

**AGENDA**  
**EUCLID CITY COUNCIL MEETING**  
**MONDAY, SEPTEMBER 20, 2010 AT 7:00 PM**  
**EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

**PERMISSIBLE PRELIMINARIES:**

**FIRST GAVEL**

**INVOCATION\*:**

**PLEDGE OF ALLEGIANCE**

**EUCLID CITY COUNCIL MEETING BUSINESS:**

**SECOND GAVEL**

**ROLL CALL OF MEMBERS**

**COMMUNICATIONS:** Liquor Permit

**COUNCIL MINUTES:** September 7, 2010

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Community Assets/Programs Com. Min.: 08/30/10  
Board of Control Min. – 08/23/10; 08/30/10; 9/7/10

**COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY**

**LEGISLATION**

- |   |   |                  |
|---|---|------------------|
| <b>Second Reading</b>                         | 1. A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Robert B. Watkins, Executive Director of Alter House, Inc. to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No 646-23-013. (Sponsored by Planning & Zoning Commission) | Res.<br>(137-10) |
| <b>First Reading</b>                          | 2. A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(12) of the Codified Ordinances of the City of Euclid to Rick Early d/b/a Early's Automotive to allow an automobile towing use in a U-4 (Local Retail) Use District at 824 East 222 <sup>nd</sup> Street, Permanent Parcel #641-26-003. (Sponsored by Planning & Zoning Commission)                                      | Res.<br>(166-10) |
| <b>First Reading</b>                          | 3. A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(6) of the Codified Ordinances of the City of Euclid to Phillip Lane, a tenant at 26110 Euclid Avenue, Permanent Parcel #648-51-002, to allow a major repair facility in a U-4 (Local Retail) Use District. (Sponsored by Planning & Zoning Commission)  | Res.<br>(167-10) |
|   | 4. An ordinance to amend Section 1755.20 "Maintenance of Roofs and Gutters; Rain Barrels" of Chapter 1755 "Basic Standards for Residential Occupancy" of the Building and Housing Code of the Codified Ordinances of the City of Euclid to provide for the temporary use of a tarp or other covering of a roof until the permanent repair is made to the roof. (Sponsored by Councilman Langman)          | Ord.<br>(169-10) |
| <b>Second Reading</b>                         | 5. Special Purpose Ordinance: Flood Damage Reduction. (Sponsored by Councilperson Van Ho by request of Service Director)  | Ord.<br>(146-10) |
| <b>Second Reading Public Hearing 10-18-10</b> | 6. An ordinance rezoning parcels at 26650-26670 Lakeland Blvd., P.P. #s 648-12-002; 648-12-005; 648-12-006 and 648-12-008, from U-5 to U-6) (Sponsored by Planning & Zoning Commission)   | Ord.<br>(155-10) |

7. A resolution designating the month of September, 2010 as “Save Our Homes” Month in the City of Euclid, to educate residents about the Cuyahoga County Court of Common Pleas Foreclosure Mediation Program and the free resources that are available for assistance through the foreclosure process. (Sponsored by Mayor Cervenik and Entire Council) Res. (160-10)
8. A resolution authorizing the Mayor of the City of Euclid or his designee to submit an application and enter into a contract, commencing January 1, 2011 through December 31, 2012, for funding of Community Social Services for seniors sixty (60) years of age and older from the Cuyahoga County Department of Senior and Adult Services (DSAS). (Sponsored by Mayor Cervenik) Res. (159-10)
9. An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Project Sponsor Contract Agreement to accept and expend a One Hundred Fifty Thousand Dollar (\$150,000.00) Recreational Trails Program grant and to provide the required twenty percent (20%) match in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) from the 2011 Permanent Improvement Fund. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Langman and O’Neill) Ord. (162-10)
10. An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Project Sponsor Contract Agreement to accept and expend a Three Hundred Fifty Thousand dollar (\$350,000.00) Clean Ohio Trails Fund grant and to provide the required twenty-five percent (25%) match in the amount of Eighty-Seven Thousand Five Hundred Dollars (\$87,500.00) from the Endowment Fund. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Langman and O’Neill) Ord. (163-10)
11. An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Nature Works Project Agreement to accept and expend a One Hundred Thousand Dollar (\$100,000.00) Nature Works grant and to provide the required twenty-five percent (25%) match in the amount of Twenty-Five Thousand Dollars (\$25,000.00) from the 2011 Permanent Improvement Fund. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Langman and O’Neill) Ord. (164-10)
12. A resolution authorizing the Mayor of the City of Euclid or his designee to prepare and submit an application to participate in the 2011 Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) (Issue I), and to execute contracts as required. (Sponsored by Councilperson Wojtila by request of Service Director) Res. (170-10)
13. An ordinance amending Chapter 121 of the Administrative Code of the Codified Ordinances of the City of Euclid governing City Council. (Sponsored by Councilpersons Holzheimer Gail and Scarniench) Ord. (168-10)
14. A resolution directing the Mayor and the Administration of the City of Euclid to develop a Scope of Work and issue a Request for Proposals (RFP) from qualified consultants, and to seek grant funding for the purpose of conducting a corridor study for the length of Euclid Avenue, to serve as an update to the 1996 Master Plan. (Sponsored by Councilpersons Scarniench and Jones) Res. (165-10)
15. An ordinance repealing current Section 1377.01(e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of home occupations. (Sponsored by Mayor Cervenik) (Recommended for passage as amended by Planning & Zoning Commission) Ord. (133a-10)

#### CEREMONIAL RESOLUTION

16. A resolution of recognition for **Kevon Smith’s** outstanding efforts to educate his community on the issue of youth violence. (Sponsored by Mayor Cervenik and Entire Council) Res. (161-10)

#### COMMITTEE OF THE WHOLE – PUBLIC PORTION COUNCILMEN’S COMMENTS

**ADJOURNMENT** \*Any invocation that may be offered before the start of the official business of the Council shall be the voluntary offering of a private citizen, to and for the benefit of the Administration and Council. The views or beliefs expressed by the invocation speaker have not been reviewed or approved by any City official. The City of Euclid does not endorse the religious beliefs or views of this or any other speaker.



