

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
APRIL 6, 2015
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and on the City's website www.onelakewood.com after 4 PM on the Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
 - II. Moment of Silence
 - III. Roll Call
- Reading & disposal of the minutes of the Regular Meeting of Council held March 2, 2016.
Reading & disposal of the minutes of the Regular Meeting of Council held March 16, 2016.
Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report regarding March 5, 9, 12, & 16, 30, April 6, 2015 Committee meetings addressing Letter of Intent submitted to Lakewood City Council by the Lakewood Hospital Association (LHA) the Lakewood Hospital Foundation (LHF) and Cleveland Clinic (To Be Provided) Chair; Madigan.
2. **ORDINANCE NO. 43-14A** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 43-14, adopted December 15, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 3/16/15). (Pg. 4)
3. **ORDINANCE NO. 14-15** – AN ORDINANCE amending Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as a portion of 14823 lake Avenue from (PPN 312-15-022) R1H (Single Family, High Density) to R2 (Single and Two Family). (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15) (Pg. 10)
4. **ORDINANCE NO. 15-15** – AN ORDINANCE amending Section 1121.07, Minimum Yard Requirements for Principal Buildings, 1123.07, Minimum Yard Requirements for Principal Buildings, and 1127.07 Minimum yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15) (Pg. 11)
5. **ORDINANCE NO. 16-15** – AN ORDINANCE to amend Section 1103.02 Definitions, and 1133.07 measurement of Building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code. (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 3/16/15) (Pg. 14)
6. **ORDINANCE NO. 17-15** – AN ORDINANCE amending Section 1161.03(t), Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood to allow outdoor dining year round where the patio is located fully on private property. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 3/16/15) (Pg. 16)

****NEW BUSINESS****

7. Communication from Councilmember Marx regarding Clothing Donation Boxes. (Pg. 26)
8. Communication from Councilmember Marx regarding Maureen Dostal to CAC. (Pg. 27)
9. Communication from Councilmember O'Leary regarding St. Charles Green. (To Be Provided)
10. **ORDINANCE NO. 18-15** – AN ORDINANCE dedicating certain parcels of land located at 1347 St. Charles Avenue, known as St. Charles Green, as a public park, to be designated as “_____ Park.”. (Pg. 28)
11. Communication from Finance Director Pae regarding 2015 Capital lease Authorization. (Pg. 31)
12. **ORDINANCE NO. 19-15** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood (“City”). (Pg. 32)
13. Communication from Public Works Director Beno regarding CUY-Lakewood Signals Phase 5 – Franklin/Hilliard. (Pg. 35)
14. **RESOLUTION NO. 8802-15** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the City of Lakewood to participate in the upgrade and interconnect of traffic signals along Madison Avenue in the City of Lakewood with the Ohio Department of Transportation. (Pg. 36)
15. Liquor Permit Application – D1, D2, D3, D3A transfers to Templars Lakewood d/b/a/ the Detroiter; 14701 Detroit Avenue from NEW TAP Lakewood; same address. (Pg. 38)
16. Liquor Permit Application – D1, D2, D3, D3A, D6 transfers to DEVROD, LLC, d/b/a/ Lakewood Village, 133437-41 Madison Avenue from B&B Tavern d/b/a Lakewood Village same address. (Pg. 39)



PLACED ON 1ST READING & REFERRED TO THE
FINANCE COMMITTEE 3/16/15. ,

ORDINANCE NO. 43-14A

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 43-14, adopted December 15, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law.

WHEREAS, this Council desires to provide the authorization to the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2015 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law, and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that delay could impair the City's ability to provide necessary services in a timely manner, now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1 of Ordinance 43-14, adopted December 15, 2014 currently reading as follows:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2015 Budget are as follows:

1) Legal Services.....	300,000
2) Recodification of Ordinances	12,500
3) Financial Audit	75,000
4) Hospitalization and Health Care Benefit Consulting Services.....	45,000
5) Consultant for Workers Compensation.....	40,000
6) Risk Management Consulting Services.....	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training.....	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations.....	10,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts.....	15,000
14) Municipal Engineering Consultant.....	60,000
15) Debt Issuance Costs	75,000
16) Forensic Services	10,000
17) Long Term Control Plan and Storm Water Professional Services	300,000
18) Administrative Professional Services.....	125,000
Sub-Total	\$1,385,500

