

**Council of the Village of Glendale, Ohio**

**Regular February Meeting**

**Monday, February 7, 2022, 7:00 p.m.**

**80 E. Sharon Ave., Glendale, Ohio 45246**

**Agenda**

**I. Establishment of Quorum & Approval of Agenda**

**II. Approval of Minutes**

1. January 10, 2022 Regular Council Meeting

**III. Public Comment & Presentations**

**Presentation**            Glendale Urban Forestry Board on the proposed arboretum status for the Village of Glendale

**General Comments**

**Public Hearing**        Reopening of the Public Hearing regarding the GPHPC Recommendation on Proposed Zoning Code Requirements for Certain Driveway Setbacks

**Public Hearing**        Reopening of the Public Hearing regarding the GPHPC Recommendation on Proposed Zoning Code Amendments for Sign Regulations

**Public Hearing**        Regarding Proposed Amendments to the Village of Glendale Codified Ordinances Chapter 93 Pertaining to Regulating Junk Vehicles

**IV. Old Business**

1. **Ordinance 2022-03**    An Ordinance Amending Chapter 154.42 & 154.46 of the Village of Glendale Code of Ordinances, Establishing Exceptions to the Parking and Paving Guidelines for Properties in the Historic District Related to Setbacks for Driveways and Parking Areas, as Recommended by the Glendale Planning and Historic Preservation Commission (*Second Reading*)
2. **Ordinance 2022-04**    An Ordinance Inserting Chapter 154.59 in the Village of Glendale Code of Ordinances, Establishing Regulations Related to Residential and Commercial Signage in the Village of Glendale, as Recommended by the Glendale Planning and Historic Preservation Commission (*Second Reading*)

**V. New Business**

1. **Ordinance 2022-07** An Ordinance Amending Various Sections of Chapter 93 of the Glendale Code of Ordinances, Health and Sanitation, to Add Regulations Regarding Junk Vehicles (*First Reading*)
2. **Ordinance 2022-08** An Ordinance Appointing Glendale Volunteer Firefighters, Establishing a One Year Probationary Period and Declaring an Emergency and the Swearing-In of Said Firefighters (*To be considered following adoption of Minutes of January 10, 2022 Meeting*)
3. **Ordinance 2022-09** An Ordinance Authorizing Amendment of 2022 Appropriations of the General Fund and Declaring an Emergency
4. **Verbal Resolution 2022-10** A Resolution Confirming the Mayor's Appointment of Joseph Castrucci to the Urban Forestry Board, for the Remainder of a Term ending December 31, 2023. *Following adoption of Resolution, Mayor will swear in Mr. Castrucci as a Member of the Board. (To be considered following adoption of Minutes of January 10, 2022 Meeting)*

## **VIII. Reports from Mayor, Administrator, Standing Committees & Special Committees**

### **Mayor's Report**

#### **Births**

None reported.

#### **Deaths**

Donald ("Don") Ostendorf, January 18, 2022, age 84

### **Village Administrator's Report**

#### **Committee reports**

Finance Committee

Fire Committee

Laws & Claims Committee

Police Committee

Public Buildings & Historic Preservation Committee

Recreation & Playgrounds Committee

Streets, Public Improvements & Lights Committee

Utilities Committee

### **Reports from the Clerk & Treasurer**

**IX. Review of Expenditures**

1. **2021-12** General Fund
2. **2021-12** Enterprise Fund
3. **2022-01** General Fund
4. **2022-01** Enterprise Fund

**X. Adjournment**

**The next regular Council meeting is scheduled for March 7, 2022 at 7:00 p.m.**

**VILLAGE OF GLENDALE  
STATE OF OHIO**

**ORDINANCE 2022-03**

**AN ORDINANCE AMENDING CHAPTER 154.42 & 154.46 OF THE VILLAGE OF GLENDALE CODE OF ORDINANCES, ESTABLISHING EXCEPTIONS TO THE PARKING AND PAVING GUIDELINES FOR PROPERTIES IN THE HISTORIC DISTRICT RELATED TO SETBACKS FOR DRIVEWAYS AND PARKING AREAS, AS RECOMMENDED BY THE GLENDALE PLANNING AND HISTORIC PRESERVATION COMMISSION**

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**WHEREAS,** on August 2, 2021, the Glendale Planning and Historic Preservation Commission (GPHPC), upon the suggestion of an ad hoc committee, led by Vice Chair Thomas Kerr, voted to initiate the amendment procedure under §154.66 of the Glendale Zoning Code; and

**WHEREAS,** on October 4, 2021, the GPHPC, following a public hearing, unanimously approved GPHPC Resolution 2021-003, recommending approval of amendments to §154.42 and §154.46 of the Glendale Zoning Code; and

**WHEREAS,** on November 1, 2021, the Village Clerk caused notice of a Council public hearing on the draft amendments to be published in the Cincinnati Court Index, a newspaper of general circulation in the Village, with said notice describing the nature of the request and providing the Council hearing date and time, all consistent with the Clerk's obligations under §154.66 of the Glendale Zoning Code; and

**WHEREAS,** on December 6, 2021, the Council of the Village of Glendale conducted a public hearing on the amendments recommended by the GPHPC and at the hearing, Council heard from members of the public;

**BE IT ORDAINED,** by the Council of the Village of Glendale, State of Ohio, a majority of all members thereof concurring, that:

**SECTION I** Sections 154.42 and 154.46 of the Glendale Zoning are hereby amended as shown in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION II** All other paragraphs of Sections 154.42 and 154.46 of the Glendale Zoning Code, Chapter 154 of the Glendale Code of Ordinances, are to remain as written.

**SECTION III** All other sections of the Glendale Zoning Code, Chapter 154 of the Glendale Code of Ordinances, are to remain as written.

**SECTION IV**      The Village Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

First Read:            January 10, 2022

Second Read:        February 7, 2022

Third Read:

Passed:

Attest:

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Donald A. Lofty, Mayor

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Rebecca Terrell, Clerk

## GPHPC SUBCOMMITTEE on Potential amendment to setback ordinance 154.46 (E)(2)

MEMBERS: Tom Kerr, Beth Sullenberger

rev 6 working copy

### **EXISTING ORDINANCE + POTENTIAL REVISION LANGUAGE**

#### **§ 154.46 REGULATIONS GOVERNING EXISTING BUILDINGS, NEW BUILDINGS, ADDITIONS, DEMOLITIONS AND REMOVAL OF BUILDINGS.**

(E) *Design guidelines for site improvements to properties in historic districts.*

(2) Parking and paving. Reducing green space by adding additional pavement for driveways or parking areas should be limited whenever possible. New driveways and parking areas shall respect existing contours and natural features and be set back from adjoining property lines at least five feet.

a) EXCEPTIONS: In Districts A, B and C where a setback of five feet from adjoining property lines would not accommodate a usable driveway, *then* in such case an eight-foot maximum width/seven-foot minimum width impervious materials “Ribbon Driveway” may be constructed or, if using pervious materials, the maximum width allowed may be utilized.

1) POSITIONING: Driveways shall be *centered* on available space between house and adjoining property line to ensure maximum set back to adjoining property line, however, driveway placement may shift toward house without increasing maximum driveway width allowed.

2) SLOPE: Ribbon Driveway impervious surfaces shall be sloped toward center pervious surface to ensure water runoff is captured on owner’s property.

3) TRANSITION to ACCESSORY STRUCTURES (garages): Accessory structures require a 5’ setback from adjoining property lines per ordinance 154.55 (A), therefore any new driveway shall begin transition to said accessory structure once past rear of house (including porches, patios, or other landscaping impediments).

4) NON-CONFORMING LOTS: Existing driveways on non-conforming lots are exempt from the requirements of this section.

5) EXAMPLE: Reference drawing “Ribbon Driveway setback examples-rev 210326”).

### **POTENTIAL DEFINITION LANGUAGE ADDITION:**

#### **§ 154.42 DEFINITION.**

• **RIBBON DRIVEWAY.** *Two strips of impervious surface separated by one pervious surface.*

1) *A seven-foot-wide Ribbon Driveway shall consist of two 2’-6” wide impervious surfaces separated by one 2’-0” wide pervious surface.*

2) *An eight-foot-wide Ribbon Driveway shall consist of two 3’-0” wide impervious surfaces separated by one 2’-0” pervious surface*

**VILLAGE OF GLENDALE**

**STATE OF OHIO**

**ORDINANCE 2022-04**

**AN ORDINANCE INSERTING CHAPTER 154.59 IN THE VILLAGE OF GLENDALE CODE OF ORDINANCES, ESTABLISHING REGULATIONS RELATED TO RESIDENTIAL AND COMMERCIAL SIGNAGE IN THE VILLAGE OF GLENDALE, AS RECOMMENDED BY THE GLENDALE PLANNING AND HISTORIC PRESERVATION COMMISSION**

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**WHEREAS,** on August 2, 2021, the Glendale Planning and Historic Preservation Commission (GPHPC), upon the suggestion of an ad hoc committee, led by Vice Chair Thomas Kerr, voted to initiate the amendment procedure under §154.66 of the Glendale Zoning Code; and

**WHEREAS,** on October 4, 2021, the GPHPC, following a public hearing, unanimously approved GPHPC Resolution 2021-003, recommending approval of amendments to §154.42 and §154.46 of the Glendale Zoning Code; and

**WHEREAS,** on November 1, 2021, the Village Clerk caused notice of a Council public hearing on the draft amendments to be published in the Cincinnati Court Index, a newspaper of general circulation in the Village, with said notice describing the nature of the request and providing the Council hearing date and time, all consistent with the Clerk's obligations under §154.66 of the Glendale Zoning Code; and

**WHEREAS,** on December 6, 2021, the Council of the Village of Glendale conducted a public hearing on the amendments recommended by the GPHPC and at the hearing, Council heard from members of the public;

**BE IT ORDAINED,** by the Council of the Village of Glendale, State of Ohio, a majority of all members thereof concurring, that:

**SECTION I** Section 154.37 of the Glendale Zoning Code is hereby repealed in its entirety and amended as shown in Exhibit A, attached hereto and incorporated herein by reference

**SECTION II** All other sections of the Glendale Zoning Code, Chapter 154 of the Glendale Code of Ordinances, are to remain as written.