Resolution No.

By – Planning and Zoning Commission

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Robert B. Watkins, Executive Director of Alter House, Inc. to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No 646-23-013.

WHEREAS, at its meeting on July 13, 2010, the Planning and Zoning Commission approved a Use District Exception to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No. 646-23-013; and

WHEREAS, Robert B. Watkins, Executive Director of Alter House, Inc. is a prospective purchaser of the building, which will be used as an office for job and life skills training; and

WHEREAS, periodic assemblies will be held, for up to 120 people, for meetings, presentations and social purposes. The assemblies will conclude no later than 9:00 p.m. on weekdays and 11:00 p.m. on weekends; and

WHEREAS, Chapter 1375 of the Codified Ordinances provides that whenever the Planning and Zoning Commission approves a Use District Exception, that decision must be confirmed by a Council Resolution before it becomes effective.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That a Use District Exception to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No. 646-23-013, is hereby granted.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Resolution No.

By – Planning & Zoning Commission

A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(12) of the Codified Ordinances of the City of Euclid to Rick Early d/b/a Early's Automotive to allow an automobile towing use in a U-4 (Local Retail) Use District at 824 East 222<sup>nd</sup> Street, Permanent Parcel #641-26-003.

WHEREAS, at its meeting on September 14, 2010, the Planning and Zoning Commission approved a Use District Exception to allow an automobile towing use in a U-4 (Local Retail) Use District at 824 East 222<sup>nd</sup> Street, Permanent Parcel #641-26-003; and

WHEREAS, Chapter 1359 of the Codified Ordinances provides that whenever the Planning and Zoning Commission approves a Use District Exception, that decision must be confirmed by a Council Resolution before it becomes effective.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That a Use District Exception to allow an automobile towing use in a U-4 (Local Retail) Use District at 824 East 222<sup>nd</sup> Street, Permanent Parcel #641-26-003, is hereby granted.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Resolution No.

By – Planning & Zoning Commission

A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(6) of the Codified Ordinances of the City of Euclid to Phillip Lane, a tenant at 26110 Euclid Avenue, Permanent Parcel #648-51-002, to allow a major repair facility in a U-4 (Local Retail) Use District.

WHEREAS, at its meeting on September 14, 2010, the Planning and Zoning Commission approved a Use District Exception to allow a major repair facility in a U-4 (Local Retail) Use District at 26110 Euclid Avenue, Permanent Parcel #648-51-002; and

WHEREAS, Chapter 1359 of the Codified Ordinances provides that whenever the Planning and Zoning Commission approves a Use District Exception, that decision must be confirmed by a Council Resolution before it becomes effective.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That a Use District Exception to allow a major repair facility in a U-4 (Local Retail) Use District at 26110 Euclid Avenue, Permanent Parcel #648-51-002, is hereby granted.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By Councilperson Langman

An ordinance to amend Section 1755.20 "Maintenance of Roofs and Gutters; Rain Barrels" of Chapter 1755 "Basic Standards for Residential Occupancy" of the Building and Housing Code of the Codified Ordinances of the City of Euclid to provide for the temporary use of a tarp or other covering of a roof until the permanent repair is made to the roof.

WHEREAS, a tarp or canvas covering are temporary fixes designed to provide a roof protection from the elements until the property owner can make permanent repairs; and

WHEREAS, prolonged use of a tarp, instead of making the necessary repairs, is detrimental to the structural integrity of the dwelling and can cause decay, deterioration or rot; and

WHEREAS, prolonged use of a tarp also affects the aesthetics and livability of the neighborhood; and

WHEREAS, tarps or similar coverings should only be used for emergency purposes on a temporary basis of less than thirty (30) days.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1755.30 "Rentals; Certificate of Occupancy Requirements" of Chapter 1755 "Basic Standards for Residential Occupancy" of the Building and Housing Code of the Codified Ordinances of the City of Euclid, is hereby amended to read as follows:

**1755.20 MAINTENANCE OF ROOFS AND GUTTERS; RAIN BARRELS.**

(a) All roofs of every dwelling unit shall be maintained weathertight and equipped with gutters and downspouts to a public storm sewer. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. All replacements must match and conform to the original design or be replaced completely. However, this requirement shall be waived for existing buildings if, in the opinion of the Building Commissioner and/or the Housing Manager, the drainage does not create a nuisance on public or private property and is not causing damage to the dwelling or any appurtenant structure.

(1) Any tarp, canvas or similar roof covering may be placed on a roof in an emergency situation not to exceed thirty (30) days. Repairs must be commenced within thirty (30) days or the tarp shall be removed. The thirty (30) day compliance period may be extended by the Housing Manager, Inspector or Department of Law if weather conditions, or other factors, inhibit the repair.

(2) The tarp, canvas or similar roof covering shall be maintained in good condition and structurally sound, and shall be removed, cleaned, or replaced if faded, torn, tattered, dirty, or missing.

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Section 2: That Section 1755.20 "Maintenance of Roofs and Gutters; Rain Barrels" of Chapter 1755 "Basic Standards for Residential Occupancy" of the Building and Housing Code of the Codified Ordinances of the City of Euclid is hereby amended.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Effective:

Approved:

\_\_\_\_\_  
Mayor

**SPECIAL PURPOSE  
FLOOD DAMAGE REDUCTION  
ORDINANCE – \_\_\_\_\_  
CITY OF EUCLID, OHIO  
By – Councilperson Van Ho (by request)**

**SECTION 1.0: GENERAL PROVISIONS**

**1.1 Statutory Authorization**

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Euclid, State of Ohio, does ordain as follows:

**1.2 Findings of Fact**

The City of Euclid has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

**1.3 Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

**1.4 Methods of Reducing Flood Loss**

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.



**1.5 Lands to Which These Regulations Apply**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Euclid as identified in Section 1.6, including any additional areas of special flood hazard annexed by City of Euclid.