Services contracts included in the 2015 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/ Pools).....	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	150,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	105,000
7) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service.....	100,000
10) Sentenced Prisoners Full Jail Service	300,000
11) Home Delivered Meals	45,000
12) Distribution System Leak Survey	30,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal.....	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums	90,000
18) Biosolids Disposal.....	90,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project.....	15,000
21) Lab Analysis Service	25,000
22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services.....	75,000
24) Water Meter Program Maintenance.....	25,000
25) Telephone Service	150,000
26) Cellular Phone Service	85,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department	12,000
29) HVAC Maintenance	65,000
30) Elevator Maintenance	25,000
31) Fire Alarm Maintenance	50,000
32) Copier Maintenance Service.....	25,000

33) Postage, Mailing Services, Equipment Lease/Maintenance	250,000
34) Rental and Laundry of Uniforms	12,000
35) Advertising	25,500
36) Printing Services.....	115,000
37) CRIS/LEADS Fees	35,000
38) Parking Citation Billing Service	50,000
39) Fireworks Display.....	35,000
40) Transportation Services	35,000
Sub-Total	\$9,845,500

Materials, supplies, and equipment authorized for purchase under the 2015 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies	50,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch	25,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	100,000
10) Polymer Flocculants	18,000
11) Wastewater Treatment Chemicals	120,000
12) Tires and Road Service.....	80,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	40,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear	40,000
17) Electrical Supplies	30,000
18) Hardware Supplies.....	35,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies.....	90,000
22) Plumbing Supplies.....	40,000
23) Pool Supplies – Chemicals	45,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies.....	40,000
26) Purchase Uniforms & Gear – Safety Forces	60,000
27) Ammunition	25,000
28) Office Supplies	35,000
29) Computer Supplies	10,000
30) Computer Software.....	10,000
31) Communications Equipment	75,000
32) Paper Supplies	20,000
33) Lease Copier Equipment.....	35,000
34) Subscriptions/Publications.....	35,000
35) Reforestation.....	115,000
36) Police Operating Equipment	60,000
37) Fire/EMS Operating Equipment	200,000
38) Waste Water Treatment Plant Operating Equipment	150,000
Sub-Total	\$3,508,000

Total **\$14,739,000**

is hereby amended to read:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2015 Budget are as follows:

1) Legal Services	300,000
2) Recodification of Ordinances	12,500
3) Financial Audit	75,000
4) Hospitalization and Health Care Benefit Consulting Services	45,000
5) Consultant for Workers Compensation	40,000
6) Risk Management Consulting Services	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations	25,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts	15,000
14) Municipal Engineering Consultant	60,000
15) Debt Issuance Costs	75,000
16) Forensic Services	10,000
17) Long Term Control Plan and Storm Water Professional Services	300,000
18) Administrative Professional Services	125,000
Sub-Total	\$1,400,500

Services contracts included in the 2015 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/Pools)	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	150,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	85,000
7) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service	100,000
10) Sentenced Prisoners Full Jail Service	300,000
11) Home Delivered Meals	45,000
12) Distribution System Leak Survey	30,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums	90,000
18) Biosolids Disposal.....	90,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project	15,000
21) Lab Analysis Service	25,000

22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services	100,000
24) Water Meter Program Maintenance.....	25,000
25) Telephone Service	150,000
26) Cellular Phone Service	85,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department.....	12,000
29) HVAC Maintenance	65,000
30) Elevator Maintenance.....	25,000
31) Fire Alarm Maintenance.....	50,000
32) Copier Maintenance Service	25,000
33) Postage, Mailing Services, Equipment Lease/Maintenance.....	250,000
34) Rental and Laundry of Uniforms	12,000
35) Advertising	35,000
36) Printing Services	115,000
37) CRIS/LEADS Fees	35,000
38) Parking Citation Billing Service	50,000
39) Fireworks Display.....	35,000
40) Transportation Services	35,000
Sub-Total	\$9,857,000

