

ORDINANCE NO. 001-2024

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1104.01 OF THE 2023 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, ALLOWING A SPECIAL PERMIT UNDER SECTION 1104.03(H) TO PERMIT BUY & BUY AUTO SALE, LLC COMPANY TO OPERATE A VEHICLE AND LARGE EQUIPMENT REPAIR BUSINESS IN THE MAIN STREET DISTRICT.

WHEREAS, Council has received an application from Buy & Buy Auto Sale, LLC for a Special Permit to operate a vehicle and large equipment repair business in the Main Street Corridor District; and

WHEREAS, Said request for a Special Permit was referred to the Planning Commission (Case No. 876), which reported UNFAVORABLE on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the Zoning Map attached to Chapter 1104.01 of the 2023 Codified Ordinances for the City of Whitehall, Ohio and as subsequently amended, be and the same is hereby amended by allowing a special permit under 1104.03(H) for the following described premises, to wit:

(SEE PRELIMINARY SITE PLAN ATTACHED OF THE PROPERTY)

SECTION 2: That said Special Permit is granted on the following conditions pursuant to Section 1125.04(H)(1) and Section 1125.04(H)(2) of Codified Ordinances.

1. A special use permit shall automatically expire if the permitted use has not been established or utilized within one year of the date on which the special use permit was issued unless the City Council grants an extension.
2. A special use permit shall automatically expire if for any reason the permitted use ceases operation for more than 12 consecutive months.

SECTION 3: That the Director of Public Service is hereby authorized and directed to proceed with the prescribed Ordinance directing the City Engineer to change the Official Zoning Map of the City of Whitehall.

SECTION 4: That this ordinance shall take effect and be in force from the earliest period allowed by law.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

Requested by: Applicant

Approved as to form by: Bradley S. Nicodemus, Assistant City Attorney BSN 12/28/2023

ORDINANCE NO. 005-2024

AMENDING SECTION 1103.02(C) (BUILDING PLACEMENT), AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1104.01 OF THE 2023 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, AND CHANGING THE ZONING ON PROPERTY LOCATED ON FAIRWAY BLVD., PARCEL NUMBERS 090-001774, 090-001812, 090-001819, 090-001775, 090-001776, 090-001010, 090-001777, 090-001735, 090-001778, 090-006752, 090-001780, 090-001781 and 090-001782, FROM STUR TO RESIDENTIAL ESTATE DISTRICT.

WHEREAS, Section 1103.02(c) (Building Placement) includes certain special provisions that are applicable to certain lots along Fairway Blvd., but does not include certain special provisions that were previously applicable to the Residential Estate District along Fairway Blvd. under a prior version of the Whitehall zoning code; and

WHEREAS, City Council has determined that it is desirable and in the best interests of the City to amend Section 1103.02(c) (Building Placement) to restore and enhance certain provisions regarding such Residential Estate District in order to protect and preserve the special and unique character of the Fairway Blvd. neighborhood; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case No. _____), which reported _____ on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: The Council of the City of Whitehall hereby approves the amendment of Section 1103.02(c) of its Codified Ordinances by adding the following provisions at the end of Section 1103.02(c) reestablishing the Residential Estate District:

Residential Estate District

The Residential Estate District shall include all lots on the east side of Fairway Blvd. beginning with 750 Fairway Blvd. and continuing south to and including 1000 Fairway Blvd. Parcel Numbers 090-001774, 090-001812, 090-001819, 090-001775, 090-001776, 090-001010, 090-001777, 090-001735, 090-001778, 090-006752, 090-001780, 090-001781 and 090-001782 (including, without limitation, any and all future lots resulting from lot splits thereof). The following special provisions, restrictions and limitations shall apply to the Residential Estate District:

(a) Purpose. The Residential Estate District is established to accommodate single-family residential dwellings at a density that will be similar to that which already exists in the area so defined. The objective in this district is to discourage large concentrations of intensive development where it is desirable to maintain the suburban character of the area. No additional public roads, areas or uses shall be permitted.

(b) Permitted Uses:

(1) Single-family residential dwellings.

(2) Accessory uses, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.

(c) Special Permit Uses: The special permit uses are: Public utility rights of way.

(d) Area and Height Regulations: The area and height regulations are:

(1) Minimum lot area: 43,560 square feet.

(2) Minimum frontage: 200 feet.