**1.6 Basis for Establishing the Areas of Special Flood Hazard**

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. *Flood Insurance Study Cuyahoga County, Ohio and Incorporated Areas and Flood Insurance Rate Map Cuyahoga County, Ohio and Incorporated Areas* both effective December 3, 2010.
- B. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Euclid as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City Hall at 585 East 222<sup>nd</sup> Street, Euclid, Ohio.

**1.7 Abrogation and Greater Restrictions**

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

**1.8 Interpretation**

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

**1.9 Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Euclid, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

**1.10 Severability**

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 2.0: DEFINITIONS**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

**Accessory Structure**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

### **Appeal**

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

### **Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

### **Base (100-Year) Flood Elevation (BFE)**

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

### **Basement**

Any area of the building having its floor subgrade (below ground level) on all sides.

### **Development**

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

### **Enclosure Below the Lowest Floor**

See "Lowest Floor."

### **Executive Order 11988 (Floodplain Management)**

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

### **Federal Emergency Management Agency (FEMA)**

The agency with the overall responsibility for administering the National Flood Insurance Program.

### **Fill**

A deposit of earth material placed by artificial means.

### **Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

### **Flood Hazard Boundary Map (FHBM)**

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

### **Flood Insurance Rate Map (FIRM)**

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

### **Flood Insurance Risk Zones**

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

#### **Zone A:**

Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

#### **Zones A1-30 and Zone AE:**

Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

#### **Zone AO:**

Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

**Flood Insurance Study (FIS)**

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

**Flood Protection Elevation**

The Flood Protection Elevation, or FPE, is the base flood elevation. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

**Floodway**

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**Freeboard**

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

**Historic structure**

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

**Hydrologic and hydraulic engineering analysis**

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

**Letter of Map Change (LOMC)**

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

**Letter of Map Amendment (LOMA)**

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

**Letter of Map Revision (LOMR)**

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

**Conditional Letter of Map Revision (CLOMR)**

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

**Lowest floor**

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

**Manufactured home**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

**Manufactured home park**

As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

**National Flood Insurance Program (NFIP)**

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

**New construction**

Structures for which the "start of construction" commenced on or after the initial effective date of the City of Euclid Flood Insurance Rate Map, August 17, 1981, and includes any subsequent improvements to such structures.

**Person**

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

### **Recreational vehicle**

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### **Registered Professional Architect**

A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

### **Registered Professional Engineer**

A person registered as a professional engineer under Chapter 4733 of the Revised Code.

### **Registered Professional Surveyor**

A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

### **Special Flood Hazard Area**

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

### **Start of Construction**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

### **Structure**

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

### **Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

### **Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure that is considered "new construction,"
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

### **Variance**

A grant of relief from the standards of these regulations consistent with the variance conditions herein.

### **Violation**

The failure of a structure or other development to be fully compliant with these regulations.

## **SECTION 3.0: ADMINISTRATION**

### **3.1 Designation of the Floodplain Administrator**

The Assistant Service Director is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

### **3.2 Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

### **3.3 Floodplain Development Permits**

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

### **3.4 Application Required**

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.

- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
  1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
  2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
  3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
  4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
  5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
  6. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 4.3.

### **3.5 Review and Approval of a Floodplain Development Permit Application**

#### **A. Review**

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

#### **B. Approval**

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

### **3.6 Inspections**

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

### **3.7 Post-Construction Certifications Required**

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

**3.8 Revoking a Floodplain Development Permit**

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 5 of these regulations.

**3.9 Exemption from Filing a Development Permit**

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

**3.10 Map Maintenance Activities**

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Euclid flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

**A. Requirement to Submit New Technical Data**

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
  - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
  - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  - a. Proposed floodway encroachments that increase the base flood elevation; and
  - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.



4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

**B. Right to Submit New Technical Data**

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of City of Euclid, and may be submitted at any time.

**C. Annexation / Detachment**

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Euclid have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Euclid Flood Insurance Rate Map accurately represent the City of Euclid boundaries, include within such notification a copy of a map of the City of Euclid suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Euclid has assumed or relinquished floodplain management regulatory authority.

**3.11 Data Use and Flood Map Interpretation**

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
  1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
  2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail.

**3.12 Substantial Damage Determinations**

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

## **SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

### **4.1 Use Regulations**

#### **A. Permitted Uses**

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Euclid are allowed provided they meet the provisions of these regulations.

#### **B. Prohibited Uses**

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

### **4.2 Water and Wastewater Systems**

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

### **4.3 Subdivisions and Large Developments**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

### **4.4 Residential Structures**

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation

members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.

- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
  - 1. Be used only for the parking of vehicles, building access, or storage; and
  - 2. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - 3. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.
- H. In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

#### **4.5 Nonresidential Structures**

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) –(H).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
  - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
  - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

#### **4.6 Accessory Structures**

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3);

#### **4.7 Recreational Vehicles**

Recreational vehicles must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must meet all standards of Section 4.4.

#### **4.8 Above Ground Gas or Liquid Storage Tanks**

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

#### **4.9 Assurance of Flood Carrying Capacity**

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

##### **A. Development in Floodways**

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  - a. Meet the requirements to submit technical data in Section 3.10(A);
  - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
  - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
  - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
  - e. Concurrence of the Mayor of the City of Euclid and the Chief Executive Officer of any other communities impacted by the proposed actions.

##### **B. Development in Riverine Areas with Base Flood Elevations but No Floodways**

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
  - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
  - b. Section 4.9(A)(2), items (a) and (c)-(e).

### **C. Alterations of a Watercourse**

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Euclid specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

## **SECTION 5.0: APPEALS AND VARIANCES**

### **5.1 Appeals Board Established**

- A. The City Council hereby designates and appoints the Planning and Zoning Commission of the City of Euclid as the Appeals Board for purposes of this ordinance.
- B. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in City Hall at 585 East 222<sup>nd</sup> Street, Euclid, Ohio.

