



**CITY OF GRANDVIEW HEIGHTS  
COUNCIL PLANNING & ADMINISTRATION  
COMMITTEE**

**Monday, March 20, 2023 @ 6:45 PM**

(Members: Rebekah Hatzifotinos, Chair; Ryan Edwards, Melanie Houston)

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**NOTICE**

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The City of Grandview Heights Council Planning & Administration Committee will meet on Monday, March 20, 2023 at 6:30 p.m. at the Grandview Center, 1515 W. Goodale Blvd.

The safety of our residents, employees and public officials remains our top priority. If you are experiencing flu-like symptoms, please stay home.

Meetings are recorded and are posted on the City's website. Persons who wish to provide comments, but prefer not to attend in-person, can submit a Request for Public Comment form **NO LATER THAN NOON** the day of the Council meeting. Click on <https://bit.ly/2Zeia6e> to complete a request form. The completed form will be e-mailed to City Council and the Clerk of Council. The commenter's name, address and subject of comments will be read into the public record. A full copy of the form will be attached to the meeting minutes once adopted. Any comments received after **NOON** the day of the meeting will be held until the next public meeting.

**AGENDA**

Call to Order/Roll Call

Items of Business:

1. Ord. 2023-08: An Ordinance approving the codification of 2022 legislation, editing and inclusion of certain Ordinances as parts of the various component codes of the Codified Ordinances of the City of Grandview Heights, Ohio. 3<sup>rd</sup> Reading.
2. Ord. 2023-10: An Ordinance to update Chapter 1139, Chapter 1141 and Chapter 1147 of the Codified Ordinances of the City of Grandview Heights, pertaining to the posting of meeting notices for Planning Commission and the Board of Zoning Appeals hearings. 2<sup>nd</sup> Reading.

Adjournment

*Rebekah Hatzifotinos*  
Rebekah Hatzifotinos, Chair  
Planning & Administration Committee  
Grandview Heights City Council

Legislative Memorandum  
As required by 111.01 Rule 2

DATE: February 6, 2023

**1. Title of the Legislation:** Ord. 2023-08

An Ordinance approving codification of 2022 legislation, the editing and inclusion of certain ordinances as part of the various component codes of the Codified Ordinances of the City of Grandview Heights.

**2. Name of the Sponsor:** Rebekah Hatzifotinos, P&A Chair

**3. Department charged with enforcement or administration:** Clerk of Council.

**4. Reason for the Legislation:** Update the city's code book to include legislation passed in 2022 and to approve and adopt statewide Traffic and General Offense Code changes.

**5. Is the Legislation to be passed as an emergency measure? No If yes, state the reason.**

**6. Is a suspension of the rules being sought? No If so why?**

**7. Does the legislation repeal or amend a current Ordinance or Resolution, and, if it does, reference or attach a copy of such Ordinance or Resolution. No.**

**8. Reviewed by the City Attorney, prior to being placed on the agenda, to assure the ordinance or resolution is in the proper form and to determine whether the legislation would repeal or amend a current Ordinance or Resolution and that is not in conflict with existing State or Federal law.**

**Date reviewed:** February 13, 2023

1<sup>st</sup> Reading: Feb. 21, 2023 Assigned to P&A

2<sup>nd</sup> Reading: March 6, 2023

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

# RECORD OF ORDINANCES

## City of Grandview Heights

Ordinance No. 2023-08

Passed \_\_\_\_\_, 2023

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**An Ordinance approving the codification of 2022 legislation, editing and inclusion of certain Ordinances as parts of the various component codes of the Codified Ordinances of the City of Grandview Heights, Ohio.**

**WHEREAS**, Section 731.23 of the Ohio Revised Code provides for the publication and certification of Ordinances in book form; and

**WHEREAS**, the Council of the City of Grandview Heights, Ohio periodically updates its Codified Ordinances to include new ordinances passed by state law or by Council, as well as ordinances and tables of special ordinances that have been amended in the prior calendar year; and

**WHEREAS**, the City maintains a contract with the Walter H. Drane Company to prepare and publish such updating service, and

**WHEREAS**, the updating of the City’s Ordinances, together with new matters to be adopted, matters to be amended, and those to be repealed is before the Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRANDVIEW HEIGHTS THAT:**

**SECTION 1.** The following Tables of Specials Ordinances are hereby updated, approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