(3) Minimum net floor area for living quarters: 3,000 square feet (foundation area, 1600 square feet minimum).

(4) Maximum building height: 40 feet.

(5) Minimum setback: 150 feet.

SECTION 2: That the Director of Public Service is hereby authorized and directed to proceed with the prescribed Ordinance directing the City Engineer to change the Official Zoning Map of the City of Whitehall.

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SECTION 3: That this Ordinance shall go into full force and effect at the earliest date permitted by law.

PASSED this _____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this _____ day of _____, 2024.

Mayor

ORDINANCE NO. 009 -2024

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF FIFTY-EIGHT THOUSAND NINE HUNDRED SIX AND 50/100 DOLLARS (\$58,906.50) FROM UNAPPROPRIATED MONIES IN THE EVIDENCE SETASIDE FUND (245) TO THE LAW ENFORCEMENT TRUST FUND (241) AND MAKING A SUPPLEMENTAL APPROPRIATION OF FIFTY-EIGHT THOUSAND NINE HUNDRED SIX AND 50/100 Dollars (\$58,906.50) FROM UNAPPROPRIATED FUNDS IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST FUND EXPENSE ACCOUNT (241.000.50000) AND DECLARING AN EMERGENCY.

WHEREAS, the Whitehall Division of Police seized monies as a result of a Narcotics investigation and recorded the said monies in the Evidence Setaside Fund (245) and;

WHEREAS, the Franklin County Common Pleas Court has released the monies, by court order, to the Whitehall Division of Police and disperse the monies as outlined in Whitehall City Ordinance 52-87; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That this Council approves a fund transfer in the amount fifty-eight thousand nine hundred six and 50/100 dollars (\$58,906.50) from unappropriated monies in the Evidence Setaside Fund (245) to the Law Enforcement Trust Fund (241) and a supplemental appropriation of fifty-eight thousand nine hundred six and 50/100 dollars (\$58,906.50) from unappropriated funds in the Law Enforcement Trust Fund (241) to the Law Enforcement Trust Fund Expense Account (241.000.50000).

SECTION 2: That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the stated purpose.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason that these monies need to be available to the Whitehall Division of Police to continue to protect and serve the City of Whitehall; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

ORDINANCE NO. 010-2024

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE BUILDING LOT MAINTENANCE EXPENSE ACCOUNT (101.950.53300) AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall's Municipal Building has been updated and restructured to accommodate new and expanding staff and;

WHEREAS, new furniture and equipment will be needed to accommodate the needs of the departments of the Mayor, Service, Building, Development, Treasurer and Auditor; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: The Council authorizes and approves a supplemental appropriation in the amount of twelve thousand and no/dollars (\$12,000.00) from unappropriated monies in the General Fund (101) to the Building Lot Maintenance Expense Account (101.950.53300).

SECTION 2: That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the purpose stated in this ordinance.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare; and for further reason that it is necessary to have the monies available to pay the City debts; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage by the Council of the City of Whitehall and approval by the Mayor.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024.

Mayor

Requested by: Michael T. Bivens, Mayor
Prepared by: Casey Thomas, Director of Public Service
Approved as to financial form: Steven Quincel, City Auditor
Approved as to form: Bradley S. Nicodemus BSN 2/12/24

RESOLUTION NO. 002-2024

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE SOLID WASTE AUTHORITY OF CENTRAL OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall (the "City") is located within the jurisdiction of the Solid Waste Authority of Central Ohio (SWACO); and

WHEREAS, the SWACO Board of Trustees prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54, 3734.55 and 3734.56 on December 12, 2023; and

WHEREAS, SWACO has provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the City of Whitehall must decide whether is approves of said Solid Waste Management Plan within ninety days of receipt of the Final Draft Plan; and NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Whitehall, Franklin County, State of Ohio, __ of the elected members concurring that:

SECTION 1: The City approves the SWACO Solid Waste Management Plan.

SECTION 2: The Clerk is hereby directed to send SWACO a copy of this resolution to the attention of Andrew Booker, SWACO, 4239 London Groveport Rd., Grove City, OH 43123 or by email Andrew.booker@swaco.org.

SECTION 3: That is found and determined that all formal actions of the Council of the City of Whitehall, Franklin County, State of Ohio concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

PASSED this ____ day of _____, 2024.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2024 _____
Mayor