### **5.2 Powers and Duties**

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

### **5.3 Appeals**

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 30 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator’s decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator’s decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

## 5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

### A. Application for a Variance

1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

### B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

### C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

### D. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

#### **E. Other Conditions for Variances**

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### **5.5 Procedure at Hearings**

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

#### **5.6 Appeal to the Court**

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Cuyahoga County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

### **SECTION 6.0: ENFORCEMENT**

#### **6.1 Compliance Required**

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

#### **6.2 Notice of Violation**

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

**6.3 Violations and Penalties**

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Euclid. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Euclid from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Euclid shall prosecute any violation of these regulations in accordance with the penalties stated herein.

**SECTION 7.0: ADOPTION**

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number 182-1981, which is hereby repealed.

PASSED:

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Certification



PP#s 648-12-002, 648-12-005, 648-12-006 and 648-12-008  
U-5 to U-6

Ordinance No.

By - Planning and Zoning Commission

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as relates to and designates U-5 and U-6 use districts relative to said property.

WHEREAS, public notice and hearings have been given in connection with the changing of U-5 and U-6 use districts relative to the hereinafter described property as is established by Ordinance No. 2812, as passed by the Council of the Village of Euclid on the 13th day of December, 1922, which ordinance has from time to time been amended; and

WHEREAS, the amendment of said Ordinance No. 2812, which pertains to the hereinafter described property, by transferring said property from U-5 to U-6 use district, has been referred to the City Planning and Zoning Commission; and

WHEREAS, the City Planning and Zoning Commission has considered such amendment and proposed change at its regularly scheduled meeting on August 10, 2010, which will add to the present U-6 use district by inclusion of the property hereinafter described, and has recommended approval to Council; and

WHEREAS, in the interest of the general welfare of the City of Euclid and in order to promote the general advantage of public peace, safety, morals, convenience and prosperity of the inhabitants of the City of Euclid, this Council is of the opinion that the U-6 use district should be extended to include the property hereinafter described.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the following property:

PP#s 648-12-002, 648-12-005, 648-12-006 and 648-12-008

A multiple parcel area being part of the original Euclid township tract No. 20 further bounded and described as follows: Beginning on the southeasterly curved sideline of relocated Lakeland Boulevard (80 feet wide) at the intersection of the westerly line of land conveyed to the Stamco Industries, Inc. by deed recorded in Volume 235 Page 291 of Cuyahoga County deed records; Thence along the southeasterly curved sideline of said relocated Lakeland Boulevard a curved course of approximately 569 feet; Thence South 22° 03' 05" West, a distance of 20.00 feet to an iron pin found; Thence South 67° 56' 55" East, a distance of 10.00 feet to an iron pin found; Thence North 22° 03' 05" East, a distance of 20.00 feet to an iron pin found on the southerly right-of-way line of relocated Lakeland Boulevard, as aforesaid; Thence along the southeasterly curved sideline of said relocated Lakeland Boulevard a curved course of approximately 532 feet; Thence continuing southeast 107.56 feet along the East property line further described as parcel B in the lot split of permanent parcel number 648-12-005 for Richard Willkomm recorded in Volume 266, Page 79 of Cuyahoga County Records; Thence 1,005 feet along the northerly line of land owned by the New York Central Railroad Company; Thence northeasterly 253.77 feet and northerly 506 feet following the westerly line of land conveyed to the Stamco Industries by deed recorded in Volume 235 Page 291 of Cuyahoga County deed records; to the point of beginning.

now designated by said Ordinance No. 2812, as amended, and by the map and map designations as now being partially included in the U-5 use district, hereby is extended and added to, and is marked in its entirety U-6 so that said properties shall be included in their entirety in the U-6 use district and shall be so marked upon the proper map and map designations of said Ordinance No. 2812, as amended.

Section 2: That so much of Section 1 of Ordinance No. 2812, as amended, as relates to the U-6 use district shall be extended to include the territory described in Section 1 hereinabove.

Section 3: That the map as adopted December 13, 1922 and as thereafter amended, is hereby amended to conform with the change of property described in Section 1 of the ordinance from U-5 to U-6 use district.

Section 4: That so much of Ordinance No. 2812, as amended, and the map and map designations as placed the above described property in U-5 use district, is hereby repealed.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

Resolution No.

By – Mayor Cervenik and All Members of Council

A resolution designating the month of September, 2010 as "Save Our Homes" Month in the City of Euclid, to educate residents about the Cuyahoga County Court of Common Pleas Foreclosure Mediation Program and the free resources that are available for assistance through the foreclosure process.

WHEREAS, one in ten households are facing foreclosure. Foreclosures affect every neighborhood and community in Cuyahoga County. Homeowners should reach out for assistance before, during, and after the foreclosure process, and they should not leave their homes if a foreclosure action is filed; and

WHEREAS, the State of Ohio and the Ohio Supreme Court have called for all counties with foreclosure dockets to initiate Foreclosure Mediation. The goal of the month will be to educate Cuyahoga County's residents on foreclosure and the Cuyahoga County Court of Common Pleas Foreclosure Mediation Program; and

WHEREAS, mediation is a free service offered by the Cuyahoga County Court of Common Pleas Foreclosure Mediation Program. It is an opportunity for the homeowner and the lender to sit down face-to-face to find a solution to the foreclosure; and

WHEREAS, the goal of the Foreclosure Mediation Program is to minimize case processing time, save costs and expenses to the parties by working out new mortgage terms or other agreements mutually acceptable to the parties, and to prevent adverse social consequences of vacated and abandoned houses in the community; and

WHEREAS, even homeowners who do not want to keep their homes can benefit from mediation and communication with the lender.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council hereby proclaims the month of September, 2010 as "Save Our Homes" Month to educate Cuyahoga County residents about the Cuyahoga County Court of Common Pleas Foreclosure Mediation Program and the free resources that are available for assistance through the foreclosure process.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to Joseph Monroe II, Foreclosure Mediator, Cuyahoga County Court of Common Pleas, 1200 Ontario Street, 10<sup>th</sup> Floor, Justice Center, Cleveland, Ohio 44113.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this resolution shall take immediate effect.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Resolution No.