Materials, supplies, and equipment authorized for purchase under the 2015 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies	50,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch	25,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	350,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	100,000
10) Polymer Flocculants	18,000
11) Wastewater Treatment Chemicals	120,000
12) Tires and Road Service.....	80,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	40,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear.....	40,000
17) Electrical Supplies	30,000
18) Hardware Supplies.....	35,000
19) Janitorial Supplies	45,000
20) Landscape Materials.....	25,000
21) Lumber Supplies.....	90,000
22) Plumbing Supplies	40,000
23) Pool Supplies – Chemicals	45,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies.....	40,000
26) Purchase Uniforms & Gear – Safety Forces	60,000
27) Ammunition.....	25,000
28) Office Supplies	35,000
29) Computer Supplies	10,000
30) Computer Software.....	10,000
31) Communications Equipment.....	75,000

32) Paper Supplies	20,000
33) Lease Copier Equipment.....	35,000
34) Subscriptions/Publications.....	35,000
35) Reforestation.....	115,000
36) Police Operating Equipment.....	60,000
37) Fire/EMS Operating Equipment	200,000
38) Waste Water Treatment Plant Operating Equipment	150,000
Sub-Total	\$3,658,000
Total	\$14,915,500

Section 2. Contracts for supplies, services and equipment in excess of \$7,500 and for professional services in excess of \$5,000 shall not be awarded except as approved herein or further approved by Resolution of Council.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations 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.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

ORDINANCE NO. 14-15

BY:

AN ORDINANCE amending Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as a portion of 14823 Lake Avenue from (PPN 312-15-022) R1H (Single Family, High Density) to R2 (Single and Two Family).

WHEREAS, it is necessary and desirable to rezone certain parcels of land in the City for the consolidation with the property at 14818 Clifton Boulevard (PPN312-15-023) as detailed on Exhibit A, attached hereto; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood be and the same is hereby amended by changing and revising the Zoning Map of the City from R1H (Single Family, High Density) to R2 (Single and Two Family) for the following property:

14823 Lake Road, Lakewood, Ohio
(Legal description to be provided)
Permanent Parcel Number 312-15-022

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO. 15-15

BY:

AN ORDINANCE amending Sections 1121.07, Minimum Yard Requirements for Principal Buildings, 1123.07, Minimum Yard Requirements for Principal Buildings, and 1127.07 Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard.

WHEREAS, traditionally there are a large number of variance requests related to the placement of air conditioning compressors in the side yard; and

WHEREAS, while air conditioning compressors meet the definition of a "structure" within the zoning code and are therefore subject to the set off requirements, it is not likely that compressors were contemplated when the code was drafted; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1121.07, Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended as follows:

1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard

setback, provided that the unit is placed no more than 24 inches from the property line or 48 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 2. Section 1123.07, Minimum Yard Requirements for Principal Building of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed no more than 24 inches from the property line or 48 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 3. Section 1127.07 Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed

provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed no more than 24 inches from the property line or 48 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO. 16-15

BY:

AN ORDINANCE to amend Sections 1103.02 Definitions, and 1133.07 Measurement of Building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code.

WHEREAS, a large number of variances are requested each year for the roof height when new garages are being constructed; and

WHEREAS, a full review of the zoning code revealed that there is room for interpretation of the roof height and how it can be applied; and

WHEREAS, further defining roof height and how it is measured will eliminate the possibility for interpretation and allow the standard to applied clearly and consistently; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1103.02 Definitions, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1103.02 DEFINITIONS.

...

- (q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

...

shall be and is hereby amended to read as follows:

1103.02 DEFINITIONS.

...

- (q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs.

Section 2. Section 1133.07 Measurement of Building Height, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1133.07 MEASUREMENT OF BUILDING HEIGHT.

- (a) The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof or, where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.
- (b) Where unique site conditions exist, the Commissioner may measure the height of any structure from a point on the lot not less than three (3) feet from the foundation wall of a building, or footer or base of a structure.

shall be and is hereby amended to read as follows:

1133.07 MEASUREMENT OF BUILDING HEIGHT.

- (a) The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs; or, where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.
- (b) Where unique site conditions exist, the Commissioner may measure the height of any structure from a point on the lot not less than three (3) feet from the foundation wall of a building, or footer or base of a structure.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR

ORDINANCE NO. 17-15 BY:

AN ORDINANCE amending Section 1161.03(t), Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood to allow outdoor dining year round where the patio is located fully on private property.

