

**6:59pm-The Lord's Prayer & Moment of Silence**

**Shelby City Council Agenda  
Monday, December 2, 2024  
COUNCIL CHAMBERS  
29 MACK AVENUE  
Shelby, Ohio  
7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with the Reading of the Journal from November 18, 2024**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Councilmember Cutlip—Did not meet

Public Works & General Operation Committee—Councilmember Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**MOTION TO REQUEST A LIQUOR HEARING FOR LIQUOR PERMIT ESTABLISHMENTS  
WITHIN THE CITY OF SHELBY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**Unfinished Business**

Future use of Main Street Fire Station

**Legislation**

**ORDINANCE NO 28-2024**

**AMENDING SECTION 276.04 (FOOD SERVICE/RETAIL  
FOOD ESTABLISHMENT LICENSE FEES) OF CHAPTER  
276 (DIVISION OF HEALTH) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**ORDINANCE NO 29-2024**

**AMENDING SECTION 276.05 (BODY ART APPROVAL FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**ORDINANCE NO 30-2024**

**AMENDING SECTION 276.07 (PUBLIC SWIMMING POOL LICENSE FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**ORDINANCE NO 31-2024**

**AMENDING CHAPTER 452 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO**

**2ND READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**ORDINANCE NO 34-2024**

**AMENDING SECTION 1266.13 (AREA AND HEIGHT REQUIREMENTS; LOT SIZE; SETBACKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**1ST READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**RESOLUTION NO 54-2024**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS AND DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**RESOLUTION NO 55-2024**

**RELEASING AN INGRESS AND EGRESS EASEMENT**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**RESOLUTION NO 56-2024**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) RELATING TO A LOCAL PUBLIC AGENCY (LPA) FEDERAL LOCAL-LET PROGRAM FUNDING IN THE AMOUNT NOT TO EXCEED THREE MILLION, EIGHT HUNDRED TEN THOUSAND DOLLARS (\$3,810,000.00) OR 80% OF THE ELIGIBLE COSTS RELATING TO THE MICKEY ROAD RECONSTRUCTION PROJECT (RIC-PID 121396)**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**Miscellaneous Business**

**MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING  
SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR  
OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT**

**Adjournment** at \_\_\_\_\_ p.m.

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

1st Reading

11/4/2024

2nd Reading

11/18/2024

ORDINANCE NO. 28 - 2024  
(Sponsor: Councilman Roberts)

**AMENDING SECTION 276.04 (FOOD SERVICE/RETAIL FOOD ESTABLISHMENT LICENSE FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, in accordance with the Ohio Administrative Code Chapter 901:3-4-03 (Retail Food Establishments- Licensing) and Ohio Administrative Code Chapter 3701-21-02 (Food Service Operation Rules), the Shelby Division of Health has calculated the cost of licensing food service operations and retail food establishments and, as a result, has recommended increases in the Risk Class 1, Risk Class 2, Risk Class 3, Risk Class 4, Vending machine, and Temporary Food Service fees; a decrease in the Mobile Food Service fees with the addition of risk categories for mobile food service operations; and an additional Plan Review Application fee for retail food service establishments and food service operations (when a plan review is required) and;

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Codified Ordinance Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended as noted above.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That Section 276.04 (Food Service/Retail Food Establishment License Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**276.04 FOOD SERVICE OPERATION/RETAIL FOOD ESTABLISHMENT LICENSE FEES**

The following food service operation/retail food establishment fees are hereby adopted:

- (a) Risk Class 1
  - (1) Businesses under 25,000 square feet: \$120.00 + current state fee
  - (2) Businesses over 25,000 square feet: \$165.00 + current state fee
- (b) Risk Class 2
  - (1) Businesses under 25,000 square feet: \$135.00 + current state fee
  - (2) Businesses over 25,000 square feet: \$180.00 + current state fee
- (c) Risk Class 3
  - (1) Businesses under 25,000 square feet: \$250.00 + current state fee
  - (2) Businesses over 25,000 square feet: \$350.00 + current state fee
- (d) Risk Class 4
  - (1) Businesses under 25,000 square feet: \$300.00 + current state fee
  - (2) Businesses over 25,000 square feet: \$415.00 + current state fee
- (e) Vending machine: \$8.79 + current state fee
- (f) Mobile Food Establishments (high risk): \$84.00 + current state fee
- (g) Mobile Food Establishments (low risk): \$42.00 + current state fee
- (h) Temporary Food Service Operations: \$35.00 + current state fee
- (i) Plan Review Application fees (when a plan review is required): \$150.00