By – Mayor Cervenik

A resolution authorizing the Mayor of the City of Euclid or his designee to submit an application and enter into a contract, commencing January 1, 2011 through December 31, 2012, for funding of Community Social Services for seniors sixty (60) years of age and older from the Cuyahoga County Department of Senior and Adult Services (DSAS).

WHEREAS, DSAS is soliciting proposals from municipalities that provide Social Service Programs for seniors and "at risk" adults; and

WHEREAS, the funding of these programs will fill a gap in senior services by assisting older citizens in their efforts to live and function independently; and

WHEREAS, the City of Euclid successfully operated such senior services for DSAS in the first round of funding initiated in April 2006 and ending December 31, 2008, as well as the most recent funding effective January 1, 2009 and ending December 31, 2010; and

WHEREAS, DSAS will provide reimbursable funding to providers of Community Social Services Programs for a twenty-four (24) month period commencing January 1, 2011 through December 31, 2012.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid or his designee is hereby authorized and directed to submit an application and enter into a contract, commencing January 1, 2011 through December 31, 2012, for funding of Community Social Services for seniors sixty (60) years of age and older from the Cuyahoga County Department of Senior and Adult Services (DSAS).

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik, Councilpersons Holzheimer Gail,  
Langman and O’Neill

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Project Sponsor Contract Agreement to accept and expend a One Hundred Fifty Thousand Dollar (\$150,000.00) Recreational Trails Program grant and to provide the required twenty percent (20%) match in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) from the 2011 Permanent Improvement Fund.

WHEREAS, pursuant to Resolution No. 5-2010, the City applied for and has been awarded a Recreational Trails Program grant for the purpose of installing multi-purpose trails and other associated improvements as contained within the Waterfront Improvements Plan Project; and

WHEREAS, the installation of multi-purpose trails and other associated improvements will enhance public access and use as the beginning trail head of the boardwalk as contained within the adopted Waterfront Improvements Plan; and

WHEREAS, the subject of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid and to allow for the timely execution of the grant agreement.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid or his designee be, and is hereby authorized, empowered and directed to execute a State-Local Project Sponsor Contract Agreement to accept and expend a One Hundred Fifty Thousand dollar (\$150,000.00) Recreational Trails Program grant.

Section 2: That funds to pay for the required twenty percent (20%) match in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) are to be derived from the 2011 Permanent Improvement Fund.

Section 3: That this Council does hereby authorize the Mayor, or his designee, to execute any and all other documents necessary to accept and implement the grant.

Section 4: That all documents related to the grant shall be subject to and in the form as approved by the Director of Law.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik, Councilpersons Holzheimer Gail,  
Langman and O’Neill

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Project Sponsor Contract Agreement to accept and expend a Three Hundred Fifty Thousand dollar (\$350,000.00) Clean Ohio Trails Fund grant and to provide the required twenty-five percent (25%) match in the amount of Eighty-Seven Thousand Five Hundred Dollars (\$87,500.00) from the Endowment Fund.

WHEREAS, pursuant to Resolution No. 4-2010, the City applied for and has been awarded a Clean Ohio Trails Fund grant for the purpose of acquiring lakefront property for the Waterfront Improvements Plan Project; and

WHEREAS, the purchase of the land by the City would secure necessary land for public use and improvements associated with the adopted Waterfront Improvements Plan; and

WHEREAS, the subject of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid and to allow for the timely execution of the grant agreement.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid or his designee be, and is hereby authorized, empowered and directed to execute a State-Local Project Sponsor Contract Agreement to accept and expend a Three Hundred Fifty Thousand dollar (\$350,000.00) Clean Ohio Trails Fund grant.

Section 2: That funds to pay for the required twenty-five percent (25%) match in the amount of Eighty-Seven Thousand Five Hundred Dollars (\$87,500.00) are to be derived from the Endowment Fund.

Section 3: That this Council does hereby authorize the Mayor, or his designee, to execute any and all other documents necessary to accept and implement the grant.

Section 4: That all documents related to the grant shall be subject to and in the form as approved by the Director of Law.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik, Councilpersons Holzheimer Gail,  
Langman and O’Neill

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Nature Works Project Agreement to accept and expend a One Hundred Thousand Dollar (\$100,000.00) Nature Works grant and to provide the required twenty-five percent (25%) match in the amount of Twenty-Five Thousand Dollars (\$25,000.00) from the 2011 Permanent Improvement Fund.

WHEREAS, pursuant to Resolution No. 7-2010, the City applied for and has been awarded a Nature Works grant for the purpose of supplementing the costs associated with the extension of the fishing pier at Sims Park; and

WHEREAS, the extension and expansion of the fishing pier at Sims Park is contained within the adopted Waterfront Improvements Plan; and

WHEREAS, the subject of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid and to allow for the timely execution of the grant agreement.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid or his designee be, and is hereby authorized, empowered and directed to execute a State-Local Nature Works Project Agreement to accept and expend a One Hundred Thousand dollar (\$100,000.00) Nature Works grant.

Section 2: That funds to pay for the required twenty-five percent (25%) match in the amount of Twenty-Five Thousand Dollars (\$25,000.00) are to be derived from the 2011 Permanent Improvement Fund.

Section 3: That this Council does hereby authorize the Mayor, or his designee, to execute any and all other documents necessary to accept and implement the grant.

Section 4: That all documents related to the grant shall be subject to and in the form as approved by the Director of Law.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Resolution No.

By – Councilperson Wojtila (by request)

A resolution authorizing the Mayor of the City of Euclid or his designee to prepare and submit an application to participate in the 2011 Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) (Issue I), and to execute contracts as required.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Euclid is planning to make capital improvements to:

1. East 194<sup>th</sup> Street SSO Elimination.
2. East 222<sup>nd</sup> Street Relief Sewer.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor or his designee is hereby authorized to apply to the Ohio Public Works Commission for funds as described above.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor



Ordinance No.