**SECTION III** The Village Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its Committees, if any,

which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

First Read: January 10, 2022

Second Read: February 7, 2022

Third Read:

Passed:

Attest:

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Donald A. Lofty, Mayor

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Rebecca Terrell, Clerk



## ORDINANCE 2022-04      EXHIBIT A

### § 154.59 SIGNS

- (A) **Intent/Purpose:** The purpose of this section is to promote and protect the public health, convenience, comfort, prosperity, general welfare, and safety by encouraging safe and effective placement of signs which are visible from outdoors within the Village. It is the intent of this section to provide businesses in the Village with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, to provide the public with a safe and effective means of conveying information and ideas as well as locating businesses, services and points of interest within the Village, and to provide for a safe vehicular and pedestrian traffic environment. This section is based on the premise that signs, if not regulated, can become a nuisance to adjacent properties or the community in general, can depreciate the value of other properties within the community, and can create distractions and obstructions that may contribute to traffic accidents. In this section, the Village intends to reduce and eliminate whenever possible these adverse effects of signs through objective, reasonable, content-neutral regulations as to the type, size, and location of signs while maintaining and preserving individual rights to commercial and noncommercial forms of expression.
- (B) **Severability:** This section must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which can be given effect without the invalid provision.
- (C) **Definitions:** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) **ABANDONED SIGN.** A sign showing signs of weathering, rust, corrosion, exposed wiring, chipped paint, cracked, broken, torn, or missing faces, or loose materials, or other evidence of disrepair, or a sign that remains after the termination of a business.
  - (2) **ANIMATED SIGN.** A sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.
  - (3) **AWNING SIGN.** A sign constructed, in whole or in substantial part, of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted to a flat position against the building.
  - (4) **BANDIT SIGN.** A sign constructed, in whole or in substantial part, of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like material that is generally less than six (6) square feet, typically lasts less than sixty (60) days without significant damage or deterioration, and which is placed within a public right-of-way or on public property.
  - (5) **BANNER (FLAG).** A non-freestanding, non-rigid cloth, plastic, paper, or canvas sign with a design, picture, or writing on it.
  - (6) **BENCH SIGN.** Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.

## **ORDINANCE 2022-04      EXHIBIT A**

- (7) ***CHANGEABLE COPY SIGN (MANUAL)***. A sign designed so that the characters, letters or illustrations can be changed or rearranged manually without altering the face or surface of the sign. Electronic Signs as defined below are not considered to be Changeable Copy Signs.
- (8) ***CHANGEABLE COPY SIGN (MECHANICAL/ELECTRICAL)***. A sign designed so that the characters, letters or illustrations can be changed or rearranged mechanically or electronically without altering the face or surface of the sign. Electronic Signs as defined below are not considered to be Changeable Copy Signs.
- (9) ***DETERIORATED***. Showing signs of weathering, rust, corrosion, exposed support materials or wiring, chipped paint, cracked, bent, broken, torn, missing faces, or loose materials or other evidence of disrepair or safety concerns.
- (10) ***ELECTRONIC SIGN***. A sign, or any portion of a sign, that displays an electronic image or video, which may or may not include text, including, but not limited to, television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.
- (11) ***ESTABLISHED GRADE LINE***. The average finished grade for that area of the site where the sign is to be located, provided however that the height of the sign shall not be artificially increased by the use of mounding. All references to sign height are from the established grade line unless otherwise noted.
- (12) ***EXTENSION***. A wall or other structure which is connected to, and extended from, a building.
- (13) ***FLASHING SIGN***. A directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means.
- (14) ***FREESTANDING SIGN***. Any sign other than a Portable or Monument Sign, that is supported by structures or supports in or upon the ground and independent of support from any building; includes Pole Signs.
- (15) ***ILLUMINATED SIGN***. Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.
- (16) ***LOT***. A platted parcel or other tract of land separately identified with unique identification in the County Auditor's records.
- (17) ***MONUMENT SIGN***. A sign supported by direct contact with the ground, generally attached to a wall or permanent base, constructed specifically for the display of the sign.
- (18) ***MOTION SIGN***. A sign or portion of a sign which moves.
- (19) ***NONCONFORMING SIGN***. A pre-existing legal or illegal sign which does not conform to the standards set forth in this section.
- (20) ***PENNANT SIGN***. A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

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- (21) **PERMANENT SIGN.** Any permitted or legal nonconforming sign, intended to remain in place until a change of occupancy occurs, that is securely attached or installed upon a building, structure, or the Monument and is constructed of materials protected from exposure to the natural elements typically for more than one year or is made of materials that are weather-resistant for multiple years without significant damage or deterioration due to exposure to the elements or normal wear and tear. Permanent Signs are considered accessory uses to a principal use established by this Zoning Code.
- (22) **POLE SIGN.** A sign supported by or suspended from posts, pillars, columns or other structures which are not a building or attached to a building.
- (23) **PORTABLE SIGN.** Any sign that is designed to be, or capable of, being moved or transported (often with wheels) and not affixed or attached to any building, structure, or ground. Sidewalk Signs are not considered to be Portable Signs for purposes of this section.
- (24) **PROJECTED IMAGE.** An image projected onto a building, structure or sign.
- (25) **REFACING.** Any alteration to the face of a sign involving the replacement of materials or parts. Refacing does not refer to replacing the entire sign structure or the removal of the sign.
- (26) **REFLECTIVE SIGN.** A sign containing any material or device which has the effect of intensifying reflected light.
- (27) **ROOF SIGN.** Any sign erected on or above the roof line of a building.
- (28) **SECTION.** Refers to §154.37, in its entirety.
- (29) **SIDEWALK SIGN.** Any temporary sign, typically in the shape of an “A” or a “T”, or some variation thereof, which is readily moveable and not permanently attached to the ground or any structure. Sidewalk signs are generally placed on the sidewalk or right-of-way in front of businesses.
- (30) **SIGN FACE.** The surface intended for the display of information, whether written or graphical, on the sign.
- (31) **SIGN STRUCTURE.** The supporting unit of a sign face, including but not limited to frames, braces and poles.
- (32) **SNIPE SIGN.** A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects and that is not otherwise defined or authorized by the provisions of this Section, or other Village ordinances.
- (33) **STREAMER.** A ribbon-shaped or cord-like rope which may have pennants or attached banners (or both) and which is stretched or hung between two or more supports.
- (34) **TEMPORARY SIGN.** Any exterior sign that is not intended for permanent display by virtue of its construction from paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, and which is erected on stakes,

## **ORDINANCE 2022-04      EXHIBIT A**

wire, plastic, or cord or by way of its attachment to the ground or a structure in a non-permanent manner.