- (j) Level 1 Food Safety Training: \$10.00
- (k) Level II Certification in Food Protection training: \$125.00
- (l) Level II examination only:
  - (1) Shelby City Resident/ Business: \$25.00
  - (2) Non-Shelby City Resident/Business: \$50.00
- (m) Late fee: 25% of local fee

Section 2: That all other Sections of Chapter 276 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

1st Reading

11/4/2024

2nd Reading

11/18/2024

**ORDINANCE NO. 29- 2024  
(Sponsor: Councilman Roberts)**

**AMENDING SECTION 276.05 (BODY ART APPROVAL FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, in accordance with the Ohio Administrative Code 3701-9-03 (Fees), the Shelby Division of Health has calculated the cost of licensing Body Art Services and, as a result, has recommended increases in the Tattooing Services, Body Piercing Services, Combined Body Art Services, Time Limited Approval for a Specific Event Licensing fees, and an additional Plan Review Application fee (when a plan review is required); and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Codified Ordinance Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended as noted above.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That Section 276.05 (Body Art Approval Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**276.05 BODY ART SERVICES LICENSE FEES**

The following body art services license fees are hereby adopted:

- (1) Tattooing Services: \$150.00 + current state fee
- (2) Body Piercing Services: \$150.00 + current state fee
- (3) Combined Body Art Services: \$150.00 + current state fee
- (4) Time Limited Approval for a Specific Event \$150.00 + current state fee
- (5) Plan Review Application (when a plan review is required): \$150.00
- (6) Late Fee: 25% of local fee

Section 2: That all other Sections of Chapter 276 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:


ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor



Prepared by:

  
Gordon M. Eyster  
Director of Law

1st Reading  
11/14/2024

2nd Reading  
11/18/2024

**ORDINANCE NO. 30 - 2024**  
**(Sponsor: Councilman Roberts)**

**AMENDING SECTION 276.07 (PUBLIC SWIMMING POOL LICENSE FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, in accordance with the Ohio Administrative Code 3701-31-03 (Fees), the Shelby Division of Health has calculated the cost of licensing Public Swimming Pools and Spas and, as a result, has recommended increases in the Individual Public Swimming Pools and Additional Pool, Spa, or Special Use Pool at the same facility as the first pool licensing fees; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Codified Ordinance Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended as noted above.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That Section 276.07 (Public Swimming Pool License Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**276.07 PUBLIC SWIMMING POOL LICENSE FEES**

The following public swimming pool license fees are hereby adopted:

- (1) Public Swimming Pool: \$200.00 + current state fee
- (2) Public Spa: \$175.00 + current state fee
- (3) Public Special Use Pool: \$175.00 + current state fee
- (4) Additional Pool, Spa, or Special Use Pool at the same facility as the first pool (highest cost category will be assessed as the first pool): \$85.00 + current state fee
- (5) Late Fee: 25% of local fee

Section 2: That all other Sections of Chapter 276 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

1st Reading  
11/12/2024

ORDINANCE NO. 31 -2024  
(Sponsors: Councilmembers Roub and Roberts)

**AMENDING CHAPTER 452 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, a review and update of parking and parking associated ordinances has made it necessary to modify Chapter 452 (Parking Generally) of the Codified Ordinances of the City of Shelby so as to provide more efficient enforcement and application of parking and traffic ordinances, and;

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 452 (Parking Generally) be amended, repealed, and/or modified.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That Section 452.01 (Prohibition Against Parking on Streets or Highways) of Chapter 452 (Parking Generally) be amended, repealed or enacted as follows:

**452.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.**

(a) (1) Upon any street, through-highway, or alley no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street, through-highway, or alley if it is practicable to stop, park, or leave standing any vehicle off the paved or main traveled part of the street, through-highway, or alley. In every event a clear and unobstructed portion of the highway opposite the standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the street, through-highway, or alley.

(2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street, through-highway, or alley in such manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.  
(R.C. § 4511.66)

Section 2: That Section 452.03 (Prohibited Standing or Parking Places) of Chapter 452 (Parking Generally) be amended, repealed or enacted as follows:

**452.03 PROHIBITED STANDING OR PARKING PLACES.**

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

- (1) On a sidewalk, except as provided in division (b) of this section;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic-control device;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;

- (11) Alongside or opposite any street excavation or obstruction when the standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (R.C. § 4511.68(A)(1)-(13))
- (14) At any place where signs prohibit stopping, standing or parking, or where the curbing is painted yellow, or at any place in excess of the maximum time limited by signs;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway or thruway.

(R.C. § 4511.68(A)(15), (16))

(b) A person is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred fifty cubic centimeters, a low-speed micromobility device, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed micromobility device, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of ordinance 432.24.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.68)

Section 3: That Section 452.04 (Parking Requirements) of Chapter 452 (Parking Generally) be amended as follows:

#### **452.04 PARKING REQUIREMENTS**

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in this case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(b) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(c) (1) Except as provided in division (c)(2) of this section, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(3) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in division (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any statute or any rule, regulation, resolution or ordinance, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street or highway, may stop, stand or park where necessary in order to perform the work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(e) Accessible parking locations and privileges for persons with disabilities that limit or impair the ability to walk, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this division and R.C. § 3781.111(C) shall be mounted on a fixed or movable post, and the distance

from the ground to the top edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(f) (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under division (e) of this section, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages or other parking areas and designated in accordance with that division, unless one of the following applies:

A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates; or

B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (f)(1)A. or (f)(1)B. of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the municipality. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (f)(1)A. or (f)(1)B. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in R.C. § 4503.44(A)(1).

(g) No person shall stop, stand, or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by the diagonal stripes and is located immediately adjacent to an accessible parking location provided under division (e) of this section or at an accessible clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that division.

(h) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person, and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(i) No owner of an office, facility or parking garage where special parking locations are required to be designated in accordance with division (e) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(j) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(k) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf or unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in R.C. § 4503.44.

(3) "Accessible license plates" and "removable windshield placard." Any license plates or removable windshield placard or temporary removable windshield placard issued under R.C. § 4503.41 or § 4503.44, and also mean any substantially equivalent license plates or removable

windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.

(l) Penalty.

(1) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor.

(2) A. Whoever violates division (f)(1)A. or (f)(1)B. of this section is guilty of a misdemeanor and shall be punished as provided in division (l)(2)A. and (l)(2)B. of this section. Except as otherwise provided in division (l)(2)A. of this section, an offender who violates division (f)(1)A. or (f)(1)B. of this section shall be fined not less than \$250 nor more than \$500. An offender who violates division (f)(1)A. or (f)(1)B. of this section shall be fined not more than \$100 if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

1. At the time of the violation of division (f)(1)A. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (f)(1)A. of this section.

2. At the time of the violation of division (f)(1)B. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (f)(1)B. of this section.

B. In no case shall an offender who violates division (f)(1)A. or (f)(1)B. be sentenced to any term of imprisonment.

C. An arrest or conviction for a violation of division (f)(1)A. or (f)(1)B. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license or other right or privilege, or made in connection with the person's appearance as a witness.

D. The Clerk of the Court shall pay every fine collected under division (l)(2) of this section to the municipality. Except as provided in division (l)(2) of this section, the municipality shall use the fine moneys it receives under division (l)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (e) of this section. The municipality may use up to 50% of each fine it receives under division (l)(2) of this section to pay the costs of educational, advocacy, support and assistive technology programs for persons with disabilities, and for public improvements within the municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (i) of this section shall be punished as follows:

A. Except as otherwise provided in division (l)(3) of this section, the offender shall be issued a warning.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (i) of this section or of a municipal ordinance that is substantially equivalent to that division, the offender shall not be issued a warning but shall be fined not more than \$25 for each parking location that is not properly marked or whose markings are not properly maintained. (R.C. § 4511.69)

Section 4: That Section 452.05 (Willfully Leaving Vehicles on Public Property) of Chapter 452 (Parking Generally) be amended as follows:

**452.05 WILLFULLY LEAVING VEHICLES ON PUBLIC PROPERTY.**

(a) The Police Chief of the municipality may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:

(1) Has come into the possession of the Police Chief as a result of the Police Chief's duties; or

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place, except that when such motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately unless either of the following applies:

A. The vehicle was involved in an accident and is subject to section 4513.66 of the Revised Code;

B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor

vehicle, the Police Chief shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Chief of Police. If the Chief of Police determines that the vehicle cannot be removed within the specified period of time, the Chief of Police shall order the removal of the vehicle.

Subject to division (c) of this section, the Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the Chief of Police issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than 2 hours after the time it is removed.

(c) (1) The Police Chief shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief, within five business days of the removal of the vehicle. Upon obtaining such identity, shall send or cause to be sent notice to the owner or lienholder at his or her last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice.

(2) The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under division (B)(3) of section 4513.69 of the Revised Code, if applicable. However, the owner shall not do either of the following:

A. Retrieve any personal item that has been determined by the Chief of Police to be necessary to a criminal investigation;

B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

For purposes of division (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62, the Police Chief, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of R.C. § 4513.61. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62, the Police Chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed, and that all requirements of R.C. § 4513.61 have been complied with. The Police Chief shall retain the original of the affidavit for his or her records and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, will issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives such an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility is not required to obtain a state certificate of title to the motor vehicle in the dealer's or facility's own name if the

vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section.  
(R.C. § 4513.61)

Section 5: That Section 452.061 (Vehicle Left on Private Residential or Private Agricultural Property Without the Permission of Person Having Right to Possession of the Property) be added under Chapter 452 (Parking Generally) as follows:

**452.061 VEHICLE LEFT ON PRIVATE RESIDENTIAL OR PRIVATE AGRICULTURAL PROPERTY WITHOUT THE PERMISSION OF PERSON HAVING RIGHT TO POSSESSION OF PROPERTY**

(a)(1) The Chief of Police, within the chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property.

(2) A towing service towing a motor vehicle under division (a)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the chief not more than two hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(3) Subject to division (b) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (d) of this section.

(4) As used in this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(c)(1) The Chief of Police shall maintain a record of motor vehicles that the chief orders into storage pursuant to division (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The chief shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a



telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of a chief's order for the removal and storage of a motor vehicle under division (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(d)(1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section may reclaim it upon both of the following:

A. Payment of all applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code.

(2) Upon presentation of proof of ownership as required under division (d)(1)(B) of this section, the owner of a motor vehicle that is ordered into storage under division (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under division (B)(3) of section 4513.69 of the Revised Code, if applicable. The owner of a motor vehicle shall not do either of the following:

A. Retrieve any personal item that has been determined by the chief, as applicable, to be necessary to a criminal investigation;

B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

For purposes of division (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(3) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by sections 4513.61 and 4513.62 of the Revised Code apply.

(e)(1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (a)(1) of this section or sections 4513.61 to 4513.65 of the Revised Code.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with section 4513.601 of the Revised Code.

(g) Whoever violates division (e) of this section is guilty of a minor misdemeanor.

Section 6: That Section 452.07 (Unattended Motor Vehicles) of Chapter 452 (Parking Generally) be amended as follows:

#### **452.07 UNATTENDED MOTOR VEHICLES**

(a) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

(2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle do not apply to any of the following:

- A. A motor vehicle that is parked on residential property;
- B. A motor vehicle that is locked, regardless of where it is parked;
- C. An emergency vehicle;
- D. A public safety vehicle

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.  
(R.C. § 4511.661)

Section 7: That Section 452.10 (Passenger Zones and Loading Zones) of Chapter 452 (Parking Generally) be amended as follows:

**452.10 PASSENGER ZONES AND LOADING ZONES.**

(a) No driver of a vehicle shall stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone.

(b) No driver of a vehicle shall stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick-up and loading of materials, in any place marked as a loading zone. In no case shall the stop for loading and for unloading of materials exceed 30 minutes.

Section 8: That all other Sections of Chapter 452 (Parking Generally) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 9: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 10: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council


APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO. 34 -2024**  
**(Sponsors: Councilmembers Roberts and Roub)**

**AMENDING SECTION 1266.13 (AREA AND HEIGHT REQUIREMENTS; LOT SIZE; SETBACKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, changes in the real estate market and the selling of homes and commercial property require changes to a chapter in the Zoning Code of the City of Shelby, Ohio; and

WHEREAS, The Shelby City Planning Commission at its meeting held on November 26, 2024, made a recommendation to the Shelby City Council to enact said section; and

WHEREAS, in accordance with mandates of the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning the proposed enactment; and

WHEREAS, it is in the public health, safety, morals and general welfare for the citizens of the City of Shelby that Section 1266.13 of Chapter 1266 of the Codified Ordinances of the City of Shelby be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That Section 1266.13 (Area and Height Requirements; Lot Size; Setbacks) of Chapter 1266 (Districts Generally and Zoning Map) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

The Schedule of Regulations limiting the area and height of buildings, the minimum size of lots and the maximum size of lots and the maximum density permitted, and establishing minimum yard setback requirements, shall be as follows:

**SCHEDULE OF REGULATIONS  
SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT**

Use Districts.	D.U. Per Acre	Min. Lot Area Req. Per Dwelling Unit		Maximum Freight of Building		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Ft.)
		Area in Sq. Ft.	Width in Ft.	In Feet	In Stories	Front Yard	Each Side Yard	Rear Yard	
CD Conservation	0.2	217,000	200	30	2	50	10	50	1,200
R-1 Residential	3.96	11,000	80	30	2	30	8	40	1,200
R-1-A Residential	7.33	7,200	60	30	2	30	5	30	700
Single-family	5.19	8,400	60	30	2	30	5	35	800
Two-family	8.89	4,900	35	30	2	30	5(m)	30	700 Avg. 550 Min.
R-2-A Residential									
Single-family	5.19	8,400	60	30	2	30	5	35	800
Two-family	8.89	4,900	35	30	2	30	5(m)	30	700 Avg. 550 Min
Townhouse dwelling	15.55	1,450(a)	16(b)	35	2	25	8(c,d,m)	10(d)	700

R-3 Residential									
Single-family	5.19	8,400	60	30	2	30	5	35	800
Two-family	8.89	4,900	35	30	2	30	5(m)	30	700 Avg. 550 Min.
Townhouse dwelling	18	1,450(a)	16(b)	35	2	25	8(c,d,m)	10(d)	700
Multiple-family	18	1,450(a)	(b)	35	2	25	8(c,d,m)	10(d)	(f)
MHP Manufactured Home Park									
B1 Neighborhood Business				30	2	25	8(c, d)	24(e)	
Townhouse dwelling	21	1,450(a)	16(b)	35	2	25	8(c,d,m)	10(d)	700
Multiple-family	21	1,450(a)	(b)	35	3	25	8(c,d,m)	10(d)	(f)
B-2 Central Business				50	3		(g,m)	(e)	
B-3 Highway Business				30	2	40	(h,m)	(h)	
OS-1 Office Service				50	3	30	(g,m)	(e)	
I-1 Lt. Industrial & Mfg.				50		50(i)	(k,l,m)	(k,l)	
I-2 Hvy Industrial & Mfg				100		50(j)	(k,l,m)	(k,l)	

**Notes to Schedule of Regulations:**

(a)	Minimum lot area is 10,500 square feet.
(b)	Minimum lot width of 70 feet, regardless of number of units.
(c)	Minimum distance between any two buildings on the same lot shall be 40 feet.
(d)	Wherever a side or rear yard abuts a one- or two-family Residential District, a minimum 25-foot width is required.
(e)	Off-street loading space shall be provided in the rear yard in accordance with the loading space provisions of this Zoning Code and shall be provided in addition to any required off-street parking facilities.
(f)	The requirements for dwelling units in a multiple-family dwelling are defined as follows:
	(1) Efficiency unit: A dwelling unit containing at least 350 square feet of floor area and consisting of not more than one room in addition to a kitchen, a dining room and necessary sanitary facilities. For purposes of computing density, it shall be considered a one-room unit.

	(2) One-bedroom unit: A dwelling unit containing a minimum floor area of at least 500 square feet, consisting of not more than two rooms in addition to a kitchen, a dining room and necessary sanitary facilities. For purposes of computing density, it shall be considered a two-room unit.
	(3) Two-bedroom unit: A dwelling unit containing a minimum floor area of 700 square feet, consisting of not more than three rooms in addition to a kitchen, a dining room and necessary sanitary facilities. For purposes of computing density, it shall be considered a three-room unit.
	(4) Three-bedroom unit: A dwelling unit wherein, for each room in addition to the three rooms permitted for a two-bedroom unit, there shall be provided an additional area of 200 square feet to the minimum floor area of 700 square feet. For purposes of computing density, a three-bedroom unit shall be considered a four-room unit.
(g)	No side yards are required along the interior side lot lines of the District. On an exterior side yard abutting a Residential District, there shall be provided a minimum side yard setback of 30 feet.
(h)	Thirty-five feet minimum when adjacent to a Residential District and on the side adjacent to the Residential District only. Otherwise, the minimum side yard width and rear yard depth shall be 25 feet.
(i)	Off-street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and points of ingress and egress by the Planning Commission.
(j)	Where there is a front-to-front industrial relationship, or a front-to-side industrial relationship, the minimum front yard setback may be reduced to 25 feet. All front yards shall be landscaped in accordance with the provisions of Chapter 1296.
(k)	Side and rear yards shall be equal to at least the height of the average of the various masses, excluding towers and other appurtenances. All side and rear yards abutting a Residential District shall provide open space equal to at least 100 feet in width.
(l)	A six-foot high obscuring fence or screen, or a 20-foot wide greenbelt, measured from the lot line, shall be provided along those side and rear lot lines abutting a residential development.
(m)	A zero-lot line as dictated by Ordinance 1296.18

Section 2: That all other Sections of Chapter 1266 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:



Gordon M. Eyster  
Director of Law

**RESOLUTION NO. 54 -2024**  
**(Sponsor: Councilmember Cutlip)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS AND DECLARING AN EMERGENCY.**

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with serious offenses and loss of liberty offenses in its Municipal Court; and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the City's indigent citizens and others so situated; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety be authorized to enter into an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents for the year beginning January 1, 2025.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and, therefore shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council


APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

**RESOLUTION NO. 55 -2024**  
**(Sponsor: Councilmember Roberts)**

**RELEASING AN INGRESS AND EGRESS EASEMENT.**

WHEREAS, currently, an easement for the benefit of the City of Shelby exists pursuant to the attached Exhibit 1; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that such easement be released as it is no longer needed for municipal purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That the Mayor as Director of Public Service is hereby authorized and directed to execute a release of easement for the easement as set forth in the attached Exhibit 1.

Section 2: That all meetings and hearings concerning the adoption of the Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council


APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law



RESOLUTION NO. 56 -2024  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) RELATING TO A LOCAL PUBLIC AGENCY (LPA) FEDERAL LOCAL-LET PROGRAM FUNDING IN THE AMOUNT NOT TO EXCEED THREE MILLION, EIGHT HUNDRED TEN THOUSAND DOLLARS (\$3,810,000.00) OR 80% OF THE ELIGIBLE COSTS RELATING TO THE MICKEY ROAD RECONSTRUCTION PROJECT (RIC-PID 121396).**

WHEREAS, the City of Shelby has been awarded federal highway dollars for the reconstruction for a Downtown Enhancement Project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to enter into an agreement for said funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That the Mayor as Director of Public Service is hereby authorized and directed to enter into an agreement with the State of Ohio, Department of Transportation (ODOT) relating to LPA Federal Local-Let Project program funding in an amount not to exceed Three Million, Eight Hundred Ten Thousand Dollars (\$3,810,000.00) or 80% of the eligible project costs for the Downtown Enhancement Project (PID 111240) which agreement shall be substantially in the form of Exhibit "1" attached hereto and made a part hereof.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law