By – Councilpersons Holzheimer Gail and Scarniench

An ordinance amending Chapter 121 of the Administrative Code of the Codified Ordinances of the City of Euclid governing City Council.

WHEREAS, the City seeks to replace all exclusively male gender references with gender-neutral references; and

WHEREAS, the City of Euclid acknowledges that the election of a Sergeant at Arms is optional, rather than mandatory; and

WHEREAS, by adding the prohibition of advocacy by Council members or members of the public, but allowing advocacy by Council members or members of the public for or against a political issue, the City of Euclid will protect political candidates, yet continue to encourage advocacy for or against political issues; and

WHEREAS, the cost of copies of public records, Council meeting minutes, and Council committee minutes has been reduced; and

WHEREAS, the City of Euclid wants to ensure the Euclid Codified Ordinances governing City Council are in accordance with current practice of Euclid City Council.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Chapter 121 of the Administrative Code of the Codified Ordinances for the City of Euclid is hereby amended and replaced to read as follows:

#### **121.07 ORDER OF BUSINESS.**

The order of business at meetings of Council shall be as follows:

- (a) Pledge of Allegiance to the flag.
- (b) Roll call of members by the Clerk.
- (c) Disposal of the journal of the preceding minutes.
- (d) Reports and communications from Mayor and administration.
- (e) Communications, petitions, memorials and certifications.
- (f) Reports and minutes of all committees.
- (g) Committee of the Whole for legislative matters only.
- (h) Legislation.
- (i) Committee of the Whole.
- (j) ~~Councilmen's~~ Council members' Comments.
- (k) Miscellaneous business.
- (l) Adjournment.

The President of Council shall at any time by majority of vote of all members elected thereto permit a member to introduce any business out of the regular order.

#### **121.16. SERGEANT AT ARMS**

There ~~shall~~ may be a Sergeant at Arms of Council to be elected and to serve at the pleasure of Council under the direction of the presiding officer. He or she shall preserve the order of the meeting and compel attendance of absent members.

#### **121.17 COMMITTEES OF COUNCIL.**

(a) Special and/or ad hoc committees may be created by the President of Council or by a majority of the members elected to Council.

(b) Members on all committees shall be appointed by a majority vote of all members elected to Council, with such appointments being made to standing committees no later than the first regular meeting of any new term. If Council fails to make such appointments to the standing committee within the time allotted herein, then the appointment shall be made by the President of Council.

(c) All committee meetings shall be held on Monday or Wednesday ~~between the hours of 7:00 p.m. and 10:00 p.m.~~ with only two meetings to be called on any one night. ~~and in the event a second meeting is called it shall begin at 8:30 p.m.~~ Committee meetings may be called on any other night only without objection from all members of the committee.

(d) Committee meetings may be called by the chairman, the Mayor, or a majority of the members.

(e) Any legislation in committee for more than ninety days may be placed on the agenda of the next Council meeting by a majority vote of Council.

(f) Legislation not acted upon expires with the term of Council.

#### 121.18 COMMITTEE OF THE WHOLE.

Council shall go into the Committee of the Whole at regular meetings pursuant to the order of business for the purpose of encouraging public participation in addressing Council and the administration. Advocacy by members of the public for a political candidate is prohibited, but advocacy by members of the public for or against a political issue is permitted. The public shall speak to legislation on the agenda and to the good of the City, but no person shall speak for more than five minutes on either matter. Persons speaking shall remain polite and courteous, at all times respecting the office being addressed and the decorum of the meeting. Vulgar or foul language and public remarks tending to embarrass or humiliate or which are personal in nature, are at all times out of order. All questions shall be answered immediately after they have been asked, and the person speaking has completed his or her remarks. Time limits established herein may be extended by majority vote of the members of Council after request is made by a person prior to the commencement of an address to the body.

#### 121.20 ~~COUNCILMEN'S~~ COUNCIL MEMBERS' COMMENTS.

~~Councilmen's~~ Council members' comments would directly follow the second Committee of the Whole. No ~~councilman~~ Council member shall speak for more than five minutes during ~~Councilmen's~~ Council member's comments unless the President or a majority of Council agree to waive the rule. The request to waive the time limit should be made before a particular member begins his or her presentation.

~~Councilmen's~~ Council members' comments should not be used as a forum for routine matters or common complaints which may be handled expeditiously outside of a regular Council meeting. Discussion on legislative matters to be acted on at that meeting should be limited. The place for such comment is directly prior to a vote on the particular piece of legislation.

Calling a meeting of a committee and requests for legislation for future meetings are in order. Introductions of members of the audience may be made at this time.

Questions concerning the administration not regarding legislation and not concerning routine matters or common complaints not previously discussed with administration may be asked.

Petitions, reports or material of interest to Council or the administration may be circulated and discussed by the member bringing the material forward.

General comments on the state of the City may also be added.

Advocacy by Council members for a political candidate is prohibited, but advocacy by Council members for or against a political issue is permitted.

Dignity and decorum in words and action is befitting of a member of Council. The image of the entire Council and the confidence and respect of the community is enhanced by such behavior. All ~~Councilmen~~ Council

members should act in a dignified and respectful manner not only during ~~Councilmen's~~ Council members' comments but at all times. Insinuations about unethical behavior, personal attacks and insults, and loud and obstreperous conduct are out of place and demeaning to the entire Council.

The President will be primarily responsible for the enforcement of these rules as well as the control of meetings in general.

#### **121.27 CHANGE OF VOTE.**

Before the announcement of the vote on any measure the Clerk shall read the vote so taken upon the demand of any member, at which time any ~~Councilman~~ Council member on account of error or for any other reason may change his or her vote. But no ~~Councilman~~ Council member shall be permitted to change his or her vote as recorded after the roll call has been verified and the result declared.

#### **121.28 COPIES FOR DISTRIBUTION.**

(a) The fee to be charged for furnishing copies of public records shall be at the rate of five cents (\$.05) per copy of each side of an original record.