- (35) **TRAILER SIGN.** Any sign which is attached to, supported by, or part of a structure, where the structure's primary purpose is the display of such sign, and where the structure is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle, whether or not such trailer is parked or being towed.
  - (36) **WALL SIGN, MOUNTED.** A sign that is attached to, erected against or painted on the outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the plane of the building or structure.
  - (37) **WALL SIGN, PROJECTING.** A double-sided sign, with two faces, that is attached to the outside wall of a building or structure, generally by means of a bracket or decorative hardware, with the exposed display surfaces of the sign on a plane perpendicular to the building or structure.
  - (38) **WINDOW SIGN.** Any sign attached to the window of a building or erected on the inside of the building and visible from the exterior of the building.
  - (39) **YARD SIGN.** See "Temporary Sign".
- (D) **Permit Required.** All signs located on land within or hereafter annexed to the Village shall comply with this section. No person shall locate or retain any sign, or cause a sign to be located, relocated, altered, modified, or retained unless all provisions of this section have been met. To ensure compliance with these regulations, a sign permit shall be secured from the Village Zoning Administrator or his/her designee for each for all signs except those listed in subsections (J) and (K). Unless otherwise established in this section or otherwise in this Zoning Code, no person shall locate, alter, modify, or retain a sign in the Historical District without first applying for, and obtaining, a certificate of appropriateness. Where applicable, sign permits shall not be issued until after a certificate of appropriateness is issued. In addition, some signs may require a building permit, and such signs may not be erected until such a permit is granted.
- (E) **Permit Application Requirements.** Persons wishing to locate or cause a sign to be located, relocated, or altered in the Village shall apply for a sign permit. No application fee shall be required, unless otherwise established by Village Council. A written application shall be required and the following materials must be submitted:
- (1) Scale elevation drawing(s) of proposed sign(s);
  - (2) Foundation and anchoring drawing(s) of proposed sign(s);
  - (3) A dimensioned site plan showing the location of proposed sign(s) and adjacent buildings or other structures;
  - (4) Descriptions and specifications related to proposed materials;
  - (5) For Wall Signs, a building elevation drawn to scale showing the proposed wall sign and the dimension from established grade to the top of the sign;
  - (6) For Monument and Freestanding Signs, a sign base landscaping plan;

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- (7) Written consent signed by the owner of the property on which the sign is proposed to be located indicating his/her approval of the sign.
- (F) **Permit Application Review Process and Timing.** A request for a sign permit will be approved or denied within sixty (60) business days of receipt of a completed sign permit application, including all submittals required by subsection (E). For signs which require a certificate of appropriateness, the time period to approve or deny the permit application shall not begin until after the certificate of appropriateness is granted. Permits shall be approved if the sign type, size, and location meet the requirements of this section. Permit applications which are neither denied nor approved within sixty (60) business days of receipt of a completed sign application (and granting of a certificate of appropriateness where applicable) shall be deemed approved.
- (G) **Relief from this Section.** Any party aggrieved from the provisions of this section by way of interpretation, enforcement, or other action, or who otherwise wishes to seek a variation from the requirements of this Zoning Code, may apply to the Village Board of Appeals pursuant to § 154.65 of this Zoning Code.
- (H) **Expiration of Sign Approval.** Signs must be erected as specified in the permit application within one (1) year of the permit issuance date. Permits for which a sign is not erected within one (1) year will expire and a new application will be required before the sign may be erected.
- (I) **Sign Permit Fee.** A sign permit fee will be required only if a permit is approved. The sign permit fee shall be established each year by the Village Council. The sign permit fee must be received prior to the issuance of the sign permit. No permit shall be issued until the sign permit fee has been received.
- (J) **Signs Exempt from Permitting Requirements.** The following signs are exempt from the permitting requirements of this section and are permitted in any zoning district:
- (1) Temporary Signs which are nine (9) square feet per face or less, subject to location and other restrictions contained in this section.
- (K) **Prohibited Sign Types and Locations.** In order to achieve the intents and purposes of this section, to reduce undue distraction to motorists and pedestrians, to reduce potential traffic hazards, and to ensure the effectiveness of traffic and other Governmental Signs needed to direct the public, the following signs types and sign locations are prohibited.
- (1) Prohibited Sign Locations:
    - a. In any public park or on any public property or right-of-way, unless otherwise expressly permitted within this Zoning Code, the Village Code of Ordinances or pursuant to a formally-adopted Village policy.
    - b. On any traffic control sign, utility pole, fences, or street sign.
    - c. On any tree, or other natural object.
    - d. In any location where the view of approaching or intersecting traffic or pedestrians would be obstructed.

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- e. In any location which interferes with the safe movement of vehicles or pedestrians entering, leaving, crossing, or traversing a public right-of-way or sidewalk.
- f. In any locations where the illumination of the sign is directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises.
- g. On private property without the permission of the owner.
- h. On any fire escape or any door or window giving access to any fire escape.
- i. On any chimney, smokestack, or stair tower.

### (2) Prohibited Sign Types in All Districts:

- a. Signs which move or rotate, such as: Motion Signs, balloons, Gas Inflated Signs or similar inflated signs, searchlights, Streamers, Animated Signs, Pennant Signs, spinners, flags, or any other similar devices.
- b. Internally illuminated signs.
- c. Electronic Signs.
- d. Bench Signs.
- e. Flashing Signs.
- f. Reflective Signs.
- g. Projected Images.
- h. Roof Signs.
- i. Trailer Signs.
- j. Bandit Signs; except as otherwise permitted.
- k. Snipe Signs.
- l. Portable Signs.
- m. Signs requiring a permit in accordance with this section which do not have a permit.
- n. Abandoned Signs.
- o. Neon signs.

### (L) **General Requirements for All Signs in All Districts.** All signs placed or posted in the Village must meet the following criteria:

#### (1) ***Illuminated Signs.*** Signs shall be illuminated only by the following means:

- a. By a white, steady, stationary light of reasonable intensity, directed solely at the sign or otherwise prevented from beaming directly onto adjacent properties, roadways or rights-of-way.
- b. The level of illumination directed to the sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way, roadway, or parking lot from which the sign may be viewed.



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- c. No exposed light sources are permitted. All light fixtures shall be screened from view by site grading or evergreen shrubs.
  - d. All wiring, fittings and materials used in the construction, connection and operation of Illuminated Signs shall be in accordance with the provisions of the local electric code. All Illuminated Signs shall be properly grounded.
- (2) ***Safe Installation.*** All signs must be installed in a safe manner and shall not be in danger of falling.
- (3) ***Properly Maintained/Not Deteriorated.*** All signs shall be properly maintained and shall not show signs of deterioration. The structural integrity of all sign foundations must be maintained.
- (4) ***Required Set-Back.*** All signs shall be set back at least eight (8) feet from the curb/edge of the street, road, or state route or at least two (2) feet from the edge of the sidewalk farthest from the street, road, or state route, whichever is greater.
- (5) ***Design.*** Signs shall be designed to fully integrate with the building architecture and overall site design. Signs should not resemble the color, shape, or other characteristic of traffic control devices or warning signs. Signs shall be limited to three (3) colors, three (3) typefaces/fonts, and three (3) lines per sign.

### **(M) Requirements for Temporary Signs.**

- (1) All Temporary Signs are subject to the following size-related requirements and limitations.
- a. ***Temporary Sign Quantity.*** Each lot within the Village is limited to thirty cumulative square feet of temporary signage.
  - b. ***Temporary Signs not requiring a permit.*** Temporary Signs which are nine (9) square feet or less per face are permitted in any district of the Village and do not require a permit.
  - c. ***Temporary Signs requiring a permit.*** Temporary Signs which are, individually, at least nine (9) square feet, but no larger than thirty (30) square feet, require a permit.
  - d. ***Temporary Signs that are prohibited.*** Temporary Signs which are larger than thirty (30) square feet are prohibited.
- (2) In addition to the size-related requirements in (M)(1) above, all Temporary Signs must comply with the following standards:
- a. Temporary Signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign;
  - b. Temporary Signs shall not be illuminated;
  - c. Temporary Signs shall not include, be attached to, or incorporate any other sign type prohibited by this section;
  - d. Temporary Signs shall not be placed in a prohibited location as established by this section; and

## **ORDINANCE 2022-04      EXHIBIT A**

e. Temporary Signs shall be removed or replaced when they are deteriorated.

(N) **Measurement of Sign Area.** The surface area of a sign shall be computed as including the face of the entire display area not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless the two faces are joined back-to-back, are parallel to each other and are not more than four (4) inches apart. The area of a sign consisting of individual letters or symbols, either free-standing or ground, or attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest single rectangle which encompasses all the letters and symbols.

(O) **Signs Standards in Residential Districts (Residential Uses/Individual Dwellings).**

(1) The following signs are permitted for Dwellings used for Residential Purposes, as defined by 154.03, in all Residential Districts (AA-1; AA-2; A, B, and C):

a. Mounted Wall Signs.

b. Temporary Signs.

(2) **Permitted number, height, area and location:** Each lot may erect and maintain up to three (3) signs per lot, up to a maximum of twenty (20) square feet of signage, as outlined below:

a. **Mounted Wall Signs**

i. **Maximum Height Above Established Grade:** Eight (8) feet

ii. **Maximum Area:** One (1) square foot

iii. **Location:** Cannot protrude more than 2 inches from wall or building to which it is attached

iv. **External Illumination Permitted:** No

b. **Temporary Signs**

i. **Maximum Height Above Established Grade when Ground-Mounted:** Three (3) feet.

ii. **Maximum Height when wall-mounted:** Below the roof parapet line.

iii. **Location:** Set back minimum of eight (8) feet from curb/edge of roadway or two (2) feet from edge of sidewalk farthest from the roadway, whichever is greatest

iv. **External Illumination Permitted:** No

v. **Other restrictions:** Per (K)(1), temporary signs which are nine (9) square feet per face or less, subject to location and other restrictions contained in this section do not require a permit, but any temporary sign which does not meet all parameters with respect to size and location to be exempt from permitting, shall require a permit.

(P) **Signs Standards in Residential Districts (Non-residential Uses).**



## ORDINANCE 2022-04      EXHIBIT A

- (1) The following signs are permitted for non-residential uses in all Residential Districts (AA-1; AA-2; A, B, and C). Non-Residential uses are all uses which do not fall qualify as a “Dwelling” used for Residential Purposes, as defined by 154.03

- a. Mounted Wall Signs.
- b. Monument Signs.
- c. Temporary Signs.