<b>Table</b>	<b>Description</b>	<b>Legislation</b>
B	Easements	Ord. 2022-23 Ord. 2022-24 Ord. 2022-34 Ord. 2022-35 Ord. 2022-36 Ord. 2022-37
F	Lease of Real Property	Ord. 2022-12 Ord. 2022-13
G	Street Grade Levels and Change of Street Name	Ord. 2022-05

# RECORD OF ORDINANCES

## City of Grandview Heights

Ordinance No. 2023-08

Passed \_\_\_\_\_, 2023

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**SECTION 2.** The editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Grandview Heights, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2022-06	5-2-22	549.08, 549.09
2022-17	10-3-22	303.08, 351.03
2022-20	10-3-2022	171.03
2022-21	11-7-22	161.02
2022-25	12-12-2022	111.02
2022-26	12-12-2022	121.02

**SECTION 3.** The following sections of the Traffic and General Offenses Codes, as amended are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

### Traffic Code

- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Added)
- 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

### General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.15 Sale of Dextromethorphan. (Added)
- 529.01 Liquor Control Definitions. (Amended)
- 537.20 Hazing Prohibited. (Added)
- 549.14 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

**SECTION 4.** That the Clerk of Council shall cause to be published in a manner required by law this Adopting Ordinance.

**RECORD OF ORDINANCES**  
**City of Grandview Heights**

Ordinance No. 2023-08

Passed \_\_\_\_\_, 2023

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**SECTION 5.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
Emily A. Keeler, President  
Grandview Heights City Council

Attest:

\_\_\_\_\_  
Leilani Napier  
Clerk of Council

**Approved as to form:**

**Approved**

**Not Approved**

\_\_\_\_\_  
Marie-Joëlle C. Khouzam  
City Attorney

\_\_\_\_\_  
Greta Kearns, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

<b><u>2022 Legislation</u></b>		
<b><u>Legislation</u></b>		<b><u>Date Passed</u></b>
Ord. 2022-03	Codification - 2nd half of 2021	4/18/2022
Ord. 2022-05	Rename Swan Street to Bowman Way	4/18/2022
Ord. 2022-06	Amend Chapter 549 to restrict use of Fireworks	5/2/2022
Ord. 2022-12	Ox Roast - Lease of Pierce Field	7/18/2022
Ord. 2022-13	M3S Sports Lease of Ray DeGraw Park	8/1/2022
Ord. 2022-17	Amend Chapters 303 and 351 - Parking	10/3/2022
Ord. 2022-19	Selection Process for architectural and engineering of new GV Center	9/19/2022
Ord. 2022-20	Increase Magistrate Compensation	10/3/2022
Ord. 2022-21	Amend 161.02 Procurement to include design professional selection process	11/7/2022
Ord. 2022-23	Sidewalk Easement - to facilitate widening of sidewalk on Grandview Avenue	12/5/2022
Ord. 2022-24	Grant easement to facilitate access across new School Parking Lot	12/5/2022
Ord. 2022-31	to establish new TIF - Goodale Mixed-Use to capture taxes from improved valuation	12/12/2022
Ord. 2022-32	to establish new TIF - Southern Gateway to capture taxes from improved valuation	12/12/2022
Ord. 2022-33	to establish new TIF - Neighborhood Business to capture taxes from improved valuation	12/12/2022
Ord. 2022-34	to grant the City a Sanitary Easement along Bobcat and Williams Avenues	12/12/2022
Ord. 2022-35	to grant the City a Sanitary Easement along Bobcat Avenue	12/12/2022
Ord. 2022-36	to grant the City a Sanitary Easement along Bobcat Ave.	12/12/2022
Ord. 2022-37	to grant two nominal encroachments to an easement previously granted to the City (Devon Apartments)	12/12/2022

Legislative Memorandum  
As required by 111.01 Rule 2

DATE: March 6, 2023

**1. Title of the Legislation:** Ord. 2023-10

An Ordinance to update Chapter 1139, Chapter 1141 and Chapter 1147 of the Codified Ordinances of the City of Grandview Heights, pertaining to the posting of meeting notices for Planning Commission and the Board of Zoning Appeals hearings.

**2. Name of the Sponsor:** Rebekah Hatzifotinos, P&A Chair

**3. Department charged with enforcement or administration:** Building Dept. & Planning & Zoning

**4. Reason for the Legislation:** To update Code requirements that address notice and publication for BZA and Planning Commission meetings.

**5. Is the Legislation to be passed as an emergency measure? No If yes, state the reason.**

**6. Is a suspension of the rules being sought? Yes If so why?** At second reading, to allow BZA and Planning Commission to review and confirm recommendation of proposed changes and passage by City Council to occur before BZA and Planning Commission notices are due for April meetings.