(b) At the discretion of each Department, the fee to be charged shall be waived if the total fee is \$1.00 or less.

(c) Such fees shall be waived for cases involving the City and may be waived for public institutions and associations.

(d) Electronic copies of public records, minutes of Council, or Council committee meetings will be provided at no cost.

#### **121.29 REPORTING OF GIFTS, SALARIES, WAGES OR COMMISSIONS.**

(a) All elected ~~Councilmen~~ members of Council and members of the Board of Control in the City shall file a statement identifying:

(1) Every source of income over seventy-five dollars (\$75.00), except those salaries, wages or commissions which are the principal source of income, received by the person in his or her own name or by any other person for his or her use or benefit during the preceding calendar year, and a brief description of the nature of the services for which the income was received. This section shall not be construed to require the disclosure of clients of attorneys or patients of persons certified under State statutes which would be otherwise confidential nor the disclosure of individual items of income that constitute a portion of the gross income of the business or profession from which the person derives income.

(2) The source of each gift of over seventy-five dollars (\$75.00) received by the person in his or her own name or by any other person for his or her use or benefit during the preceding calendar year, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City. Gifts received by will or by virtue of State law, or received from the immediate family, or received by way of distribution from any intervivos or testamentary trust established by a spouse or by an ancestor need not be reported. The "intermediate family" shall be limited to a spouse, child, parent (including a foster parent), stepmother, stepfather, mother-in-law, father-in-law, grandmother, grandfather, grandmother-in-law, grandfather-in-law, grandchild, stepchild, foster child, sister, brother, sister-in-law and brother-in-law.

Section 2: That Chapter 121 of the Administrative Code of the Codified Ordinances of the City of Euclid is hereby amended.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

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Clerk of Council

Passed:

Effective:

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President of Council

Approved:

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Mayor

Resolution No.

By – Councilpersons Scarniench and Jones

A resolution directing the Mayor and the Administration of the City of Euclid to develop a Scope of Work and issue a Request for Proposals (RFP) from qualified consultants, and to seek grant funding for the purpose of conducting a corridor study for the length of Euclid Avenue, to serve as an update to the 1996 Master Plan.

WHEREAS, this Council recognizes that the Euclid Avenue (U.S. Route 20) corridor contains an economically vibrant and eclectic mix of residential, commercial, recreational, institutional and industrial land uses, and provides a vital transportation link between the City of Euclid and its surrounding communities; and

WHEREAS, in recent years there has been significant public and private investment in areas along Euclid Avenue, there still remain opportunities for redevelopment and/or rezoning, municipal beautification, and other transportation and capital improvements; and

WHEREAS, the City of Euclid is committed to the continuing update of its 1996 Master Plan in order to strengthen its neighborhoods, parks, and business districts, and thus ensure that the inherent quality of life keeps Euclid the City of choice for its citizenry.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor and the Administration of the City of Euclid are hereby directed to develop a Scope of Work and issue a Request for Proposals (RFP) from qualified consultants, and to seek grant funding for the purpose of conducting a corridor study for the length of Euclid Avenue, to serve as an update to the 1996 Master Plan.

Section 2: That the Administration and Council of the City of Euclid will identify a Steering/Advisory Committee to ensure that the diverse interests of those stakeholders along the Euclid Avenue corridor are represented in the planning process.

Section 3: That this Council does hereby authorize the Mayor, or his designee, to execute any and all documents necessary for the preparation and submission of grant application(s), to various funding agencies, both public and private.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this resolution shall take immediate effect.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik

An ordinance repealing current Section 1377.01(e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of home occupations.

WHEREAS, the City of Euclid recognizes the right of Euclid citizens to conduct safe, orderly and appropriately located home occupations in residential districts; and

WHEREAS, the current code does not set forth clear and definitive requirements to be followed by owners conducting a home occupation; and

WHEREAS, it is desirable to adopt a comprehensive code governing home occupations; and

WHEREAS, after public hearing and debate, the Planning and Zoning Commission approved the revisions to Section 1377.01(e) and recommended the changes to the Council of the City of Euclid.

WHEREAS, the changes recommended by the Planning & Zoning Commission were discussed by the City Growth, Planning and Development Committee on April 14, 2010 and Ord. (024b-10) subsequently failed to pass by a vote of 6-0 at the April 19, 2010 City Council meeting; and

WHEREAS, the Administration subsequently prepared a revised version of the Code governing home occupations for review and consideration by City Council.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1377.01(e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid is hereby repealed in its entirety.

Section 2: That new Section 1377.01(e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid is hereby enacted to read as follows:

**1377.01 ACCESSORY USES IN RESIDENCE DISTRICTS.**

(a) Accessory uses customarily incident to a Class U1, U2 or U3 use shall also be permitted in, respectively, a Class U1, U2 or U3 District, provided such accessory use is located upon the same lot with the building or use to which it is accessory. No such accessory building shall be less than three feet from the side yard line and no less than three feet from the rear yard line.

(b) In a U1 or U2 District a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of the lot area, provided, however, that in a U1 or U2 Use District no garage shall be erected as an accessory use which shall be more than twenty-four feet wide nor more than twenty-four feet in depth. In a Class U3 District a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 625 square feet of the lot area.

(c) In a Class U1 or U2 District a private driveway or walk used for access to a U4 or U5 use shall in no case be permitted as an accessory use.

~~(d) A store, trade or business shall not be permitted as an accessory use except that the office of a physician, surgeon, teacher, lawyer, dentist or musician may be located in the dwelling or apartment used by such physician, surgeon, teacher, lawyer, dentist or musician as his or her private residence, and except that any person carrying on a customary home occupation may do so in a dwelling or apartment used by him or her as his or her private residence, provided that no persons other than members of his or her own household are employed in such occupation and that no window display or signboard is used to advertise such occupation, and provided, further, that no teacher shall conduct a class in excess of three students in a dwelling or apartment used by him or her as his or her private residence.~~

(d) Home Occupations are permitted as accessory uses within a dwelling or apartment in any residential zoning district. A Home Occupation shall not alter the residential character or appearance of the dwelling, apartment or neighborhood in which it is located, and shall otherwise be subject to the following minimum requirements:

(1) The owner of every Home Occupation shall reside in the dwelling unit in which the business operates.