- (2) ***Permitted number, height, area and location:*** Each lot may erect and maintain a maximum of three (3) signs per lot, up to a maximum of thirty (30) square feet of signage, as outlined below:

a. **Mounted Wall Sign**

- i. ***Maximum Height Above Established Grade:*** Eight (8) feet
- ii. ***Maximum Area:*** One (1) square foot
- iii. ***Location:*** Cannot protrude more than two (2) inches from wall or building to which it is attached
- iv. ***External Illumination Permitted:*** Yes

b. **Monument Sign**

- i. ***Maximum Height Above Established Grade:*** Five (5) feet
- ii. ***Maximum Area:*** Thirty (30) square feet
- iii. ***Location:*** Set back Minimum of eight (8) feet from curb/edge of roadway or two (2) feet from edge of sidewalk farthest from the roadway, whichever is greatest
- iv. ***External Illumination Permitted:*** Yes
- v. ***Other restrictions:*** May include a Manual Changeable Copy Sign

c. **Temporary Signs**

- i. ***Maximum Height Above Established Grade when Ground-Mounted:*** Three (3) feet.
- ii. ***Maximum Height when wall-mounted:*** Below the roof parapet line.
- iii. ***Location:*** Set back Minimum of eight (8) feet from curb/edge of roadway or two (2) feet from edge of sidewalk farthest from the roadway, whichever is greatest
- iv. ***External Illumination Permitted:*** No
- v. ***Other restrictions:*** Per (K)(1), temporary signs which are nine (9) square feet per face or less, subject to location and other restrictions contained in this section do not require a permit, but any temporary sign which does not meet all parameters with respect to size and location to be exempt from permitting, shall require a permit.

**(Q) Sign Standards in Business Districts.**

## **ORDINANCE 2022-04      EXHIBIT A**

- (1) The following signs are permitted in Zoning Districts “D” and “E”:
  - a. Wall Signs (Mounted and Projecting).
  - b. Monument Signs.
  - c. Window Signs.
  - d. Freestanding Signs.
  - e. Awning Signs.
  - f. Sidewalk Signs.
  - g. Temporary Signs.
- (2) Permitted number, height, area and location. Each lot may erect and maintain a maximum of three (3) signs per lot, up to a maximum of thirty (30) square feet of signage, as outlined below:
  - a. **Mounted Wall Sign**
    - i. *Maximum Height Above Established Grade:* Eight (8) feet
    - ii. *Maximum Area:* One and a half (1.5) square feet for every linear foot of width of the building face to which the sign is attached
    - iii. *Location:* Cannot protrude more than two (2) inches from wall or building to which it is attached
    - iv. *External Illumination Permitted:* Yes
  - b. **Projecting Wall Sign**
    - i. *Maximum Height Above Established Grade:* Two (2) feet below the highest point on the building on which the sign is mounted
    - ii. *Maximum Area:* One and one half (1.5) square feet for every linear foot of width of the building face to which the sign is attached
    - iii. *Location:* Cannot protrude more than three (3) feet from wall or building to which it is attached
    - iv. *External Illumination Permitted:* A projecting sign is limited to external illumination by indirect lighting methods such as gooseneck lighting.
    - v. *Other restrictions:* Minimum eight (8) feet above sidewalk; decorative supporting structures are not calculated in maximum square footage of sign.
  - c. **Monument Sign**
    - i. *Maximum Height Above Established Grade:* Five (5) feet
    - ii. *Maximum Area:* One half (0.5) square foot for every linear foot of frontage of the lot, with a maximum area of thirty (30) square feet.

## **ORDINANCE 2022-04      EXHIBIT A**

- iii. *Location:* Set back minimum of eight (8) feet from curb/edge of roadway or two (2) feet from edge of sidewalk farthest from the roadway, whichever is greatest
- iv. *External Illumination Permitted:* Yes
- v. *Other restrictions:* May include a Manual Changeable Copy Sign

### **d. Window Sign**

- i. *Maximum Height Above Established Grade:* Ground/1<sup>st</sup> floor only
- ii. *Maximum Area:* One half of the area of the window upon which the sign is affixed
- iii. *Location:* Ground/1<sup>st</sup> floor of a building
- iv. *External Illumination Permitted:* No
- v. *Application:* Window signs may only be applied to the interior of the glazing.

### **e. Freestanding Sign**

- i. *Maximum Height Above Established Grade:* Five (5) feet
- ii. *Maximum Area:* One (1) square foot per linear foot of frontage of the premises, with a maximum of thirty (30) square feet
- iii. *Location:* Setback minimum of eight (8) feet from curb/edge of roadway or two (2) feet from edge of sidewalk furthest from the roadway, whichever is greatest
- iv. *External Illumination Permitted:* Yes

### **f. Awning Sign**

- i. *Minimum Height Above Established Grade:* Eight (8) feet above the sidewalk; sixteen (16) feet above any driveway or parking lot
- ii. *Maximum Area:* Text & graphics on awning may not be greater than fifteen (15) square feet
- iii. *Location:* May only have text or graphics on the front portion of awning
- iv. *External Illumination Permitted:* No

### **g. Sidewalk Sign**

- i. *Maximum Height Above Established Grade:* Three (3) feet
- ii. *Maximum Area:* Six (6) square feet
- iii. *Location:* Must be on paved public or private sidewalk or walkway; Cannot be in landscaped areas or areas used for vehicles; May only be placed where the width and location of the sign allows for a minimum width of five (5) feet of clear and passable sidewalk/walkway for pedestrians; May not be placed so as to

## ORDINANCE 2022-04      EXHIBIT A

obstruct access to parking meters, bicycle racks, and other features legally in the right-of-way; May not interfere with the opening of car doors in legal parking spaces, or with the operation of wheelchair lifts and ramps; May only be placed on the sidewalk/walkway from 9:00 a.m. to 5:00 p.m.

iv. *External Illumination Permitted:* No

v. *Other restrictions:* Signs must be weighted to be stable and windproof to resist wind gusts,

### h. Temporary Signs

i. *Maximum Height Above Established Grade when Ground-Mounted:* Three (3) feet.

ii. *Maximum Height when wall-mounted:* Below the roof parapet line.

iii. *Location:* Set back Minimum of eight (8) feet from curb/edge of roadway or two (2) feet from edge of sidewalk farthest from the roadway, whichever is greatest

iv. *External Illumination Permitted:* No

v. *Other restrictions:* S Per (K)(1), temporary signs which are nine (9) square feet per face or less, subject to location and other restrictions contained in this section do not require a permit, but any temporary sign which does not meet all parameters with respect to size and location to be exempt from permitting, shall require a permit.

### (R) Nonconforming Signs.

(1) All pre-existing legal signs that do not conform to the standards of this section must be brought into conformity upon the occurrence of any of the following events:

- a. Any change in the use of the property following the date that this section became effective.
- b. The discontinuance of the use of property for a period of more than six (6) consecutive months.
- c. The damage or destruction of the sign amounting to a reduction of fifty percent (50%) or more of the market value of the sign (as determined by two established sign companies located in Ohio selected by the Village).
- d. The structural alteration, rebuilding, enlargement, extension, or relocation of the existing nonconforming sign. However, the repainting or Refacing of an existing nonconforming sign is not considered an alteration within the meaning of this section.
- e. The nonconforming sign or sign structure is determined by the Village Zoning Administrator to be unsafe, insecure, or otherwise to constitute a nuisance to the public.

## **ORDINANCE 2022-04      EXHIBIT A**

- (2) All signs which lose their legal nonconforming status must be removed or brought into compliance with this section within thirty (30) days of the date of the event which resulted in the loss of that status.
- (S) **Abandoned Signs:** Signs which remain after a business operation has been closed to the public for at least ninety (90) consecutive days shall be considered abandoned. Abandoned signs shall be removed by the responsible party, whether the property owner or the business owner.
- (T) **Maintenance of Signs.** Signs must be maintained in a safe, presentable, and sound structural condition at all times. In the event that any sign is or becomes unsafe or in danger of falling, the owner thereof or the person maintaining the same, shall immediately upon receipt of written notice from the Village Zoning Administrator restore such sign to a safe and secure condition or remove the sign. If the owner of the sign does not remove the sign within ten (10) days of the written notice, the Village Administrator may order its removal.
- (U) **Removal of Prohibited/Unsafe Signs.**
- (1) Signs placed in prohibited sign locations as established in this section may be removed by the Village and stored at the Village Municipal Building or other service building for a period of not more than ten (10) days, after which the Village may dispose of such signs. Persons who wish to claim signs which are removed and retained by the Village may do so by contacting the Village Zoning Administrator during that time.
- (2) Signs that are insecure, in danger of falling, or which otherwise pose an *immediate* threat to public safety may be removed by the Village without notice to the owner. All costs incurred for the removal of such signage shall be the responsibility of the property owner. All unpaid costs shall be assessed to the property tax duplicate for the subject property. Signs so removed, to the extent possible, will be retained by the Village for a period of not more than ten (10) days and may be claimed by their owners by contacting the Village Administrator. After the retention period, the Village may dispose of such signs. Signs which cannot be removed without destroying the sign may be discarded.
- (V) **Prior Sections Invalidated.** This section shall control all issues related to signs located in the Village of Glendale. In the event that any section of this Zoning Code refers to signs, such section is specifically superseded by the provisions of this section.
- (W) **Violations.** In case any signs shall be installed, erected, constructed, or maintained in violation of any of the terms of this section, the Village Zoning Administrator shall notify in writing the owner or lessee thereof to alter or remove such sign so as to comply with this section. Such persons shall be given ten (10) days from the date of the written notice to alter the sign so as to comply with this section. Thereafter, failure to comply with any of the provisions of this section shall be deemed a violation and shall be punishable under § 154.99 of the Zoning Code.