WHEREAS, the Planning Commission, in reviewing approval of any outdoor dining application under Chapter 1161, must consider impacts of any outdoor dining facility and balance those in relation to neighboring properties and land uses; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1161.03(t), Supplemental Regulations for Specific Users, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

...

(t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

(1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/Seasonal Dining Facility design shall be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/Seasonal Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/Seasonal Dining Facility conditional use permit shall include the following items:

- A. A completed and signed Outdoor/Seasonal Dining Facility conditional use permit application form;
- B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;

- C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
- D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;
- E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;
- F. A detailed description of the type of food and beverage served at the establishment;
- G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;
- H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and
- I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

- (2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use with a valid food vendor's license and be directly under Applicant's control. The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.
- (3) The floor space of the Outdoor/Seasonal Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material.
- (4) The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.
- (5) The Outdoor/Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards.
- (6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/Seasonal Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be

determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Director, Building Commissioner, Police Chief and Fire Chief.

- (7) The total number of seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.
- (8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:
 - A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.
 - B. The Outdoor/Seasonal Dining Facility must be enclosed with a sturdy barrier in compliance with the Building Code, the ADA, the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed.
 - C. The entrance to the Outdoor/Seasonal Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination.
 - D. Food Service, as defined in Section 1103.02 of this Code, shall be offered at all times when alcoholic beverages are served in the Outdoor/Seasonal Dining Facility.
 - E. Applicants shall not permit customers to carry alcoholic beverages from the Outdoor/Seasonal Dining Facility to any place outside the Outdoor/Seasonal Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.
- (9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:
 - A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement

approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

- B. A barrier on some or all sides of the Outdoor/Seasonal Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor/Seasonal Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines.
- (10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties.
- (11) Buffering with landscaping or fencing of the Outdoor/Seasonal Dining Facility, if the facility is adjacent to residential or sensitive uses, may be required. Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.
- (12) An Outdoor/Seasonal Dining Facility need not require additional off-street parking unless the Planning Commission determines otherwise, or unless the Outdoor/Seasonal Dining Facility creates an overflow parking problem on adjacent public streets. Should a parking problem arise due to the Outdoor/Seasonal Dining Facility, the Director shall require the Applicant to make provisions for sufficient off-street parking on nearby non-residential properties.
- (13) Furniture and enclosures located within the Outdoor/Seasonal Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way between October 31 and March 31. All furniture and fixtures used in an Outdoor/Seasonal Dining Facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way and may only remain in the public right-of-way outside hours of operation with prior approval of the Planning Commission.
- (14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas.

- (15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/Seasonal Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood.
- (16) The Outdoor/Seasonal Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.
- (17) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/Seasonal Dining Facility in order to ensure pedestrian safety and a retail-friendly atmosphere.
- (18) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/Seasonal Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit. The conditional use permit for an Outdoor/Seasonal Dining Facility is non-transferable.
- (19) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/Seasonal Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon 30 days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has 5 business days to remove any portion of the Outdoor/Seasonal Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor/Seasonal Dining Facility.

...

shall be and is hereby amended to read as follows:

1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

...

- (t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH

Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

- (1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/Seasonal Dining Facility design shall be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/Seasonal Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/Seasonal Dining Facility conditional use permit shall include the following items:
 - A. A completed and signed Outdoor/Seasonal Dining Facility conditional use permit application form;
 - B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;
 - C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
 - D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;
 - E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;
 - F. A detailed description of the type of food and beverage served at the establishment;
 - G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;
 - H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and
 - I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

- (2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use and primarily used for dining~~with a valid food vendor's license and be directly under~~

~~Applicant's control.~~ The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

- (3) The floor space of the Outdoor/Seasonal Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material.
- (4) The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.
- (5) The Outdoor/Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards.
- (6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/Seasonal Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Director, Building Commissioner, Police Chief and Fire Chief.
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- (8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:
 - A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.
 - B. The Outdoor/Seasonal Dining Facility must be enclosed with a sturdy barrier in compliance with the Building Code, the ADA, the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in

height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed.

- C. The entrance to the Outdoor/Seasonal Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination.
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- (9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:
- A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.
 - B. A barrier on some or all sides of the Outdoor/Seasonal Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor/Seasonal Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines.
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arise due to the Outdoor/Seasonal Dining Facility, the Director shall require the Applicant to make provisions for sufficient off-street parking on nearby non-residential properties.