**7. Does the legislation repeal or amend a current Ordinance or Resolution, and, if it does, reference or attach a copy of such Ordinance or Resolution.** Yes. Ord. 2008-33

**8. Reviewed by the City Attorney, prior to being placed on the agenda, to assure the ordinance or resolution is in the proper form and to determine whether the legislation would repeal or amend a current Ordinance or Resolution and that is not in conflict with existing State or Federal law.**

**Date reviewed:** March 3, 2023

1<sup>st</sup> Reading: March 6, 2023 Assigned to P&A

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

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

# RECORD OF ORDINANCES

## City of Grandview Heights

Ordinance No. 2023-10

Passed \_\_\_\_\_, 2023

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**An Ordinance to update Chapter 1139, Chapter 1141 and Chapter 1147 of the Codified Ordinances of the City of Grandview Heights, pertaining to the posting of meeting notices for Planning Commission and the Board of Zoning Appeals hearings.**

**WHEREAS**, Section 1139.05 of the Codified Ordinances of the City of Grandview Heights currently sets forth posting requirements for providing public notice of meetings of the Board of Zoning Appeals; and

**WHEREAS**, Section 1141.03 of the Codified Ordinances of the City of Grandview Heights currently does not clearly set forth posting requirements for providing public notice of meetings of the City's Planning Commission; and

**WHEREAS**, Chapter 1147 of the Codified Ordinances of the City of Grandview Heights currently sets forth on-site signage requirements to notify the public about a pending application to the Board of Zoning Appeals and Planning Commission involving the subject property; and

**WHEREAS**, the diminishing number of printed publications and subscribers, and, commensurately, the sharply increased costs of publication and longer lead times, have altered the value of such tools to timely notify the public of the actions of the City's public bodies; and

**WHEREAS**, digital communications, including platforms routinely used by the City, such as its website and its subscriber services, are convenient, timely, and more cost-effective ways to notify the public about meetings, hearings, and legislation; and

**WHEREAS**, the City currently publishes and will continue to publish complete copies of all agendas, applications, supporting documents, staff reports, and other meeting materials of the Board of Zoning Appeals and the Planning Commission on the Public Documents portion of its webpage; and

**WHEREAS**, the City, with the support of its BZA and Planning Commission, recommends updating Code requirements that address notice and publication for BZA and Planning Commission hearings.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRANDVIEW HEIGHTS THAT:**

**SECTION 1.** Section 1139.05, Section 1141.03 and Chapter 1147 of the City's Codified Ordinances are hereby amended as noted in the redlining below:



# RECORD OF ORDINANCES

## City of Grandview Heights

Ordinance No. 2023-10

Passed \_\_\_\_\_, 2023

### **1139.05 PROCEDURE FOR VARIANCE.**

(a) Application of Variance. Upon denial of a building permit by the Director of Building and Zoning or to facilitate any other desired variance except a variance pursuant to Section 1141.03(f), the applicant may file with said Director an application for a variance.

(b) Written Application. For any variance to be placed on the agenda of the next scheduled meeting of the Board of Zoning Appeals, eight ( 8) copies of a provided application and a statement of the reason for filing such application shall be filed with the Director of Building and Zoning not less than fifteen (15) days prior to the date of said meeting.

(1) Description of property and nature of variance. The application shall include the following statements:

A. The nature of the variance, including the specific provisions of the Zoning Ordinance upon which the variance is requested.

B. A legal description of the property, at the discretion of the Director of Building and Zoning.

C. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the zoning district.

D. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.

E. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.

F. Such other information regarding the application for appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

(2) Plot plan. The application shall be accompanied by eight copies of a plot plan drawn to an appropriate scale showing the following:

A. The boundaries and dimensions of the lot.

B. The nature of the special conditions or circumstances giving rise to the application for approval.

C. The size and location of existing and proposed structures, showing distance to lot lines.

D. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking, accessory structures, and loading spaces and landscaping.

E. The relationship of the requested variance to the development standards.

F. The use of land and location of structures on adjacent property.

(c) Review by Administrative Staff. The Director of Building and Zoning shall review the application and submit a report to the Board of Zoning Appeals before the date of public hearing, and the reasons thereof. Included in this report should be information on the Code sections impacted, other surrounding variances and negative or positive impact if applicable.