**VILLAGE OF GLENDALE  
STATE OF OHIO**

**ORDINANCE 2022-07**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 93 OF THE  
GLENDALE CODE OF ORDINANCES, HEALTH AND SANITATION, TO ADD  
REGULATIONS REGARDING JUNK VEHICLES**

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**WHEREAS,** the Village of Glendale has an interest in protecting the health, safety, and welfare of its citizens from public nuisances; and

**WHEREAS,** the prevalence of junk vehicles on private property is detrimental to the health, safety, and welfare of the community in that they degrade the community and lead to blight and pose various safety hazards; and

**WHEREAS,** junk vehicles are detrimental to property values, business opportunities, and the Village's aesthetic standards; and

**WHEREAS,** when junk vehicles are permitted to remain on property and are not promptly abated, they invite additional nuisance and blight, further deteriorating the Village's quality of life; and

**WHEREAS,** the Village Council recognizes that the enforcement of such regulations against individuals and property should adhere to a uniform enforcement procedure;

**THEREFORE, BE IT ORDAINED,** by the Council of the Village of Glendale, State of Ohio, a majority of all members there of concurring, that:

**SECTION I**        Section 93.02 of Chapter 93, Health and Sanitation, of the Village of Glendale, Ohio Code of Ordinances, is hereby amended as provided in Exhibit A, attached hereto and incorporated by reference herein; and

**SECTION II**       Section 93.07 of Chapter 93, Health and Sanitation, of the Village of Glendale, Ohio Code of Ordinances, is hereby amended as provided in Exhibit A, attached hereto and incorporated by reference herein; and

**SECTION III**      Section 93.08 of Chapter 93, Health and Sanitation, of the Village of Glendale, Ohio Code of Ordinances, is hereby amended as provided in Exhibit A, attached hereto and incorporated by reference herein; and

- SECTION IV**      Section 93.99 of Chapter 93, Health and Sanitation, of the Village of Glendale, Ohio Code of Ordinances, is hereby amended as provided in Exhibit A, attached hereto and incorporated by reference herein; and
- SECTION V**      Section 93.99 of Chapter 93, Health and Sanitation, of the Village of Glendale, Ohio Code of Ordinances, is hereby amended as provided in Exhibit A, attached hereto and incorporated by reference herein; and
- SECTION VI**      All other Sections of Chapter 93, Health and Sanitation, of the Village of Glendale, Ohio Code of Ordinances, are to remain as written; and
- SECTION VII**    That the Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of the Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code, or directives related thereto on the basis of the emergency described herein.

First read:      February 7, 2022

Second read:

Third read:

Passed:

Attest:

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Donald A. Lofty, Mayor

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Rebecca Terrell, Clerk

## CHAPTER 93: HEALTH AND SANITATION

### Garbage and Rubbish

- 93.01 Garbage, trash and recycling; collection
- 93.02 Nuisance and/or hazard about property prohibited
- 93.03 Dumping ground
- 93.04 Dumping
- 93.05 Nuisance conditions prohibited
- 93.06 Restrictions on depositing litter on public property, and on private property owned by others
- 93.07 Junk ~~Motor Vehicles and Junk Recreational~~ Vehicles
- 93.08 Definitions

### Weeds and Trees

- 93.10 Weeds and grass
- 93.11 Cutting of trees; notice
- 93.12 Eradicate poison ivy; notice
- 93.99 Penalty

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*[93.01 Garbage, trash and recycling; collection – NO CHANGE]*

#### § 93.02 NUISANCE AND/OR HAZARD ABOUT PROPERTY PROHIBITED.

(A) It shall be unlawful for the owner, tenant, occupant, lessee, or any person otherwise having care or control of any building or lot of land within the village to allow trash, any junk motor vehicle or recreational vehicle as defined by 93.07, junk debris, object, material, or condition, or waste material to remain, or accumulate on, in or about any building or lot in a manner that creates a health, accident, or fire hazard, or which is a public nuisance. ~~which may create a health, accident or fire hazard or which is a public nuisance, or which constitutes a blighting or deteriorating influence on the neighborhood or abandoned or junk motor vehicles, as defined in R.C. § 4513.63(B), (C), (D) or (E), or other waste material to remain or accumulate on, in or about the building or lot.~~



(B) The accumulation of trash, ~~junk motor vehicle, or junk recreational vehicles~~ waste, junk debris, abandoned or junked motor vehicles as defined in R.C. § 4513.63(B), (C), (D) or (E), debris, object, material, condition, or other waste, material shall be considered a, "public nuisance" when such condition creates a or condition which creates a health, accident or fire hazard or condition which constitutes a blighting or deterioration influence on the neighborhood blighted parcel or is otherwise declared and defined as a public nuisance within this Chapter 93. is hereby declared a nuisance.

(C) If any owner, occupant, or person having care or control of any building or lot of land within the village causes or permits person causing or permitting any nuisance or hazard, as described in (A) or (B) above aforesaid, the Building Commissioner shall, issue a notice of violation as provided below, or as further described in the applicable section.

- (1) The notice of violation shall provide not less than one, but not more than ten days from the time of service of the notice, for the violation or violations enumerated in such notice to be abated. upon being notified by police officer or fire official to abate the nuisance,
- (2) If the party in receipt of such notice of violation refuses, neglects, or fails to comply with such notice of violation issued under this section ~~do so~~ within the time required in the notice, which shall not be less than one day nor more than ten days from the time of the service of the notice, then the legislative authority of the Village Mayor or his delegate shall cause the nuisance to be abated at the expense of the party to whom the notice of violation is issued, pursuant to an action in the name of the Village, or under the procedure in Revised Code Sections 715.26 and 715.261. ~~person, which~~ Action under Sections 715.26 and 715.261 of the Ohio Revised Code would cause the costs incurred by the Village to abate such violation or violations to ~~may be collected~~ by action in the name of the village, or which may be placed on the tax duplicate. ~~taxed~~ as part of the costs in action under division (A) and § 93.99. Service of notice shall be in writing and posted to the address of the nuisance property, or delivered by ordinary mail or certified mail to the address of the nuisance property, or to the owner of record.

*[93.03 Dumping ground – NO CHANGE]*

*[93.04 Dumping– NO CHANGE]*

*[93.05 Nuisance conditions prohibited– NO CHANGE]*

*[93.06 Restrictions on depositing litter on public property, and on private property owned by others– NO CHANGE]*

**§ 93.07. JUNK ~~MOTOR~~VEHICLES AND JUNK RECREATIONAL VEHICLES**

**§93.07(A) Junk ~~Motor~~ Vehicle.** "Junk ~~Motor~~ Vehicle" shall mean:

**1. A Motor Vehicle, Trailer, Motorcycle, or Recreational Vehicles as otherwise defined by this Chapter that meets the following:**

- i. A vehicle that is three (3) years old, or older; and
- ii. A vehicle that possesses any or all of the following types of damage: deflated, wrecked, or missing tires or rims; missing or wrecked body parts; broken or missing headlights, taillights or brake lights; broken, cracked or missing windows or windshields; missing all or part of the motor or transmission; missing or invalid license plate(s); or a vehicle that is otherwise apparently inoperable; and
- iii. A vehicle that has a fair market value of one thousand five hundred dollars (\$1,500.00) or less.

**§93.07(B) Prohibition Against Junk ~~Motor~~ Vehicles on Private Property.**

No person in charge or control of any property within the Village, whether as owner, tenant, occupant, lessee, or any person otherwise having care or control of any premises within the village, shall allow any partially dismantled, or non-operating, or wrecked, or junked, or discarded vehicle, or vehicle which does not have secured to it the full number of current license plates required by the laws of the State, to remain on such property longer than ~~\_\_\_\_\_~~ [48 hours? One week?];seven (7) consecutive days per calendar year and no person whether as owner, tenant, occupant, or lessee of such property or as owner, renter or other rightful user or person with a right to possession, of any such vehicle shall allow any such vehicle to remain on any property within the Village for a longer time than ~~\_\_\_\_\_~~ [48 hours? One week?];seven (7) consecutive days per calendar year except that this section shall not apply to such a vehicle that is stored completely within an enclosed building or garage or is otherwise specifically permitted pursuant to Zoning Code as found in the Village of Glendale, Ohio Ordinances, Chapter 154.