(2) Only one (1) Up to two (2) employees in connection with the Home Occupation who is are not an actual residents of the dwelling unit may be on the site at any one (1) time.

(3) All Home Occupation use activity conducted at the site of the home occupation shall be conducted primarily entirely within a completely enclosed dwelling unit. Use of a garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any Home Occupation is expressly prohibited, except play areas for a home day care use.

(4) The Home Occupation shall not interfere with the delivery of utilities or other service to the area.

(5) The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a residential zoning district.

(6) No toxic, explosive, flammable, radioactive, or otherwise hazardous materials, nor any scrap or waste materials whatsoever, shall be used, sold, or stored on the site. However, such materials common to ordinary household use are permitted.

(7) There shall be no advertising, signs, display, or other indications of a Home Occupation in the yard, on the exterior of the dwelling unit or visible from the exterior of the dwelling unit. This prohibition against signs and displays, as contained herein, restricts the contents to address and name only for signs otherwise permitted by tables 1390.06 (a) and (b) for dwellings within U-1 and U-2 use Districts.

(8) No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

(9) No more than one vehicle shall be used in connection with a Home Occupation. Further, the Home Occupation vehicle shall not require more than a passenger class driver's license or be a vehicle designed for carrying more than twelve (12) persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo weight rated for a ¾ ton truck or van. Vehicles used accessory to a Home Occupation must be stored in the garage with the door closed.

(10) Deliveries from commercial suppliers shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday. Deliveries shall not occur so frequently as to interfere with the quiet peace of a residential neighborhood.

(11) No more than two (2) vehicles may visit the Home Occupation at one (1) time, except as related to vehicles involved in drop off or pick up from a home day care use.

(12) No visitors accessory to the Home Occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 9:00 p.m. and 6:00 a.m., except as related to home day care uses.

(13) The following are prohibited as home occupations:

A. Large-scale manufacturing.

B. Large-scale assembly.

C. Warehousing.

D. Distribution in which storage exceeds 100 sq. ft. gross floor area.

E. Direct sales, rental or servicing of products with storage exceeding 100 sq. ft. of gross floor area.

F. Automotive repair and/or automotive sales lot.

G. In home child care exceeding twelve (12) children on the premises at the same time.

(14) More than one (1) Home Occupation may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to Home Occupations are complied with. All criteria above shall be applied cumulatively to all home occupation uses within a dwelling unit as opposed to singularly to each use.

(e) Tool sheds and other similar outbuildings are permitted in Class U1, U2 and U3 Districts pursuant to the following regulations:

(1) No tool shed or any other similar outbuilding shall be erected without a building permit issued for such purpose.

(2) Only tool sheds or similar outbuildings sold commercially or constructed according to the plans approved by the Division of Buildings will be permitted.

(3) The maximum size shall be ten feet by ten feet or 100 square feet external dimensions. The maximum height shall be eight feet, six inches from the grade.

(4) The foundation shall be of a concrete base, treated wood floor or patio stone floor with mortar, with final approval to be made by the Commissioner of Buildings of the City.

(5) The tool shed or similar outbuilding shall be a minimum of three feet from the side property lines and three feet from the rear property line.

(6) The tool shed or similar outbuilding shall be located on a lot that has a habitable house on it.

(g) Boathouses are permitted in Class U1, U2 or U3 Districts pursuant to the following regulations:

(1) A boathouse shall be allowed as an accessory building only upon the same lot with the building to which it is an accessory.

(2) The boathouse shall comply with the sideline requirements of Section 1383.01(c), as measured from any appurtenances, and be located on a lot that has a minimum width of forty feet at the water's edge. The building shall be in line with existing structures as approved by the Building Commissioner.

(3) A boathouse roof shall be no higher than the finished grade of the front yard or not to exceed ten feet from the finished floor, whichever is lower. The finished floor shall not exceed 579.5 feet above sea level. There shall be permitted a railing around the perimeter of the roof and this railing shall be open in design and shall be no higher than three feet.

(4) The construction of the footers and walls shall be of concrete or masonry. The exposed exterior walls shall match the brick of the home to which it is an accessory.

(5) The boathouse shall not be used for temporary or permanent living quarters.

(6) The exterior dimensions shall not exceed twenty-two feet in width and twenty- six feet in depth.

Section 3: Section 1377.01 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid be and the same is hereby amended.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.



Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

RESOLUTION OF RECOGNITION

A resolution of recognition for **Kevon Smith's** outstanding efforts to educate his community on the issue of youth violence.

WHEREAS, **Kevon Smith**, fifteen years old, is a resident of Euclid, Ohio; and

WHEREAS, **Youth Service America** recognized **Kevon** as the "Everyday Young Hero" for its July 22, 2010 publication, for **Kevon's** efforts to address the issue of youth violence in his community; and

WHEREAS, **Kevon** rallied support from Euclid High School administrators and local community activists to host a two hour program on youth violence, which reached 2,400 high school students; and

WHEREAS, **Kevon**, a Euclid High School student, formed the "**Stand Up**" program with fifty other students who meet bi-weekly to plan activities to improve the school and community climate; and

WHEREAS, **Kevon** plans on making "**Stand Up**" a district wide program and hopes to find resources to travel the United States with the program; and

WHEREAS, the City of Euclid is grateful for **Kevon's** work to educate the City's youth on ways to avoid conflict and bullying behaviors.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council and Administration do hereby congratulate **Kevon Smith** for his outstanding efforts to educate his community on the issue of youth violence.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to **Kevon Smith**.

Section 3: That this resolution shall take immediate effect.

Resolution No.

By - Mayor Cervenik, Councilpersons  
Holzheimer Gail, Gilliham, Jones,  
Langman, Minarik, O'Neill, Scarniench,  
Van Ho, Wojtila

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor