in height above the uppermost point of attachment to the main building.

No wireless, broadcasting, receiving and transmitting tower and no radio or television antennae shall be erected in a front yard. Any wireless, broadcasting, receiving and transmitting tower and any radio or television antennae may be erected only in a side yard or in a rear yard in accordance with the provisions of this section.

Wireless, broadcasting, receiving and transmitting towers, radio and television antennae, chimneys, flag poles and other like structures shall be designed and constructed to withstand wind loads in accordance with ANSI (American National Standards Institute) A 58.1 Structural calculations and details for the installation shall be furnished to the Division of Building.

- (b) A direct broadcast satellite receiving station may be placed on the roof of a main or accessory building provided all of the following conditions are satisfied:
 - (1) The receiving station is not linked or otherwise connected to receivers which are not located within the same premises as the antenna;
 - (2) The highest point of the satellite receiving dish shall not exceed three feet greater than the dimension of the dish above the plane upon which it is mounted which shall include the height of any base upon which the dish is mounted;
 - (3) The satellite receiving dish shall not exceed nine feet in dimension;
 - (4) The satellite receiving dish shall be constructed and anchored in such a manner as to withstand wind loads in accordance with ANSI (American National Standards Institute) A 58.1. Structural calculations, including calculations certifying to the capability of the roof to support the dish and the base, and details for the installation shall be furnished to the Division of Building;
 - (5) The satellite receiving dish shall be affixed in a permanent fashion such that it would only be removable for repair or replacement;
 - (6) The dish shall not be placed closer than twenty feet from any roof edge;
 - (7) Only one such station shall be permitted at any one time on the same building;
 - (8) No lettering, numerals, symbols, pictorial signs or designs exceeding one-half inch in any dimension shall be permitted on any surface.

1129.09 SIGN PURPOSE, TYPE AND NUMBER.

The signs permitted in Office Building Districts as to purpose, type and number shall be as regulated in Chapter [1145](#).

1129.10 SIGN AREA.

The area of signs shall be as regulated in Chapter [1145](#).

1129.11 SIGN LOCATION.

The location of signs shall be as regulated in Chapter [1145](#).

1129.12 SIGN ILLUMINATION.

Signs in Office Building Districts may be illuminated subject to the regulations of Chapter [1145](#).

1129.13 SIGNS; MISCELLANEOUS.

(EDITOR'S NOTE: This section was repealed by Ordinance 80-117, passed June 1, 1981. See Chapter [1145](#) for relevant provisions.)

1129.14 ACCESSORY PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be determined in conformance with the standards set forth in this chapter.

- (a) Such facilities shall be provided on the same lot or on an adjoining lot under the same ownership whenever:
 - (1) A building is constructed;
 - (2) An existing building is altered, resulting in an increase in measurement capacity.
- (b) Required off-street parking facilities, including access driveways, accessory to an existing use, and those required as accessory to a use created or a building constructed or altered hereafter, shall be continued and maintained in operation and shall not be reduced below the requirements during the period that the main use is maintained. Failure by the owner or owners to supply such off-street parking shall cause the Building Commissioner to revoke the occupancy of a sufficient number of the units in order to bring the facility into conformity with parking requirements. Accessory off-street parking facilities shall not be used for the rebuilding, overhauling or dismantling of any vehicle as defined in Section [301.51](#) or for the storage of motor or body parts or for minor repair services on any vehicle.
- (c) Required parking spaces may be either enclosed, underground or open.

1129.15 MEASUREMENT STANDARDS.

- (a) "Accessory parking space" means an open or enclosed area (garage) directly accessible from a public street for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building or use. Each space shall be directly accessible from a drive or aisle, and shall have a minimum rectangular dimension of not less than nine feet in width and eighteen feet in length for ninety degree parking; nine feet in width and twenty-two feet in length for parallel parking; ten feet in width and eighteen feet in length for sixty degree parking and twelve feet in width and eighteen feet in length for forty-five degree parking, exclusive of all drives, aisles, ramps and other circulation areas, and determined from an accurate plan of the area.
- (b) "Floor area" means the total area of all the floors of the building measured from the exterior faces of the building. Basement areas or other floors or parts thereof designed, arranged or used exclusively for storage or similar uses may be excluded from the floor area if the areas or floors or parts thereof are not open to the public. Such areas as stairs, hallways, restrooms, equipment or furnace rooms, elevator shafts, etc. shall be excluded.
- (c) When the computation results in a fractional unit, one additional space shall be provided.

1129.16 SCHEDULE.

For other than medical and dental offices and clinics, one off-street parking space per each 150 square feet of floor area of 6,000 square feet or less; forty off-street parking spaces plus one space per each 200 square feet of floor area over 6,000 square feet. For medical and dental offices and clinics, one off-street parking space shall be provided per each 100 square feet of floor area to 10,000 square feet and one space per each 200 square feet of floor area over 10,000 square feet.

1129.17 ACCESSWAYS TO PARKING AREAS.

The location and width of entrance and exit driveways to parking facilities shall be planned so as to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the adjacent streets.

- (a) Whenever possible, the center line of the access driveways on the frontage streets shall be at least forty feet from the right-of-way line of the nearest intersecting street and be spaced at not less than 120-foot intervals, measured from the center line of the driveways.
- (b) Parking areas shall be designed so that vehicles can be driven forward into the street. Those of fifteen spaces or less shall have at least one single-lane or one two-lane driveway; those of sixteen spaces or more shall have at least two single-lane, or one two-lane driveway. Each entrance to, or exit from, a parking area of sixteen spaces or more shall be limited to two lanes.
- (c) The widths of driveways, measured at the setback line, shall conform to the following schedule. At no point where adjoining a public sidewalk shall the maximum widths be exceeded.

Lanes	Minimum feet	Maximum feet
One	10	12
Two	18	24

- (d) The angle of intersection between the driveway and the street shall be between sixty degrees and ninety degrees. The radius at the edge from the apron shall be at least twelve feet, twenty feet recommended, so that a motor vehicle entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or in the curb lane of the street.

1129.18 SURFACE IMPROVEMENTS OF PARKING AREAS.

- (a) Proposed and existing parking areas and access driveways shall be improved with asphalt concrete or Portland cement concrete or other impervious surface and shall be so graded and drained into proper inlets so that all water is drained within the lot on which the parking area or driveway is located in such manner that water shall not drain across other public or private property.
- (b) Parking areas shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles in accordance with the design standards in this chapter, and shall be improved, except at entrances and exits with guardrails, curbs or other devices to define parking spaces or limits of paved areas, so as to prevent encroachment of vehicles into adjacent areas or public ways, yards or setbacks required by the Zoning Code, and so as to regulate the flow of traffic within the lot.
- (c) The Planning and Design Commission may require landscape buffering or landscape screening to be provided on the parking area property to insulate the parking areas and driveways from a side or rear lot line of other property in Residential Districts or any other Zoning District with an existing residence thereon. Landscape buffering may include, but shall not be limited to, evergreen trees and bushes, compact hedges, shrubs, earth berms or a combination thereof. Landscape screening shall include plant material or other nonliving durable material, including, but not limited to, walls, berms or substantially solid decorative wood fencing. Where trees and shrubs are used to provide a landscape buffer, such shall provide a year-round state of being substantially impervious to rays of light. It shall be acceptable to incorporate fencing as part of the landscape buffer where noise and lights create a need that such landscape buffer include fencing. Fencing may also be used to provide landscape screening. Whenever used, fences shall be of a decorative style and type. Walls and berms shall be used only in the most unusual cases.
The desired buffering or screening effect shall be achieved not later than twelve months after the initial installation. The Planning and Design Commission may extend this twelve

month period of time when a hardship would be created because of expected growth or material shortages, but such extension shall not be for more than two years from the time the initial installation was to have been or has been installed. All buffering and screening requirements imposed under the provisions of this subsection shall be installed and constructed before a certificate of occupancy is issued for a new building or structure. No existing building, structure or vehicular use area adjoining a Residential District or any other zoning district with an existing residence thereon shall be expanded, altered or modified until the plans are submitted by the opener or developer to the Planning and Design Commission for its determination as to whether the change adversely affects any properties in a Residential District or any other zoning district with an existing residence thereon. The Commission, after its review, shall require, where necessary, the establishment of a landscape buffering area or the installation of landscape screening, or a revision of a previously established buffered area or screening. The width and height of the landscape buffer or landscape screening shall be determined by the Planning and Design Commission provided, however, that the maximum height of fencing, whether incorporated as part of the landscape buffer or whether used as a landscape screen, which may be permitted shall be seven feet above finished grade. The owner, tenant and developer shall be responsible for the maintenance and replacement, if necessary, of the landscape buffer or landscape screening.

Owners or developers of off-street parking areas shall be required to include a plan for buffering or screening the parking areas and driveways, including a detailed description and sketch of the landscape buffer or landscape screening which visually and verbally outlines the nature and the effect of the proposed landscape buffer or landscape screening. A certificate of occupancy shall not be granted until the buffering or screening requirements have been completed. If completion, in the case of living materials, is delayed because of the growing season, a temporary permit to occupy may be granted by the Building Commissioner. Such delay shall not extend beyond the next growing season following the date upon which the certificate of occupancy is requested.

(Ord. 95-69. Passed 10-16-95.)

- (d) In order to carry out the objectives of this Zoning Code and to preserve the use and enjoyment of adjoining property not less than five percent (5%) of an off-street parking area of a lot with twenty or more off-street accessory parking spaces shall have landscaping islands to break up the expanse of pavement. Each landscaping island shall not be less in size than the required area of one off-street parking space, shall be interspersed throughout the entire off-street parking area and shall have trees and such other landscaping as may be required by the Planning and Design Commission. Areas of landscaping surrounded by at least three sides by accessory off-street parking areas or accessories to parking areas may be considered a landscaped island.

1129.19 APPROVAL OF PARKING FACILITIES.

Detailed drawings of off-street parking facilities shall be submitted to the Planning and Design Commission for review and approval in accordance with all the provisions of this chapter before a building permit or certificate of occupancy may be issued. Such drawings shall show the number of spaces and locations, dimensions and descriptions of all features as set forth in this chapter.