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- (14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round upon approval of the Planning Commission. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. The Planning Commission may temporarily extend the hours and dates of operation of any Outdoor/Seasonal Dining Facility where the Outdoor/Seasonal Dining Facility is located within the footprint of a special event that is either sponsored by the City or permitted under the Codified Ordinances.
- (15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/Seasonal Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood.
- (16) The Outdoor/Seasonal Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.
- (17) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/Seasonal Dining Facility in order to ensure pedestrian safety and a retail-friendly atmosphere.
- (18) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/Seasonal Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the

Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit. The conditional use permit for an Outdoor/Seasonal Dining Facility is non-transferable.

(19) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/Seasonal Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon 30 days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has 5 business days to remove any portion of the Outdoor/Seasonal Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor/Seasonal Dining Facility.

...

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations 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.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



12650 DETROIT AVENUE 44107 216/528-6055 FAX 216/226-3650

www.one.lakewood.com

Lakewood City Council

MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

April 1, 2015

TO: Lakewood City Council

RE: Clothing Donation Boxes

Dear Colleagues,

It has come to my attention that the clothing donation boxes located throughout the City are not necessarily placed with approval of the owner of the property on which they stand, are not registered with the City, and are not maintained with regularity and often do not have the owners contact information visible on the container.

I would like the Council to consider legislation regulating the placement and registration of the clothing donation bins located within the City of Lakewood. Without regulation we could find numerous clothing bins on one location and throughout the City. When these containers are not maintained or emptied in a responsible manner it reflects negatively on the character of our neighborhoods.

Thank you.

Sincerely,

Cindy Marx
Council at Large



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

www.onlakewood.com

Lakewood City Council

MARY LOUISE MADIGAN, PRESIDENT

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Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

December 4, 2014

RE: Maureen Dostal to the CAC.

Dear Members of Council,

It is my pleasure to appoint Maureen Dostal to the Citizens Advisory Committee for the term beginning January 1, 2015 and ending December 31, 2015. I appreciate Ms. Dostal's continued service to Lakewood, and I know she will remain a valuable asset to the Committee.

Sincerely,

Cindy Marx
Councilmember At-Large

ORDINANCE NO.

BY:

AN ORDINANCE dedicating certain parcels of land located at 1347 St. Charles Avenue, known as St. Charles Green, as a public park, to be designated as "_____ Park."

WHEREAS, certain parcels of land located at 1347 St. Charles Avenue, known as St. Charles Green, have long been held open for public use but have never been formally designated as a public park; and

WHEREAS, designation as a public park would increase the profile and usage of St. Charles Green, which is currently enjoyed by many, despite its lack of official designation; and

WHEREAS, many residents of Belle and St. Charles avenues appreciate the beauty and benefit provided by St. Charles Green and wish to officially designate it as a park to maintain the appearance and character of the neighborhood; and

WHEREAS, designation of St. Charles Green as a park is consistent with its current use as a public green space; and

WHEREAS, Lakewood has only 1.42 acres of park space per 1,000 residents, and thus has significant need of additional park space; and

WHEREAS, designation of St. Charles Green as a public park advances objectives of the Lakewood Park System Strategic Plan and Lakewood's Community Vision; and

WHEREAS, St. Charles Green is public space in Lakewood that is unique in its proximity, serenity, and versatility; and

WHEREAS, Lakewood may be able to avail itself of opportunities for increased funding or improvements to St. Charles Green that are not currently available on the grounds that St. Charles Green currently lacks official recognition as a park; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The six parcels of property known as St. Charles Green, located at 1347 St. Charles Avenue and more fully described in the attached Exhibit A, shall be and hereby are designated as "_____ Park."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations 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.

Adopted: _____

President

Clerk

Approved: _____

Mayor

Exhibit A

Legal Descriptions
(to be provided)



Jennifer R. Pae
Director of Finance

12650 DETROIT AVENUE • 44107 • 216/529-6092 • FAX 216/529-6806

April 6, 2015

Lakewood City Council
Lakewood, OH 44107

Re: 2015 Capital Lease Authorization

Dear Members of Council:

Attached is an ordinance to enter into an agreement with a yet to be named financial institution for the 2015 Capital Program that will finance the following:

- Police Vehicles (5 marked, 1 undercover)
- Sewer Flow Monitors (35 meters)
- Hook Lift Truck
- Citywide Fiber Optic System
- Fire Engine
- Final Phase of the Water Meter Replacement Program

I respectfully request that this be placed on first reading and referred to the Finance Committee. The financial institution receiving the municipal lease award will be known by that time.