# RECORD OF ORDINANCES

## City of Grandview Heights

Ordinance No. 2023-10

Passed \_\_\_\_\_, 2023

(d) Public Notice. Notice of the hearing before the Board of Zoning Appeals shall be ~~forwarded for publication in one or more newspapers of general circulation within the City~~ carried out as prescribed by 1147.01(a), ~~at least seven days prior to the date of the hearing. The notice shall include the place, date and time of the hearing and the agenda. Failure of the newspaper to accurately or timely publish a properly submitted notice does not invalidate the granting or denial of a variance.~~

(e) Actions by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing and act on an appeal in accordance with the provisions of Section 1139.04.

(f) Duration. A variance granted by the Board of Zoning Appeals shall expire automatically two years from the date of approval if, for any reason, construction has not commenced on the improvement for which the variance was granted.

(Ord. 2008-33. Passed 10-13-08; ~~amended \_\_\_\_\_, 2023.~~)

### CHAPTER 1141

#### Planning Commission

#### 1141.03 POWERS AND DUTIES.

The Planning Commission may:

- (a) Adopt a comprehensive plan for the City; periodically review and update said plan.
- (b) Review preliminary and final plats and recommendation of action to Council.
- (c) Review amendments to the zoning map and to the Zoning Ordinance and recommendation of action to Council.  
(Ord. 2008-33. Passed 10-13-08.)
- (d) Review and decide site plans under the provisions of Section 1157.06.  
(Ord. 2012-01. Passed 1-17-12.)
- (e) Authorize only such conditional uses as the Planning Commission is specifically authorized to permit according to terms of the Zoning Ordinance.
- (f) Review and decide final development plans, development plans, amended and revised development plans, and plan refinements for planned districts.
- (g) Review and / or initiate rezoning applications and recommend to Council rezoning applications.
- (h) Review and decide applications for lot splits and lot consolidations.

# RECORD OF ORDINANCES

## City of Grandview Heights

Ordinance No. 2023-10

Passed \_\_\_\_\_, 2023

- (i) Review and decide applications for demolition permits in commercial and industrial districts.
- (j) Require, consider and approve proposed screening and other elements in applications for Right-of-Way Work Permits to determine whether the application provides for adequate screening of facilities, safety and such other factors as the Commission determines to be appropriate.
- (k) Grant variances incidental to any of the foregoing, and establish procedures for hearings, public comments and approval of the same. Notices for Planning Commission shall be carried out as prescribed by 1147.01(a).  
(Ord. 2008-33. Passed 10-13-08; amended \_\_\_\_\_, 2023.)

### CHAPTER 1147

#### **Public Notice of Meetings of the Board of Zoning Appeals or Planning Commission; On-Site Signage**

##### **1147.01 NOTICE OF MEETING OR PENDING DESIGN GUIDELINE-VARIANCE.**

(a) At least seven (7) days prior to any meeting of the City's Board of Zoning Appeals or Planning Commission, noticed shall be published on the City's website and through other means of communication offered to the public. A printed copy of the notice shall also be posted at City Hall, where public notices are ordinarily displayed. The notice shall include the place, date and time of the hearing and the agenda. The City shall post one (1) physical notice of public meetings of the City's Board of Zoning Appeals or the Planning Commission at the City's principal business address and shall identify the specific address of any such posted meetings.

(b) The Director of Building and Zoning shall cause a sign no less than twenty-four (24) inches wide and eighteen (18) inches high in size to be placed upon any property that is to be the subject of a hearing conducted by the City's Board of Zoning Appeals or Planning Commission. Such sign shall clearly state that said property is the subject of a variance application, request for conditional use permit, rezoning or similar action, and shall denote the date of the public hearing thereon. The specific wording on such sign shall be in such form as is prescribed by the Director of Building and Zoning. The sign shall be posted at least five (5) business days prior to the hearing or any hearing on the application. Such requirement shall be incorporated within relevant applications, checklists,

**RECORD OF ORDINANCES**  
**City of Grandview Heights**

Ordinance No. 2023-10

Passed \_\_\_\_\_, 2023

and other forms as deemed necessary and appropriate by the Director of Building and Zoning.

(Ord. 2017-26. Passed 11-20-17; amended \_\_\_\_\_, 2023.)

**SECTION 2.** This Ordinance shall take effect at the earliest date permitted by law.

\_\_\_\_\_  
Emily A. Keeler, President  
Grandview Heights City Council

Attest:

\_\_\_\_\_  
Leilani Napier  
Clerk of Council

**Approved as to form:**

**Approved**

**Not Approved**

\_\_\_\_\_  
Marie-Joëlle C. Khouzam  
City Attorney

\_\_\_\_\_  
Greta Kearns, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_