1129.20 ILLUMINATION OF PARKING FACILITIES.

Areas used to provide required off-street parking, and accessways thereto shall be illuminated whenever deemed necessary by the Planning and Design Commission to protect the public safety. The illumination of parking areas in office building districts shall be reduced in intensity after the close of business of the main use or uses. Lighting fixtures shall be so designed and located so as not to reflect direct

rays of light upon adjoining residential properties and streets or cause a glare hazardous to pedestrians or drivers of motor vehicles on adjacent public streets, and shall be subject to the approval of the Commission.

1129.21 APPLICATION AND DESIGN OF PARKING AREAS.

- (a) Application for Providing Facilities. An application for a building permit pertaining to constructing a building or parking facility or for a certificate of occupancy for a change in use of land or a building shall include a site plan drawn to scale and fully dimensioned, showing the proposed design of the parking area to be provided in accordance with the space requirement schedules that are a part of this Zoning Code.
- (b) Determination of Required Parking Facilities. The minimum number of spaces required for accessory off-street parking shall be determined by applying the measurement standards in Section [1129.15](#), the standards for designing parking areas in subsection (c) hereof, the schedule of accessory parking requirements for the various uses in Section [1129.16](#) and any other applicable provisions of this Zoning Code.
The Planning and Design Commission may modify the parking requirements of Section [1129.16](#) under such terms and conditions as it determines will protect the public interest where it finds based upon the factual evidence presented that due to the nature of the particular use such requirements will not be adequate to provide sufficient parking or where the strict application of the requirements will result in an excessive amount of parking related to the particular use.
- (c) Design Standards. The plan of the parking spaces of a parking area included with an application to construct a building or parking area, or change in use, shall be designed, dimensioned and the number of spaces determined in accordance with the standards for designing parking areas as may be adopted by the Commission and which is part of this Zoning Code. Design standards for enclosed parking areas and garages, shall be in accordance with other provisions of this Zoning Code.
- (d) Handicapped parking spaces shall be provided in accordance with the provisions of the Ohio Basic Building Code.

1129.22 REQUIRED TRASH AREAS.

All office building uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Planning and Design Commission shall be required.

1129.23 APPROVAL OF CITY ENGINEER REQUIRED.

The City Engineer shall make a survey of the public sanitary and storm sewers to be affected by the proposed building or use set forth in the application for a building permit and shall forward his approval to the Building Commissioner prior to the issuance of a building permit.

1129.25 DEVELOPMENT STANDARDS AND CRITERIA FOR MIXED-USE DEVELOPMENTS

- (a) Purposes: The purposes of Mixed-Use Development are to:

- (1) Encourage a mixture of complementary land uses that includes residential, retail, offices, lodging, theaters and other places of assembly to create economic vitality all in the same location.
- (2) Encourage skillful planning by allowing flexibility in the type and placement of buildings while promoting coordinated architectural design within a unified development area
- (3) Provide flexibility in the siting and design of the development and subsequent redevelopment to anticipate changes in the marketplace.
- (4) Utilize design criteria for the new developments that are aesthetically pleasing and foster pedestrian movement among the facilities in the development and to and from the adjacent areas to the extent practicable.

(b) Use Parameters:

- (1) In a **Mixed-Use Development** the following uses are permitted in addition to the permitted Office Uses listed in section 1129.02 “Schedule of Permitted Buildings and Uses:”
 - A. **Retail Uses** when in completely enclosed buildings and shall include the retail sales of goods and personal services such as beauty and barber shop, banks and savings and loan, travel agency and other similar uses, **Permitted retail explicitly excludes automotive services such as, but not limited to, new and used car dealerships, tire sales, vehicle maintenance and repair services, auto or truck wash, gasoline service stations and similar automotive services as determined by the Planning and Design Commission.**
 - *B. **Hotels/motels** and similar transient lodging facilities.
 - C. **Restaurants** which may include outdoor dining as approved by the Planning and Design Commission.
 - D. Residential including: **Multiple Family development, Senior Citizen Housing, Congregate Housing** for Independent and/or Assisted Living, and **Nursing Care.**
 - E. **Assembly Facilities** which are limited to conference center, Meeting Halls, theaters and similar places of assembly.
- (2) Retail (Subsection (1)A, above) and Assembly Facilities (Subsection (1)E, above), combined, shall not comprise more than thirty (30 %) percent of the total floor area – including both existing and new floor area.
- (3) Residential shall not comprise more than seventy (70%) of the total floor area – including both existing and new floor area. The minimum size of the dwelling units shall be: 1-bedroom 550 sq. ft.; 2-bedroom 750 sq. ft.; and 3-bedroom 900 sq. ft.).

(4) The retail and residential percentage limitations, above, do not include ancillary or accessory uses such as dining areas, fitness centers, conference facilities, or similar activity areas when determined by the Planning and Design Commission to be provided primarily for the residents and/or guests at the hotel.

(c) **The Project Size** shall be a minimum of eight (8) acres to be eligible for a Mixed-Use Development.

(d) **Setbacks, Coverage, Height, etc.** shall comply with Sections 1129.05 through 1129.08.