Sincerely,

Jennifer R. Pae
Director of Finance

ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into Equipment Leases in forms approved by the Director of Law on behalf of the City of Lakewood ("City").

WHEREAS, the City is an Ohio political subdivision and is organized and existing under the Constitution and laws of Ohio and its Charter; and

WHEREAS, in accordance with applicable law, including without limitation its home rule authority under Ohio Constitution Article XVIII, the City has the power to acquire personal property, including without limitation, acquisition by lease-purchase agreement;

WHEREAS, the City has requested proposals for the lease-purchase acquisition of certain property, and the authorized representatives of the City have determined that the proposal of _____ (Financing Institution to be determined) its affiliates, successors, or assigns is the most responsive and responsible proposal; and

WHEREAS, this Council by a vote of at least five members of its determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that these equipment leases are necessary for the operation of various departments and divisions; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. This Council makes the following findings and determinations:

(a) It is appropriate and necessary to the functions and operations of the City, to enter into one or more lease-purchase agreements (the "Equipment Leases") in the principal amount not exceeding \$3,740,000, for the purpose of acquiring the vehicles, equipment, and other personal property generally described in Exhibit A to this ordinance (the "Leased Property") and to be described more specifically in the Equipment Leases.

(b) _____ (Financing Institution to be determined) is the lessor under the Equipment Leases in accordance with its proposal.

(c) The City is entering into the Equipment Leases in accordance with its power and authority under the Ohio Revised Code, the Ohio Constitution, and its Charter, to acquire the Leased Property and the Equipment Leases constitute "public obligations" as defined in Chapter 133.01(GG), Ohio Revised Code.

Section 2. The Director of Finance acting on behalf of the City is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in the form approved by the Director of Law. The Director of Finance is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Leases (including, but not limited to, escrow agreements) as the Director of Finance deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized. By a written instrument signed by the Director of Finance, the Director of Finance may designate specifically identified officers or employees of the City to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the City.

Section 3. The aggregate original principal amount of the Equipment Leases shall not exceed \$3,740,000. The payments under the Equipment Leases shall include interest at the rates determined in accordance with _____ (Financing Institution to be determined)'s proposal, but in no event to exceed an annual rate of 5%. The Equipment Leases shall be for the term or terms selected by the Director of Finance, in accordance with _____ (Financing Institution to be determined)'s proposal, but in no event to exceed 20 years. The Equipment Leases shall contain such options to purchase by the City as set forth in _____ (Financing Institution to be determined)'s proposal and the Equipment Leases, and approved by the Director of Finance.

Section 4. The Clerk of Council is hereby directed to send certified copy of this Ordinance to _____ (Financing Institution to be determined).

Section 5. All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council, and the deliberations of this Council and any of its committees that resulted in those formal actions, were meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this Ordinance, and provided it receives the affirmative vote of at least five of its members, this Ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

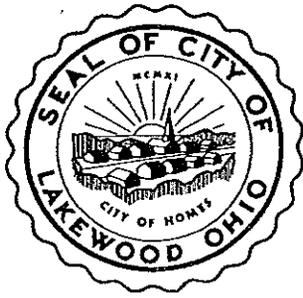
Clerk of Council

Approved: _____

Mayor

City of Lakewood, Ohio
 2015 Lease of Capital Equipment Schedule

	Total =	\$	3,740,000	Term
Police Vehicles (5 marked, 1 undercover)	\$	310,000	5	
Sewer Flow Monitors (35 meters)	\$	350,000	7	
Hook Lift Truck	\$	180,000	10	
Citywide Fiber Optic System	\$	900,000	15	
Sutphen Fire Engine	\$	500,000	15	
Water Meter Replacement Program	\$	1,500,000	15	



JOSEPH J. BENO, PE
DIRECTOR OF PUBLIC WORKS

DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING AND CONSTRUCTION
12650 DETROIT AVENUE X 44107 X (216) 521-6692

April 6, 2015

Lakewood City Council
Lakewood, OH 44107

RE: CUY – Lakewood Signals Phase 5 – Franklin/Hilliard

Dear Members of Council:

This is the preliminary legislation for the final of five phase of Lakewood traffic signal improvement program. This phase will replace the signals at 13 intersections from Ridgewood to Riverside. The project is partially funded with Congestion Mitigation and Air Quality (CMAQ) and administered by ODOT. The current cost share on normal construction items is 80% CMAQ and 20% Lakewood. The legislation states that the city will pay for 100% of the design costs and any signals that are determined to be unnecessary by Federal Highway Administration (FHWA).