**§93.07(C) Status of Junk ~~Motor~~ Vehicles as Public Nuisance.**

The location or presence of any Junk ~~Motor~~ Vehicle on any public or private land or property, or public or private street, alley, or way within the Village of Glendale is hereby deemed a public nuisance and is subject to summary abatement as provided in this Section 93.07 or any other ordinance or law of the Village of Glendale or as provided under any relevant portion of the Ohio Revised Code. No person shall permit a Junk ~~Motor~~ Vehicle to remain in the open on any public or private property within the Village of Glendale after receipt of a notice to remove such vehicle due to its nature as a public nuisance.

**§93.07(D) Enforcement, Authority of Building Commissioner and Notices of Violation.**

- 1. Powers of the Building Commissioner.** The Building Commissioner is hereby authorized and directed to enforce the provisions of this Section 93.07, through himself or through a designee. The Building Commissioner shall have the authority to render interpretations of this Section 93.07 and to adopt policies and procedures in order to clarify the application of its provisions.

Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Section 93.07. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Section 93.07.

2. **Inspections.** The Building Commissioner shall make all of the required inspections, or shall accept reports of inspection by approved designees, agencies or individuals. All reports of such inspections shall be in writing. The Building Commissioner is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
3. **Right of Entry.** The owner, occupant, tenant, or person in charge of any property possesses the right to deny entry to any property by the Building Commissioner or his designee for the purpose of compliance with this Section 93.07. However, nothing in this Section 93.07 shall prohibit the Building Commissioner or his designee from asking permission from an owner, occupant, tenant, or person in charge of property for permission to inspect such property for compliance with this Section 93.07 and all other applicable laws, regulations and codes, to seek a search warrant based on probable cause, or to enter such property in case of emergency circumstances requiring expeditious action.
4. **Identification.** The Building Commissioner shall carry proper identification when inspecting premises in the performance of duties under this Section 93.07.
5. **Notice of Violation; Orders.**
  - (a) **Notice to person responsible.** Whenever the Building Commissioner determines that there has been a violation of this Section 93.07, notice shall be given in the manner prescribed in division (e)(2) of this section as to form and division (e)(3) of this section as to method of service to the party or parties responsible for the violation as specified in this Section 93.07.
  - (b) **Form.** Such notice prescribed in division (e)(1) of this section shall be in accordance with all of the following. Such notice shall:
    - i. Be in writing;
    - ii. Include a description of the property/premises sufficient for identification;
    - iii. Include a photograph or photographs of the ~~abandoned Junk Motor Vehicle~~, taken by the official making such inspection;
    - iv. Include a statement of the violation or violations and why the notice is being issued. Such statement shall include the following details to the extent such details are available: (a) the make and model of the vehicle; (b) the vehicle identification number; and (c) description of the damaged or missing parts or equipment; and (4) any other information that is sufficient, where necessary, to substantiate the value of the vehicle in question as being one thousand five hundred dollars (\$1,500.00) or less;
    - v. Include a correction order that shall state that the responsible party has \_\_\_\_\_ hours from time of delivery/posting of the order to either (1) remove the vehicle(s) that are the subject of the Notice; or (2) to give written notice of an appeal of the Village of Glendale pursuant to Section 93.07(E).
    - vi. Inform the party responsible of the Village's right to file to abate the violation and to file a lien in accordance with division (G)(3) of this section.

- (c) **Method of service.** Such notice shall be deemed to be properly served if a copy thereof:
- i. Is delivered personally by the Building Commissioner or his designee and handed to an individual at the premises, or if no individual is present, a copy thereof shall be posted in a conspicuous place in or about the premises by such notice;
  - ii. Is sent by certified or first-class mail addressed to the last known address of the party responsible; or
  - iii. If mailed and returned as undelivered, such letter or a copy thereof is subsequently posted in a conspicuous place in or about the premises by such notice.
- (d) **Unauthorized tampering.** Signs, tags or seals posted or affixed by the Building Commissioner shall not be mutilated, destroyed or tampered with, or removed without authorization from the Building Commissioner.
- (e) **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this Section 93.07, the Building Commissioner shall have the authority to grant modifications for individual cases upon application of the party responsible, provided the Building Commissioner shall first find that special individual reason makes the strict letter of this Section 93.07 impractical and the modification is in compliance with the intent and purpose of this Section 93.07 and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**§93.07(E) Appeal.**

If any recipient of a notice to remove a Junk Motor Vehicle would like to appeal the order, a written notice of appeal must be filed with the Board of Zoning Appeals at the Village of Glendale Village Offices at 30 Village Square prior to the expiration of the ~~\_\_\_\_\_seven (7) day/hour~~ time limit from receipt of such notice/delivery and posting of such notice. An appeal may only be filed by:

1. Appearing in person at the Village offices at 30 Village Square and completing a written notice of appeal; or
2. Sending a written notice of appeal via facsimile or regular U.S. mail, as long as received by the Village at the Village Offices at 30 Village Square prior to the expiration of the ~~\_\_\_\_\_seven (7) day/hour~~ time limit.

**§93.07(F) Conclusive Presumption of Junk ~~Motor~~ Vehicle as a Public Nuisance.**

If any recipient of a notice to remove a Junk ~~Motor~~ Vehicle fails to either (1) comply with the Notice of Violation/Order; or (2) to appeal the notice in writing pursuant to the Notice and to this Section 93.07, the vehicle or vehicles that are the subject of the Order shall be conclusively presumed to be "Junk ~~Motor~~ Vehicle(s)" and a public nuisance, and such public nuisance may be abated by the Police Department by way of removing the violating vehicles from the premises.

### **§93.07(G) Enforcement and Penalties**

If the party responsible neither complies with the Notice of Violation/Order nor appeals the Notice within the time provided, the Building Commissioner may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, including the following:

1. Imposition of the penalties found in Section 93.99;
2. Injunctive relief; and
3. Removal and Disposal of Junk ~~Motor~~ Vehicles.
  - a. The Building Commissioner or his designee may direct the Police Department to order the Junk ~~Motor~~ Vehicle towed or otherwise removed from the property or place where found in the event that the Building Commissioner or his designee has determined, upon lawful inspection, that the junk vehicle possesses any of the following characteristics, which constitute an imminent danger to the public health, safety, or general welfare:-
    - i. The Junk Vehicle has become a breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests;
    - ii. The junk vehicle has become a point of heavy growth of weeds or other noxious vegetation over eight inches in height;
    - iii. The junk vehicle is a point of concentration of gasoline, oil, or other flammable or explosive materials;
    - iv. The Junk Vehicle is so located that there is a danger of the vehicle falling or turning over; or
    - v. The Junk Vehicle is a source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.
  - b. Thereafter, such Junk ~~Motor~~ Vehicle shall be treated as abandoned and shall be deemed forfeited, to be disposed of in accordance with the terms of this section.
  - c. Prior to being removed, the abandoned Junk ~~Motor~~ Vehicle shall be:
    - i. ~~p~~Photographed by the authorized official ordering the removal ofing such vehicle;
    - ii. ~~and~~The authorized official shall verify in writing that the vehicle is the same as described in the inspection provided under subsection 93.07(D)(5)(b);
    - iii. The authorized official shall include a written and photographic description as to the reasons the Junk Vehicle is determined to meet one or more of the characteristics of Section 93.07(3)(a)(i) through (v).
    - iv. Once the authorized official has documented the Junk Vehicle's status per the above terms, ~~the~~ the Police Department shall thereupon tow, remove, or cause to be removed such ~~abandoned~~ "Junk ~~Motor~~ Vehicle" and shall immediately dispose of it to a ~~motor~~ vehicle salvage dealer, as defined in §4738.01 of the Ohio Revised Code, or a scrap metal processing facility, as defined in §4737.05 of the Ohio Revised Code.
    - i. ~~v. Recovery of Costs.~~ Any monies accruing from the disposition of a ~~n~~ abandoned Junk ~~Motor~~ Vehicle that are in excess of the expenses incurred by the Village for

towing, removal or storage of the vehicle shall be credited to a fund of the Village of Glendale ~~established to allow this program to be self-supporting.~~

vi. Lien Filed. Any action taken by the authority having jurisdiction on such premises where costs of abatement of the violation are incurred by the Village ~~over and above what was recoverable pursuant to the above section (v)~~, such costs shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate as further described in Section 93.02(C)(2).

## **§ 93.08. DEFINITIONS**

**§93.08(A) Blighted Parcel.** Within this Chapter 93, "Blighted Parcel" shall mean either of the following:

- 1) A parcel that has one or more of the following conditions:
  - a) A structure that is dilapidated, unsanitary, unsafe, or vermin infested and that because of its condition has been designated by an agency that is responsible for the enforcement of housing, building, or fire codes as unfit for human habitation or use;
  - b) The property poses a direct threat to public health or safety in its present condition by reason of environmentally hazardous conditions, solid waste pollution, or contamination;
  - c) Tax or special assessment delinquencies exceeding the fair value of the land that remain unpaid thirty-five days after notice to pay has been mailed.
- 2) A parcel that has two or more of the following conditions that, collectively considered, adversely affect surrounding or community property values or entail land use relationships that cannot reasonably be corrected through existing zoning codes or other land use regulations:
  - a) Dilapidation and deterioration;
  - b) Age and obsolescence;
  - c) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
  - d) Unsafe and unsanitary conditions;
  - e) Hazards that endanger lives or properties by fire or other causes;
  - f) Noncompliance with building, housing, or other codes;
  - g) Nonworking or disconnected utilities;
  - h) Is vacant or contains an abandoned structure;
  - i) Excessive dwelling unit density;
  - j) Is located in an area of defective or inadequate street layout;
  - k) Overcrowding of buildings on the land;
  - l) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
  - m) Vermin infestation;
  - n) Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time;
  - o) Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime;
  - p) Ownership or multiple ownership of a single parcel when the owner, or a majority of the owners of a parcel in the case of multiple ownership, cannot be located.

*[this is from ORC 1.08(B)]*

§93.08(B) "Vehicle" as referred to in this Chapter 93 shall include all "Vehicles," "Motor Vehicles," "Motorcycles," "Trailers," "Watercraft," and "Recreational Vehicles" as defined by this Section 93.08(B), as follows:

1. "Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in section 4511.513 of the Revised Code, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. *[this is from ORC 4511.01 as referred to in 4513.01]*

Or

~~"Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, low-speed micromobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions. *[this is from ORC 4501.01]*~~

2. "Motor vehicle" means every vehicle, including cars, trucks, and similar machinery, propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. *[this is from ORC 4511.01 as referred to in 4513.01]*

or

~~"Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, under-speed vehicles as defined in division (XX) of this section, mini-trucks as defined in division (BBB) of this section, motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. *[this is from ORC 4501.01]*~~



3. "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower. *[this is from ORC 4511.01 as referred to in 4513.01]*
4. "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a "semitrailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly," a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour, and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. *[this is from ORC 4511.01 as referred to in 4513.01]*

Or

~~"Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer. *[this is from ORC 4501.01]*~~

5. ~~"Watercraft" means any of the following when used or capable of being used for transportation on the water:~~
- ~~(a) A vessel operated by machinery either permanently or temporarily affixed;~~
  - ~~(b) A sailboat other than a sailboard;~~
  - ~~(c) An inflatable, manually propelled vessel that is required by federal law to have a hull identification number meeting the requirements of the United States coast guard;~~
  - ~~(d) A canoe, kayak, pedalboat, or rowboat;~~
  - ~~(e) Any of the following multimodal craft being operated on waters in this state:~~
    - ~~(i) An amphibious vehicle;~~
    - ~~(ii) A submersible;~~
    - ~~(iii) An airboat or hovercraft; or~~
  - ~~(f) A vessel that has been issued a certificate of documentation with a recreational endorsement under 46 C.F.R. 67.~~
- ~~*[This is from ORC 1546.01]*~~



6. "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

- (a1) It is designed for the sole purpose of recreational travel; and;
  - (2) It is not used for the purpose of engaging in business for profit.
  - (3) It is not used for the purpose of engaging in intrastate commerce.
  - (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.
  - (5) It is not regulated by the public utilities commission pursuant to Chapter 4905, 4921, or 4923, of the Revised Code.
  - (b6) It is classed as one of the following:
    - (ia) "Travel trailer" or "house vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code;.
    - (iib) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping;.
    - (iiie) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling;.
    - (ivd) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck; or;
    - (ve) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.
- [this is from ORC 4501.01]

**§ 93.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$100. A separate offense shall be deemed committed on each day that a violation occurs or continues, , which in the case of junk vehicles under Section 93.07, each day and each individual vehicle shall constitute a separate offense.

(B) Any person who shall violate any of the provisions of § [93.10](#) shall, upon conviction thereof, before the mayor, pay a fine calculated as follows: \$50 for the first 10 days after such person is notified of the violation and \$25 per day for every day thereafter.

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**\*\*\* AMENDMENTS FOUND IN THIS CHAPTER 154 ARE ZONING AMENDMENTS. THESE SHOULD FIRST BE INITIATED BY THE COUNCIL VIA RESOLUTION. THEY WILL THEN GO THROUGH THE AMENDMENT AND HEARING PROCESS AS FOUND IN THE ZONING CODE, WHICH INCLUDES GPHPC REVIEW AND CONSIDERATION. THEN THEY WILL COME BACK BEFORE COUNCIL FOR FINAL CONSIDERATION VIA ORDINANCE. \*\*\***

## **OTHER RELATED AMENDMENTS OUTSIDE OF CHAPTER 93**

### **§ 154.26 PARKING REGULATIONS.**

(A) Definitions. For purposes of this section, the following terms are defined:

~~—ABANDONED JUNK MOTOR VEHICLE. Has the meaning as in R.C. § 4513.63.~~

CONSTRUCTION EQUIPMENT. Equipment used to construct or repair buildings, grade landscaping, or any other equipment used for like work.

IMPROVED SURFACE. A surface made of concrete, asphalt, crushed stone, or pavers of sufficient strength to withhold the weight of the object parked thereon.

JUNK MOTOR VEHICLE. Has the meaning as in **Section 93.07(A) of the Glendale, Ohio Code of Ordinances** ~~R.C. § 4513.63. The vehicle must be three years old, or older; extensively damaged; apparently inoperable; and have a fair market value of \$1,500 dollars or less.~~

PARKING, PARKED or PARK. The stopping or standing of vehicles, whether or not occupied other than temporarily for the purpose of and while actively engaged in loading or unloading merchandise or passengers.

~~SAILBOAT and POWERCRAFT. have the meaning as in R.C. § 1547.01. WATERCRAFT. Has the meaning as in Section 93.07(B) of the Glendale, Ohio Code of Ordinances.~~

TRUCK. Has the meaning as in Section 93.07(B) of the Glendale, Ohio Code of Ordinances. ~~Has the meaning as in R.C. § 4501.01.~~ For purposes of this definition the vehicle must also have current state issued license plates attached with the designation "truck" or "commercial".

VEHICLES. Has the meaning as in Section 93.07(B) of the Glendale, Ohio Code of Ordinances.

MOTOR VEHICLE. Has the meaning as in Section 93.07(B) of the Glendale, Ohio Code of Ordinances.

TRAILER. Has the meaning as in Section 93.07(B) of the Glendale, Ohio Code of Ordinances.

RECREATIONAL VEHICLE. Has the meaning as in Section 93.07(B) of the Glendale, Ohio Code of Ordinances.

COLLECTOR'S VEHICLE. "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, whether or not it is licensed, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

[This is from ORC 4501.01]

~~—VEHICLES, MOTOR VEHICLE, COLLECTOR'S VEHICLE, BUS, TRAILER, and RECREATIONAL VEHICLE. Have the meanings as in R.C. § 4501.01~~

(B) Parking required.

- (1) Each residential unit shall provide at least two parking spaces on the lot. All required parking spaces may be located in a part of the main structure, in an accessory garage or on an improved surface. Parking on other surfaces, such as grass, is prohibited.
- (2) Clubs shall provide one parking space for each 400 square feet of floor area in the main building.
- (3) Churches shall provide one parking space for each four seats in the main auditorium or one space for each 50 square feet of floor space, whichever is greater. The minimum parking space requirements shall be on the lot except upon a determination by the Village Council that converting such land to parking would be detrimental to the health, safety, convenience or general welfare of the village as a whole and there is adequate "on street" parking spaces or "off-street" municipal parking areas owned or leased by the village when said municipal spaces are within 500 feet of the church property.
- (4) Elementary schools shall provide two and high schools ten parking spaces per classroom.
- (5) Community centers, libraries, museums, and similar public and semipublic buildings shall provide one parking space for each 300 square feet of floor area in the building.

(C) Parking or storage restrictions.

- (1) All ~~vehicles~~ ~~motor vehicles and trailers~~ lawfully stored or parked in open areas, on driveways, on streets, or on parking areas, shall display current, valid license tags unless otherwise permitted below.
- (2) ~~Sailboats and powercraft~~ Watercraft stored or parked in open areas must be stored on trailers and are limited to 21 feet in length. Rowboats, kayaks, and canoes whether or not on trailers are permitted as long as they are ~~adequately~~ concealed from the view of neighboring property owners by means of buildings, fences, vegetation, terrain, or other suitable obstruction.
- (3) ~~With the exception of collector's vehicles, p~~ Parking or storage of any ~~motor vehicle, trailer, sailboat, or powercraft vehicle~~ shall be permitted only on an improved surface. With the exception of ~~collector's vehicles and~~ recreational vehicles, the parking or storage of all ~~motor vehicles~~ vehicles shall be on a parking space, ~~or driveway, or within a wholly enclosed structure.~~
- (4) ~~Abandoned junk motor vehicles or junk~~ ~~motor~~ vehicles may not be parked or stored in any open areas.
- (5) Parking of commercial tractors, trucks of more than 15,000 lbs. GVW or with more than two axles, school buses, or buses used for commercial purposes is not allowed in open areas public or private unless loading or unloading.
- (6) Parking for those vehicles conveying necessary tools, materials and equipment to premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking shall be permitted.