(e) **Off-Street Parking** shall be developed in compliance with Sections 1129.14 through 1129.21 except as modified herein:

(1) The number of parking spaces required in a Mixed-Use Development shall be as a minimum:

A. Offices (non-medical) – **1 space per 300 square feet** of floor area.

B. Medical offices, dental offices and clinics – **1 space per 200 square feet** of floor area.

C. Hotels/lodging - .85 spaces per room.

D. Retail – **1 space per 250 square feet** of floor area.

E. Residential – Attached Single Family Homes – 2 enclosed spaces per dwelling unit; Apartments - one and one-half (1.5) spaces per dwelling unit; Senior Apartments – one and one-quarter (1.25) spaces per dwelling unit; Assisted Living – one-half (.5) of a parking space per bed and Nursing Care.

F. Restaurants – **1 space for 75 square feet** of floor area.

G. Assembly Facilities – **1 space for every 3 seats** of capacity.

(2) The minimum width of a parking space shall be nine (9) feet for angled parking and eight (8) feet for parallel parking when permitted on a designated public or private street or driveway.

(3) Shared Parking: Notwithstanding the requirements set forth in this Section, in a Mixed-Use Development, the Planning and Design Commission may approve a lesser amount of parking than the total spaces required taking into consideration: the hours of operation of uses; the overlap in parking demand

by different adjacent uses; and the operating characteristics of the specific uses proposed.

(4) For any off-street parking that is located on adjacent land which is not part of the development site (because such land, for example, is not owned by the applicant or the land is in another municipal jurisdiction such as the City of Cleveland) and such land is needed to satisfy the parking requirements of Fairview Park, the applicant shall provide the City of Fairview Park, with the development plan application, sufficient binding documentation and legal instruments, acceptable to the Law Director, that the parking is sufficiently secured to meet the parking requirements for the proposed mixed-use development.

(f) **Signs:** Signs in a Mixed-Use Development shall comply with the requirements of Chapter 1145 except that:

(1) Wall signs for each building or tenant unit (Section 1145.15 (c)(1));

(2) Canopy signs (Section 1145.15 (c)(3), and

(3) Monument signs (Section 1145.15 (c)(6)

will not be confined to the above size and height limitations of Chapter 1145 if the Planning and Design Commission determines - because of the location of the proposed development, the large size of the buildings, the overall scale of the development, and/or the location of the proposed signs relative to the adjacent street – that such larger and higher signs are compatible with the scale of the development, are appropriate to meet the needs of the businesses, and are consistent with the intent and purposes of this Section 1129.25.

(g) **Review Procedures for Mixed-Use Developments:** Development plan review is required for a Mixed-Use Development in accordance with the procedures in Section 1149.05. When reviewing the development plan the Planning and Design Commission shall consider, in addition to the criteria in Sections 1149.05 and 1149.10, and the specific intent of a Mixed-Use Development as set forth in Sub-section 1129.25 (a), above.

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CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THE 2017 WATER MAIN REPLACEMENT WITHIN CERTAIN STREETS AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that certain water mains on West 211th Street, West 212th Street and West 217th Street are in need of replacement requiring the City Engineer to prepare plans and specifications for said work.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the City Engineer is hereby authorized and directed to prepare plans and specifications for the replacement of certain water mains on West 211th Street, West 212th Street and West 217th Street.

SECTION 2. Funding will be obtained from the City of Cleveland to reimburse the City of Fairview Park for the cost of the preparation of the plans and specifications.

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

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that that the work be started as soon as possible, and provided it receives the affirmative vote of a majority plus one of members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN MINEK
CO-SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT FOR THE 2017 WATER MAIN REPLACEMENT WITHIN CERTAIN STREETS AS DETERMINED BY THE BOARD OF CONTROL AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that certain water mains on West 211th Street, West 212th Street and West 217th Street are in need of replacement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Director of Public Service and Development be and is hereby authorized to advertise and accept bids for the water main replacement on West 211th Street, West 212th Street and West 217th Street, as listed on Exhibit "A" attached hereto.

SECTION 2. That the Mayor is hereby authorized to enter into a contract with the lowest responsive and responsible bidder for the water main replacement on West 211th Street, West 212th Street and West 217th Street, as determined by the Board of Control.

SECTION 3. The estimated cost of this water main replacement is Eight Hundred Four Thousand Three Hundred and Seventy-Five Dollars (\$804,375.00.00) and should be appropriated from Fund (550).

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the work be started as soon as possible, and provided it receives the affirmative vote of a majority plus one of members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

**2017 WATER MAIN PROJECTS
PRELIMINARY ESTIMATE OF PROBABLE COSTS
CITY OF FAIRVIEW PARK, OHIO
JUNE 6, 2016**

STREET	WORK LIMITS	TYPE OF WORK	PROBABLE CONSTRUCTION COST
West 211th Street	South Park to South End	Replacement	\$216,000.00
West 212th Street	South Park to South End	Replacement	\$129,000.00
West 217th Street	Lorain to Clifford	Replacement	\$302,136.00
		Sub-total	\$647,136.00
		Contingency Allowance	\$64,700.00
		Sub-total Preliminary Estimate of Probable Construction Cost	\$711,836.00
		Preliminary Estimate of Engineering & Construction Administration Cost	\$92,539.00
		GRAND TOTAL	\$804,375.00

1. This estimate of probable cost was prepared without the benefit of field work or plans.
2. All repair costs and repair quantities may change.
3. Prices are taken from the 2015 Water Line projects.

