

Resolution

Number 19-0241

Adopted Date February 26, 2019

ACCEPT RESIGNATION OF JACQUELINE PETTIS, ELIGIBILITY REFERRAL SPECIALIST II, WITHIN THE WARREN COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, HUMAN SERVICES DIVISION, EFFECTIVE MARCH 1, 2019

BE IT RESOLVED, to accept the resignation of Jacqueline Pettis, Eligibility Referral Specialist II, within the Warren County Department of Job and Family Services, Human Services Division, effective March 1, 2019.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: Human Services (file)
J. Pettis's Personnel File
OMB – Sue Spencer
Tammy Whitaker
Job Class 1569

Resolution

Number 19-0242

Adopted Date February 26, 2019

HIRE RHONDA DAY AS CASHIER RECEPTIONIST, WITHIN THE WATER AND SEWER DEPARTMENT

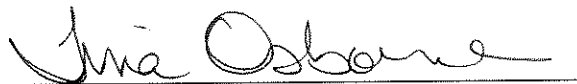
BE IT RESOLVED, to hire Rhonda Day, as Cashier Receptionist, within the Water and Sewer Department, full-time, non-exempt, Pay Range 12, at a pay rate of \$14.42 per hour, effective March 11, 2019, subject to a negative drug screen and a 365 day probationary period.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

H/R

cc: Water/Sewer (file)
R. Day's Personnel file
OMB-Sue Spencer
T. Reier
Job Class 2085

Resolution

Number 19-0243

Adopted Date February 26, 2019

HIRE ARRON TATE AS WATER DISTRIBUTION WORKER II, WITHIN THE WATER AND SEWER DEPARTMENT

BE IT RESOLVED, to hire Arron Tate, as Water Distribution Worker II, within the Water and Sewer Department, full-time, non-exempt, Pay Range 15, at a pay rate of \$19.42 per hour, effective March 4, 2019, subject to a background check, negative drug screen and a 365 day probationary period.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

H/R

cc: Water/Sewer (file)
A. Tate's Personnel file
OMB-Sue Spencer
T. Reier
Job Class 2013

Resolution

Number 19-0244

Adopted Date February 26, 2019

HIRE JONATHAN YOUNG AS WATER DISTRIBUTION WORKER I, WITHIN THE WATER AND SEWER DEPARTMENT

BE IT RESOLVED, to hire Johnathan Young, as Water Distribution Worker I, within the Water and Sewer Department, full-time, non-exempt, Pay Range 13, at a pay rate of \$15.48 per hour, effective March 25, 2019, subject to negative drug screen and a 365 day probationary period.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

H/R

cc: Water/Sewer (file)
J. Young's Personnel file
OMB-Sue Spencer
T. Reier
Job Class 2015 NEW

Resolution

Number 19-0245

Adopted Date February 26, 2019

HIRE ANDREW CALDWELL AS BUSINESS MANAGER, WITHIN THE WATER AND SEWER DEPARTMENT

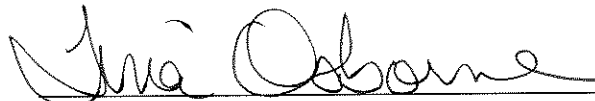
BE IT RESOLVED, to hire Andrew Caldwell, as Business Manager, within the Water and Sewer Department, unclassified, full-time, exempt, Pay Range B, at a pay rate of \$2,230.77 bi-weekly, effective March 18, 2019, subject to a background check, negative drug screen and a 365 day probationary period.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

H/R

cc: Water/Sewer (file)
A. Caldwell's Personnel file
OMB-Sue Spencer
T. Reier
Job Class 1960

Resolution

Number 19-0246

Adopted Date February 26, 2019

HIRE JODI DAVIS AS ASSISTANT BUSINESS MANAGER, WITHIN THE WATER AND SEWER DEPARTMENT

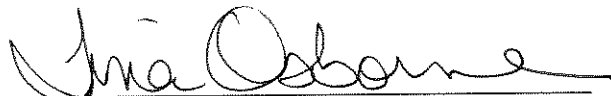
BE IT RESOLVED, to hire Jodi Davis, as Assistant Business Manager, within the Water and Sewer Department, full-time, non-exempt, Pay Range 15, at a pay rate of \$21.14 per hour, effective March 18, 2019, subject to a 365 day probationary period.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

H/R

cc: Water/Sewer (file)
J. Davis' Personnel file
OMB-Sue Spencer
T. Reier
Job Class 2079 NEW

Resolution

Number 19-0247

Adopted Date February 26, 2019

HIRE MELINDA CALLAHAN AS PROTECTIVE SERVICES CASEWORKER I, WITHIN THE WARREN COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, CHILDREN SERVICES DIVISION

BE IT RESOLVED, to hire Melinda Callahan as Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division, classified, full-time permanent, non-exempt status (40 hours per week), Pay Grade #6, \$15.98 per hour, under the Warren County Job and Family Services compensation plan, effective March 11, 2019, subject a negative drug screen, background check and a 365 day probationary period.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

H/R

cc: Children Services (file)
M. Callahan's Personnel file
OMB – Sue Spencer
Job Class 1795 NEW