(D) ~~Unlicensed collectors~~ Vehicle Parking and Storage Standards. Unlicensed collector's vehicles, recreational vehicles, ~~sailboats, powercraft, watercraft~~, trailers, motorcycles, junk ~~motor~~ vehicles, construction equipment, riding lawn mowers, or similar ~~motorized~~ equipment, and buses shall be parked or stored on residential property only within a ~~wholly~~ enclosed structure or as otherwise specifically permitted as described below:

- (1) Unless otherwise approved by the Police Chief, parking on any public street, alley or other public property for more than 4 hours during any 24-hour period by a recreational vehicle, ~~a sailboat, a powercraft, watercraft~~, a trailer, a bus, or a truck of more than 15,000 lbs. GVW or with more than two axles is prohibited.
- (2) Driveways in front or side yards may be used for parking a recreational vehicle, ~~sailboat or powercraft, watercraft~~ less than 21 feet in length on a trailer, trailer, or bus other than a school bus or bus used for commercial purposes during two days in any calendar week, for the limited purposes of loading, unloading, cleaning or effecting minor repairs or maintenance.
- (3) A maximum of two ~~sailboats, powercraft, watercraft~~, trailers, riding lawn mowers, or similar equipment, or a combination thereof, for a maximum of two of the items listed, may be parked or stored in an open area of a rear yard, provided they are ~~adequately~~ concealed from the view of neighboring property owners by means of buildings, fences,

vegetation, terrain, or other suitable obstruction, and are stored on an improved surface.

~~(3)~~(4) A riding lawn mower or similar equipment need not be stored on an improved surface but must be within a wholly enclosed structure.

~~(4) Unlicensed collector's vehicles may be parked or stored in an open area of a rear yard, provided parking and storage of such a vehicle in a rear yard is adequately concealed from the view of neighboring property owners by means of buildings, fences, vegetation, terrain and other suitable obstruction.~~

(5) A maximum of one recreational vehicle or bus other than a school bus or bus used for commercial purposes may be parked or stored in an open area of a rear yard, provided parking and storage of such a vehicle in a rear yard is ~~adequately~~ concealed from the view of neighboring property owners by means of buildings, fences, vegetation, terrain and other suitable obstruction.

(6) Unless otherwise approved by the Police Chief for good cause shown, no temporary or permanent human occupancy may occur within a recreational vehicle, or bus while parked within the Village.

(E) Traffic.

(1) A traffic impact study shall be required for all conditional uses in the AA-1, AA-2, A, B, and C districts, with the exception of the conditional uses described in § 154.21(B)(1) and (B)(12), for which no such study shall be required. Such study shall be completed by an independent consultant pursuant to § 154.94(6).

(2) All conditional uses in the AA-1, AA-2, A, B, and C districts (with the exception of the conditional uses described in § 154.21 (B)(1) and (B)(12) shall demonstrate compliance with the following transportation level of service standards.

(a) Existing levels of service at peak hour are maintained on all arterial and collector roads and at all intersections within 1/4 mile of the primary access to the site, or the level of service shall not fall below a level of service (LOS) "D" as defined by the Transportation Research Board, Highway Capacity Manual, special report 209 (Washington D.C.: National Research Council, 1998), as amended.

(b) However, if the LOS on streets adjacent to the site or within 1/4 mile thereof is currently below LOS "D", then the applicant shall demonstrate that the LOS will not fall below the current level.

(3) All development of a conditional use in the AA-1, AA-2, A, B, and C districts (with the exception of the conditional uses described in § 154.21 (B)(1) and (B)(12) shall provide an overall access management plan that demonstrates free-flowing access to the site and avoids unsafe congestion conditions on adjacent public roads and streets.

(4) The applicant seeking a conditional use permit in the AA-1, AA-2, A, B, and C districts (with the exception of the conditional uses described in § 154.21 (B)(1) and (B)(12) shall be responsible for the costs required to make the necessary improvements that will, at a minimum, maintain the LOS "D" or other, pre-existing LOS.

(5) The traffic impact study shall be provided with the application for a conditional use and at the expense of the applicant. The village may seek outside review of the traffic impact study, and all costs and expenses associated with such outside review shall be passed on to, and shall be fully paid for by, the conditional use applicant.

#### **§ 154.65 BOARD OF APPEALS.**

(A) A Board of Appeals is hereby created. Such Board shall consist of five members to be appointed by the Mayor. At least one of these members shall be a member of the Planning Commission of the village. One shall be appointed for one year; one for two years; one for three years; one for four years; and one for five years, and their successors for five years. The terms of the member of the Planning Commission shall expire at the same time as his term on such Commission. A member appointed to fill a vacancy shall serve for the unexpired term.

(B) The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

(C) Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compile the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(D) Appeals:

(1) Appeals to the Board may be taken by any persons aggrieved or by any officers, department, or bureau of the village affected by any decisions of the Building Commissioner **or his duly authorized designee, issued pursuant to this zoning code Chapter 154, or pursuant to any other Chapter of the Glendale, Ohio Code of Ordinances of which the Building Commissioner is charged with enforcement.** Such appeal shall be taken in the manner prescribed by the Board by General Rule, by filing with the Building Commissioner and with the Board not later than ten days after the date of the Building Commissioner's decision, which is appealed from, a notice of appeal specifying the grounds thereof. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. A basic data package shall accompany each appeal.

(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner certified to the Board after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may be granted by the Board, or by a court of record on application or notice to the Building Commissioner on good cause shown.

(3) The Board shall fix a reasonable time for the hearing of the appeal, give not less than 15 days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in the interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(E) The Board of Appeals shall have the following powers and it shall be its duty:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this chapter.

(2) To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this chapter.

(3) To permit the following exceptions to the district regulations set forth in this chapter by issuance of a permit containing conditions governing design, construction, or operation of the exception so as to ~~adequately~~ safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property.

(a) The erection or use of a building or the use of a premises for public utility purposes only, which the Board finds to be reasonably necessary for the public convenience or welfare.

(b) Temporary use of land in a commercial district by circuses, sales for charitable purposes, fairs, or carnivals upon compliance with police regulations of the village.

(4) Determine the front, side, and rear yards on corner lots formed by one or more curved streets; provided, however, that the sum of rear and side yards not be less than the sum of the required rear and side yards and no yard reduced to less than one- third of the required yard.

(5) To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness of shape of a specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation that the strict application of the terms of this chapter actually prohibit the use of his property in a manner similar to that which other property in the district is used and where the Board is satisfied, under the evidence heard before it, the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the owner; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this chapter and shall not constitute a direct and obvious amendment of any district regulations or district boundaries.

(a) In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the Building Commissioner from whom the appeal is taken.



(b) Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation.

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**VILLAGE OF GLENDALE  
STATE OF OHIO**

**ORDINANCE 2022-08**

**AN ORDINANCE APPOINTING GLENDALE VOLUNTEER FIREFIGHTERS,  
ESTABLISHING A ONE YEAR PROBATIONARY PERIOD, AND DECLARING AN  
EMERGENCY**

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**BE IT ORDAINED,** by the Council of the Village of Glendale, State of Ohio, a majority of all members thereof concurring, that:

**SECTION I**      The following individuals are hereby appointed to the position of Volunteer Glendale Firefighter, effective upon completion of all personnel processing. This appointment will incorporate a one-year probationary period effective upon passage:

Anthony Romano

David Keylor

Connor Baehr

Justin Wagner

**SECTION II**      This ordinance is hereby declared to be an emergency measure for the purpose of the timely and efficient administration of Village affairs, to allow the filling of vacancies in the Glendale Fire Department, thereby providing adequate manpower for responding to emergencies and other incidents in the Village, as provided by Ohio Revised Code 731.30, and shall take effect immediately upon its passage.

Passed:    February 7, 2022

Attest:

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Donald A. Lofty, Mayor

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Rebecca Terrell, Clerk

**VILLAGE OF GLENDALE  
STATE OF OHIO**

**ORDINANCE 2022-09**

**AN ORDINANCE AUTHORIZING AMENDMENT OF 2022 APPROPRIATIONS OF THE  
VILLAGE PLAN AND GENERAL IMPROVEMENT FUND AND DECLARING AN  
EMERGENCY**

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**WHEREAS,** the Village of Glendale has condemned the property at 65 Coral Avenue and required its demolition,

**WHEREAS,** if demolition is not performed by those ordered to do so, it may be necessary for the Village to perform the demolition, with costs associated to be assessed to the tax duplicate for the property for reimbursement to the Village;

**BE IT ORDAINED,** by the Council of the Village of Glendale, State of Ohio, a majority of all members thereof concurring, that:

**SECTION I**        The 2022 appropriations for the Village Plan and General Improvement Fund are to be posted as listed:

<u>Account Number</u>	<u>Account Description</u>	<u>Total Appropriation</u>
404.401.2349	Other/Professional Fees	\$17,000

**SECTION II**        This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health or safety, as provided by Ohio Revised Code 731.30. Specifically, emergency action is necessary to ensure the timely and efficient payment of Village invoices and to ensure the continuation of important Village projects.

Passed:    February 7, 2022

Attest:

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Donald A. Lofly, Mayor

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Rebecca Terrell, Clerk