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-14
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO, IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (“Council”) of the City of Fairview Park, Ohio (“City”), duly adopted Resolution No. _____ on _____, (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, constructing, improving, and installing energy efficiency improvements (the “Project”, as fully described in the Project Petition referenced in this Ordinance) located on real property owned by Mrs. Bernadette A. Kim (the “Owner”) at 21531 Lorain Road within the City (the “Property”, as fully described in Exhibit A to the Project Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner’s *Petition to Add Territory to Northeast Ohio Advanced Energy District and for Special Energy Improvement Project*, including by levying and collecting special assessments to be assessed upon the Property in an amount sufficient to pay the costs of the Project and other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Northeast Ohio Advanced Energy District (“AED”) administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the AED; and

WHEREAS, the claims for damages alleged to result from and objections to the Project have been waived by one hundred percent (100%) of the affected property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Definitions. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Project Petition.

SECTION 2. Determination to Proceed. That this Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Project Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of costs previously approved.

SECTION 3. Special Assessments. That the Special Assessments to pay the costs of the Project, and other related financing costs incurred in the connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of

the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and AED administrative fees and expenses, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Project Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the AED administrative fee and the trustee fee. The Special Assessments shall be assessed against the Property commencing in the tax year ___ for collection in ____ and shall continue through tax year ____ for collection in _____. In addition to the Special Assessments, the Fiscal Officer of Cuyahoga County, Ohio, may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the Fiscal Officer of Cuyahoga County, Ohio.

SECTION 4. Amount of Assessments. That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of the Council and in the office of the Finance Director, in accordance with the Resolution of Necessity, are adopted.

SECTION 5. Certification to County Fiscal Officer. That in compliance with Ohio Revised Code Section 319.61, the Clerk of the Council is directed to deliver a certified copy of this Ordinance to the Fiscal Officer of Cuyahoga County, Ohio, within fifteen (15) days after the date of its passage.

SECTION 6. Contracts. That all contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Project Petition and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION 7. Compliance with Public Meetings Requirements. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 8. Effective Date. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to accommodate the seasonal constraints of outdoor construction, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.02.16
2nd reading: 05.16.16
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-15
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO, IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Fairview Park, Ohio (the “City”), duly adopted Resolution No. ____ on ____, (the “Resolution of Necessity”) and declared the necessity of acquiring, constructing, improving, and installing energy efficiency improvements (the “Project”, as described in the Resolution of Necessity and as set forth in the Project Petition requesting those improvements) on real property owned by Mrs. Bernadette A. Kim (the “Owner”) at 21531 Lorain Road within the City (the “Property”); and

WHEREAS, this Council duly passed Ordinance No. ____ on ____, and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Clerk of the Council and the Finance Director pursuant to the Resolution of Necessity; and

WHEREAS, it is necessary for the immediate preservation of public peace, property, health and safety, that this Ordinance take effect at the earliest possible date in order to allow for work to begin on the special energy improvement project on the Property, and for the Northeast Ohio Advanced Energy District (the “AED”) to take advantage of the financing available to it for a limited time.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Definitions. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2. Special Assessments. That the list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$126,075.00, and other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to Eber Holdings LLC or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and AED administrative fees and expenses, which costs were set forth in the Project Petition and previously reported to this Council and are now on file in the offices of the Clerk of the Council and the Director of the Department of Finance, is adopted and confirmed, and that the Special Assessments are levied and assessed on

the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate of rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City.

The Special Assessments are assessed against the Property commencing in tax year [____] for collection in [____] and shall continue through tax year [____] for collection in [____]. The annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the Director of the Department of Finance to the Fiscal Officer of Cuyahoga County, Ohio, pursuant to the Project Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

SECTION 3. Amount of Special Assessments. That this Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Project Petition and are not in excess of any applicable statutory limitation.

SECTION 4. Waiver of Cash Settlement. That the Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Director of the Department of Finance to the Fiscal Officer of Cuyahoga County, Ohio, as provided by the Project Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

SECTION 5. Appropriation of Special Assessments. That the Special Assessments will be used by the City to provide the Authorized Improvements in cooperation with the AED in any manner, including assigning the Special Assessments actually received by the City to the AED or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 6. Special Assessments File. That the Director of the Department of Finance shall keep the Special Assessments on file in the Office of the Director of the Department of Finance.

SECTION 7. Certification to County Fiscal Officer. That in compliance with Ohio Revised Code Section 319.61, the Clerk of the Council is directed to deliver a certified copy of this Ordinance to the Fiscal Officer of Cuyahoga County, Ohio, within twenty (20) days after its passage.

SECTION 8. Compliance with Public Meetings Requirements. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. Effective Date. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to accommodate the seasonal constraints of outdoor construction, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.02.16
2nd reading: 05.16.16
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 16-04
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION APPROVING THE PETITION FOR SPECIAL ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710 AND DECLARING AN EMERGENCY.

WHEREAS, As set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and,

WHEREAS, Pursuant to Resolution 10-18, passed October 4, 2010, Fairview Park City Council approved the *Petition to Create the City of Cleveland-First-Suburbs Development Council Advanced Energy Special Improvement District*, including *Articles of Incorporation* and an initial plan entitled *City of Cleveland-First Suburbs Development Council Advanced Energy Special Improvement District Commercial-Industrial Program Project Plan and Commercial-Industrial Services Plan*; and,

WHEREAS, Following such approval, the Northeast Ohio Advanced Energy District (the “AED”), an energy special improvement district under the laws of the State of Ohio, and its Board of Directors (the “Board”) were formed in accordance with Ohio Revised Code Chapters 1702 and 1710; and,

WHEREAS, Bernadette A. Kim (the “Owner”), as the owner of certain real property located within the City of Fairview Park, Ohio (the “City”), has identified certain real property owned by the Owner located at 21531 Lorain Road (the “Project Site”), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and,

WHEREAS, The Owner has submitted to the AED, and the Board, as the governing body of the AED in accordance with Ohio Revised Code Chapter 1710, has approved a *Petition to Add Territory to Northeast Ohio Advanced Energy District and for Special Energy Improvement Project* (the “Project Petition”), which Project requests that the Project Site be added to the AED and that the City levy special assessments on the Project Site to pay the costs of a special energy improvement project to be provided on the Project Site, all as described more particularly in the Project Petition (the “Project”); and,

WHEREAS, On [_____], pursuant to Ohio Revised Code Chapter 1710, the Owner submitted the Project Petition to the City, and said Project Petition is on file with the Clerk of the Council; and,

WHEREAS, Said Project Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Project Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and,

WHEREAS, This Council, as mandated by Ohio Revised Code Section 1710.06, must approve or disapprove the Project Petition within 60 days of the submission of the Project Petition; and,

WHEREAS, This Council has determined to approve the Project Petition; and,

WHEREAS, This Council, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the energy special improvement project to be constructed and implemented on the Project Site is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City as those that will promote the welfare of the people of the City; to improve the quality of life and the general and economic well-being of the people of City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources.

THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Approval of Project Petition. That this Council approves the Project Petition in substantially the form now on file with the Clerk of the Council.

SECTION 2. Transfer of Energy Special Improvement Project. That pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the Project is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Council accordingly authorizes the Board to act as its agent to sell, transfer, lease, or convey the Project. The consideration the Board must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Project Site is any consideration greater than or equal to One Dollar and Zero Cents (\$1.00).

SECTION 3. Compliance with Public Meetings Requirements. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. Effective Date. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and to accommodate the seasonal constraints of outdoor construction, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.02.16
2nd reading: 05.16.16
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 16-05
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY SPECIAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 1710.06(C) provides that a political subdivision which has approved a petition for special assessments for public improvements in an energy special improvement district and a plan pursuant to Ohio Revised Code Sections 1710.02(F) and 1710.06 shall levy the requested special assessments pursuant to Ohio Revised Code Chapter 727; and,

WHEREAS, Bernadette A. Kim (the “Owner”) petitioned to add property owned by it to the Northeast Ohio Advanced Energy District (the “AED”) pursuant to Ohio Revised Code Chapter 1710 in order to finance the costs of a special energy improvement project to be constructed on the property, which special energy improvement project consists of acquiring, constructing, equipping, improving, and installing energy efficiency improvements on its real property, including, without limitation, a new HVAC, new insulated roof system, new LED lighting, new hot water heater, new windows and doors, insulation of exterior walls, and related improvements (the “Project”), as fully described in the Project Petition; and,

WHEREAS, The Council (“Council”) of the City of Fairview Park, Ohio (the “City”) has, by Resolution No. _____, adopted on _____, approved the *Petition to Add Territory to Northeast Ohio Advanced Energy District and for Special Energy Improvement Project* (the “Project Petition”) in accordance with Ohio Revised Code Section 1710.02; and,

WHEREAS, The Project Petition, which is on file with the Clerk of the Council, has been signed by the Owner, as the owner of one hundred percent (100%) of the real property that is located at 21531 Lorain Road in the City and affected by the Project Petition (the “Property”), and proposes the necessity of acquiring, constructing, and improving the Project and financing the Project through the cooperation of the AED; and,

WHEREAS, In the Project Petition, the Owner requests that the Project be paid for by special assessments assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project (which is estimated to be \$126,075.00), and other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and AED administrative fees and expenses, and requests that the Project be undertaken cooperatively by the City, the AED, and such other parties as the City may deem necessary or appropriate.

THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Definitions. That each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Project Petition.

SECTION 2. Public Necessity of Special Assessments. That this Council declares necessary, and a vital and essential public purpose of the City, to improve the Property, which is located at 21531 Lorain Road in the City, by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Project Petition, and providing for the payment of the costs of the project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and AED administrative fees and expenses; together with all other necessary expenditures, all as more fully described in the Project Petition and profiles, specifications, and estimates of cost of the Project, all of which are on file with the Director of the Department of Finance and open to the inspection of all persons interested.

SECTION 3. One Project. That this Council determines that the Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by the City and the AED pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

SECTION 4. Approval of Plans. That the Plans and Specifications and total cost of the Project now on file in the office of the Clerk of the Council are approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Project.

SECTION 5. Public Necessity of Project. That this Council has previously determined and by this Resolution ratifies and declares that the Project is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the City, it is necessary and proper to provide, in cooperation with the AED, for the acquisition, construction, and improvement of the Project in the manner contemplated by the Project Petition.

This Council determines and declares that the Project is conducive to the public peace, health, safety and welfare of the City and the inhabitants of the City.

SECTION 6. Allocation of Costs of Project. That pursuant to and subject to the provisions of a valid Petition signed by the owners of one hundred percent (100%) of the Property, the entire cost of the Project shall be paid by the Special Assessments levied against the Property, which is the benefited property. The provisions of the Project Petition are ratified, adopted, approved and incorporated into this Resolution as if set forth in full in this Resolution. The portion of the costs of the Project allocable to the City will be zero percent (0%). The City does not intend to issue securities in anticipation of the levy of the Special Assessments.

SECTION 7. Assessment Method. That the method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Property as set forth in the Project Petition.

SECTION 8. Property. That the lots or parcels of land to be assessed for the Project shall be the Property, described in Exhibit A to the Project Petition, all of which lots and lands are determined to be specially benefited by the Project.

SECTION 9. Assessment Schedule. That the Special Assessments shall be levied and paid in _____ semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Project Petition, and the Owner has waived its option to pay the Special Assessment in cash within thirty (30) days after the first publication of the notice of the assessing Resolution.

The aggregate amount of Special Assessments estimated to be necessary to pay the costs of the Project is \$126,075.00. Each semi-annual Special Assessment payment represents payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and of administrative expenses. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City. In addition to the Special Assessments, the Fiscal Officer of Cuyahoga County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the Fiscal Officer of Cuyahoga County, Ohio.

SECTION 10. Director of the Department of Finance to File Estimate of Special Assessments. That the Director of the Department of Finance or the Director of the Department of Finance's designee is authorized and directed to prepare and file in the office of the Clerk of the Council the estimated Special Assessments for the cost of the Project in accordance with the method of assessment set forth in the Project Petition and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION 11. Notice to Property Owner. That upon the filing of the estimated Special Assessments with the Clerk of the Council, notice of the adoption of this Resolution and the filing of the estimated Special Assessments shall be served upon the Owner of the Assessed

Property, as provided in Ohio Revised Code Section 727.13. The appropriate officials of the City shall also comply with the applicable procedural requirements of Ohio Revised Code Chapter 727.

SECTION 12. Collection of Special Assessments. That the Director of the Department of Finance or the Director of the Department of Finance's designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION 13. Appropriation of Special Assessments. That the Special Assessments will be used by the City to provide the Authorized Improvements in cooperation with the AED in any manner, including assigning the Special Assessments actually received by the City to the AED or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 14. Acceptance of Waiver of Process. That this Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and the Charter of the City of Fairview Park, Ohio, and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- i. The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- ii. The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06;
- iii. The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- iv. The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- v. The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- vi. The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- vii. The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;
- viii. The right to notice of the passage of the assessing Resolution under Ohio Revised Code Section 727.26; and
- ix. Any and all procedural defects, errors, or omissions in the Special Assessment process.

SECTION 15. Agreements. That the City is authorized to enter into agreements by and among the City, the AED, and such other parties as the City may deem necessary or appropriate in order

to provide the Authorized Improvements, and that the Mayor is authorized to execute, on the City's behalf, such agreements.

SECTION 16. Compliance with Public Meetings Requirements. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 17. Effective Date. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to accommodate the seasonal constraints of outdoor construction, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.02.16
2nd reading: 05.16.16
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

RECEIPT OF COUNTY FISCAL OFFICER FOR LEGISLATION APPROVING THE
NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO IN COOPERATION WITH
THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT

I, _____, the duly selected, qualified, and acting Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of Resolution No. _____ duly adopted by the City Council of the City of Fairview Park, Ohio on _____, approving the necessity of acquiring, constructing, and improving certain public improvements in the City of Fairview Park, Ohio in cooperation with the Northeast Ohio Advanced Energy District, was filed in this office on _____.

WITNESS my hand and official seal at Cleveland, Ohio on _____.