After initial traffic counts and warrant studies were completed, the only intersection that is under review for possible removal is at the intersection of Hilliard and North Marginal. Final decision on this intersection has not been made yet.

Final legislation for this project will follow near the end of 2015 when construction cost estimates are available from the designer.

Please refer this legislation to the appropriate committee for discussion if necessary.

Sincerely,

Joseph J. Beno, PE

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the City of Lakewood to participate in the upgrade and interconnect of traffic signals along Madison Avenue in the City of Lakewood with the Ohio Department of Transportation.

WHEREAS, the State has identified the need for the described project:

Upgrade and interconnect traffic signals along Hilliard Road/Franklin Boulevard from Riverside Drive to Ridgewood Avenue in the City of Lakewood; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments and for the scheduling of street improvement projects; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City gives consent to the Director of Transportation to complete the above described Hilliard/Franklin Project (the "Project").

Section 2. The City shall cooperate with the Director of Transportation to complete the Project as follows:

The City agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. Further, the City agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation.

The City agrees to pay one hundred percent (100%) of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 3. The City agrees to acquire and/or make available to the Ohio Department of Transportation (ODOT) in accordance with current state and federal regulations, all necessary right-of-way required for the Project. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4. Upon completion of the described Project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 5. The Mayor of the City is hereby authorized on behalf of the City to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contract with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Mayor is also empowered to assign all rights, title and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 6. The City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City agrees to include a completion schedule acceptable to ODOT's Consultant Evaluation System.

Section 7. The Clerk of Council is hereby directed to transmit a certified copy of this legislation to the Director of Transportation.

Section 8. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberation of the 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.

Section 9. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
8606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8837321			TRFO	TEMPLARS LAKEWOOD LLC DBA THE DETROITER 14701 DETROIT AV STE 110 & PATIO LAKEWOOD OHIO 44107
PERMIT NUMBER			TYPE	
10	01	2014		
ISSUE DATE				
03	12	2015		
FILING DATE				
D1	D2	D3	D3A	
PERMIT CLASSES				
18	286	C	F13730	
TAX DISTRICT		RECEIPT NO.		

FROM 03/16/2015 SAFEKEEPING

6379709				NEW TAP LAKEWOOD LLC 14701 DETROIT AV STE 110 & PATIO LAKEWOOD OHIO 44107
PERMIT NUMBER			TYPE	
10	01	2014		
ISSUE DATE				
03	12	2015		
FILING DATE				
D1	D2	D3	D3A	
PERMIT CLASSES				
18	286			
TAX DISTRICT		RECEIPT NO.		



MAILED 03/16/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/16/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES. C TRFO 8837321

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

2111506			TRFO	DEVROD LLC DBA LAKEWOOD VILLAGE 1ST FL & BSMT 13437-41 MADISON AV LAKEWOOD OHIO 44107
PERMIT NUMBER			TYPE	
10	01	2014		
ISSUE DATE				
02	24	2015		
FILING DATE				
D1	D2	D3	D3A	D6
PERMIT CLASSES				
18	286	C	F13620	
TAX DISTRICT		RECEIPT NO.		

FROM 02/26/2015

0346940				B & B TAVERN INC DBA LAKEWOOD VILLAGE 1ST FL & BSMT 13437-41 MADISON AV LAKEWOOD OHIO 44107
PERMIT NUMBER			TYPE	
10	01	2014		
ISSUE DATE				
02	24	2015		
FILING DATE				
D1	D2	D3	D3A	D6
PERMIT CLASSES				
18	286			
TAX DISTRICT		RECEIPT NO.		



MAILED 02/26/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN.

03/30/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES C TRFO 2111506
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107