[SEAL]

Fiscal Officer

Cuyahoga County, Ohio

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-
REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE AND ECONOMIC
DEVELOPMENT
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO TRADE-IN ONE (1) HUSTLER 60 INCH SUPER Z 2008 LAWNMOWER AND ONE (1) 72 INCH SUPER Z 2008 AND DECLARING AN EMERGENCY

WHEREAS, the City owned two (2) lawnmowers: one (the 72 inch mower) operated by the Recreation Department and one (60 inch lawnmower), operated by the Service Department, neither of which are being used; and,

WHEREAS, the City can trade-in the lawnmowers to Baker Vehicle Systems as follows: Three Thousand Dollars (\$3,000.00) for the 72 inch lawnmower and Two Thousand Dollars (\$2,000.00) for the 60 inch lawnmower. The trade-ins will be used to offset the purchase of new lawnmowers.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Director of Finance is hereby authorized to trade-in the aforementioned lawnmowers to Baker Vehicle Systems to reduce the price of the new lawnmowers.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to immediately dispose of old equipment, and provided it receives the affirmative vote of a majority plus one of the members of Council eligible to vote, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

Auction Closed	
High Bidder:	s*****m
Sold Amount:	\$3,605.00
Total Price:	\$3,605.00

2008 Hustler Super Z



[More media](#)

Year	Make/Brand	Model	VIN/Serial	Hours	Condition	Category
2008	Hustler	927467	05070479	988	See Description	Mowing Equipment

2008 Hustler Super Z mower, 60 inch cutting deck, rear discharge. Kohler 27 hp engine, solid front ti since). Excellent condition, well maintained, everything works as expected.

We are selling due to contracting out the mowing services.

For questions or to inspect, call Wayland Broyles at 615 533-8096 or wbroyles@ cudrc.com

Successful bidder may arrange pick up through the same contact as above.

NOTE: Sales tax of 7% plus \$88 will be added to the sales price.

» Seller Information



Seller Name: [Consolidated Utility District of Rutherford County, TN](#)
Asset Contact: [Paul Long](#) (Phone: 615-893-7225)
Asset Location: 709 New Salem Rd
 Murfreesboro, Tennessee 37129-3358
[Map to this location](#)

Q Inspection

Note: Please inspect items prior to placing a bid. Inspections are by appointment only. See Asses

Most items offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the dates and times indicated in the item description.



2008 Hustler Super Z

\$ Payment

Payment in full is due not later than 5 business days from the time and date of the Buyers Certificate. See Terms and Conditions for additional payment instructions.

🚚 Removal

ONCE THE ITEM HAS BEEN REMOVED FROM THE SELLER'S LOCATION; ALL SALES ARE FINAL.

All items must be removed within 10 business days from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal and any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate.

A daily storage fee of \$10.00 may be charged for any item not removed within the 10 business days allowed and stated on the Buyer's Certificate.

PLEASE CALL IN ADVANCE TO SCHEDULE A TIME FOR PICK-UP!

📷 Media



🔑 Special Instructions

If you are the winning bidder and default by failing to adhere to this seller's terms and conditions, your account with GovDeals **WILL BE LOCKED!**

QUARANTY WAIVER: All property is offered for sale "AS IS, WHERE IS." Seller makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect, or consequential.

DESCRIPTION WARRANTY: Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for an incorrect description must be made prior to removal of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of Seller shall not exceed the actual purchase price of the property. ***Please note that upon removal of the property, all sales are final!

PLEASE REVIEW THE SELLER'S TERMS AND CONDITIONS OF SALE.

? Questions and Answers

There are currently no questions posted for this asset.

Help Desk Hours: Monday - Friday, 8 am - 7 pm ET.
[Contact us](#) with any questions, comments or concerns.
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2008 Hustler Excel SUPER Z Mower/Zero Turn

\$5000 USD

IRON #3180324 Last Updated 20 Apr, 16

Serial #06052091

Stock # 047484



Schuneman Equipment Co.

Hwy 14 West

Tyler, 56178

kminett@schunemaneq.com

(507) 247-5572



QR Code

Sellers Comments

Engine Hours: 989 Hours

Condition:

-
-
-
-
-

N/A

Key Details:

- Engine Horsepower: 24 HP
- Width: 60 in
- Engine Type: Gas

Farm Equipment » Riding Mowers » Hustler Riding Mowers » SUPER Z

2008 Hustler SUPER Z | \$3,895.00

Email Seller 

Printed fro



DESCRIPTION

2008 HUSTLER SUPERZ,27HP KAW FX850,SUSPENSION SEAT,60"DECK,ROLL OVER PROTECTION,24X12- 12

Price	\$3,895.00
Year	2008
Make	Hustler
Model	SUPER Z
Horse Power	27
Hours	1203
Engine Type	Gas
New	Used
Other	27HP KAW FX850,60" DECK,SUSPENSION SEAT,ROLL OVER PROTECTION,24X12-12
Serial Number	08121086
Stock Number	130748

Farm Equipment » Riding Mowers » Hustler Riding Mowers » SUPER Z

2008 Hustler SUPER Z | \$6,499.00

Email Seller 

Printed fro



DESCRIPTION

2008 HUSTLER SUPERZ 928895B 31HP KAW,66"DECK,SUSP SEAT,ROLL OVER PROTECTION 24X12.0-12

Price	\$6,499.00
Year	2008
Make	Hustler
Model	SUPER Z
Horse Power	27
Hours	595
Engine Type	Gas
New	Used
Other	2008 HUSTLER SUPERZ 928895B 31HP KAW,66"DECK,SUSP SEAT,ROLL OVER PROTECTION 24X12.0-12
Serial Number	08120145
Stock Number	134877