Resolution

Number 19-0248

Adopted Date February 26, 2019

HIRE JACOB WATTS AS CUSTODIAL WORKER I, WITHIN THE FACILITIES
MANAGEMENT DEPARTMENT

BE IT RESOLVED, to hire Jacob Watts, as Custodial Worker I, within the Facilities
Management Department, full-time, non-exempt, Pay Range 7, at a pay rate of \$11.55 per hour,
effective March 18, 2019, subject to a negative drug screen and a 365 day probationary period.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young.
Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

H/R

cc: Facilities Management (file)
J. Watts' Personnel file
OMB-Sue Spencer
Job Class 1169

Resolution

Number 19-0249

Adopted Date February 26, 2019

AUTHORIZE THE PRESIDENT OF THE BOARD TO SIGN THE REVISED CHANGE ORDER NO. 7 WITH TRITECH SOFTWARE SYSTEMS ON BEHALF OF WARREN COUNTY TELECOMMUNICATIONS

WHEREAS, Paul Kindell, Director of Telecommunications, has reviewed, verified and recommended that the Board of County Commissioners approve the TriTech Software Systems Change Order Q5205JG-01 for (JMS) Jail Management System Report Writing Class for the Warren County Sheriff's Office; and


NOW THEREFORE BE IT RESOLVED, to authorize the President of the Board to sign the Change Order No. 7 with Trittech Software Systems on behalf of Warren County Telecommunications as attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cc: c/a—TriTech Software Systems
Telecom (file)



JAN 8:30AM

Change Order

Q5205JG-01

Date: **1/17/2019**

General & Client Information

Client Name: Warren County System Description: Warren County--Full Suite Great Plains ID: OH099/SD Change Order # Original Sales Order # 6395 Client Purchase Order # Client Purchase Order Date Client Contact: Gary Estes Contact Phone: 513-695-1810 Contact Email Address: gary.estes@wcoh.net Credit Terms: Net 30 days from date of invoice Account Executive: Denny Fischer Project Manager: Jameson Gartner	Bill to: Gary Estes Warren Co 500 Justice Drive Lebanon, OH 45036 Ship to: Gary Estes Warren Co 500 Justice Drive Lebanon, OH 45036
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Project Products & Services

Qty	Sales Category	Item Description	Unit Price	Qty*Unit \$	Extended Price
Project Additions:					
1	Training Services	Inform JMS report writing	\$ 4,200.00	\$ 4,200.00	\$ 4,200.00
1	PM Services	Project Management Services	\$ 600.00	\$ 600.00	\$ 600.00
1	Other	Travel -BAI	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Total:					\$ 6,800.00

Project Summary & Totals

Training Services Project Management Services Billed As Incurred Travel	 2,000.00	
Subtotal:		\$ 6,800.00
Estimated Sales Tax (State: _____ at _____ %) Taxable sales:	0.00	Sales tax rate: 5.00%
Estimated Shipping		\$ -
Total:		\$ 6,800.00

Project Payment Terms: Net 30 days from date of invoice

100 % Due at execution of Change Order Travel costs will be billed as incurred	 \$ 4,800.00 \$ 2,000.00	
Total:		\$ 6,800.00

Summary Information & Project Notes

This quote includes the following: 1) Add Inform JMS report writing class 2) PM Services 3) BAI Travel

The Software Support fee for the initial term of TriTech annual Software Support, beginning at Go Live and ending 12 (twelve) months thereafter, is included in the Contract Price of this Agreement. Thereafter, annual Software Support fees will be invoiced in accordance with the Software Support Agreement entered into between TriTech and Client coincident with this Agreement. Software Support fee for the first renewal term and all renewals thereafter shall be subject to increase on an annual basis at a rate of 5%.

Send Purchase Orders to:	
TriTech Software Systems	
Attn: Sales Admin FAX: 858-799-7015	
salesadmin@tritech.com	
Remit Payments to:	
TriTech Software Systems	
PO Box # 203223	
Dallas, TX 75320-3223	

Issued Jameson Gartner
Contact info:
 jameson.gartner@tritech.com
 9703081617

Terms and Conditions

Proposed Change Order is valid for 60 (sixty) days.

Software License Terms:

The TriTech Software is licensed for use by Client in accordance with the software licensing terms of the System Purchase Agreement or other TriTech license agreement currently in effect between TriTech and Client. Acceptance for the TriTech Software may be defined in the applicable Statement of Work ("SOW"), if not, the Software licenses shall be deemed accepted on delivery.

The annual Software Support Services for the TriTech Software licenses are provided for a period of twelve-months from the Installation date and shall be governed by the existing Software Support Agreement currently in effect between TriTech and Client. Support fees will be prorated at renewal of the existing support term to adjust the term to be co-terminus with the existing Software Support Agreement term.



Change Order

Q5205JG-01

Date: 1/17/2019

Sales Tax:

Any estimated sales and/or use tax has been calculated as of the date of Change Order and is provided as a convenience for budgetary purposes. TriTech reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing, at the then current rates. Your organization must provide TriTech with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction, when your order is placed, if you are exempt from sales tax.

General Terms:

The items in this Change Order are based upon meetings and communications with the Client and unless attached to a contract form the entirety of the deliverables from TriTech.

The TriTech Software license price does not include any services for installation. Services, if applicable are listed as separate line items.

The scope of Deliverables for this order will be limited to the TriTech Software, Services, and Support, and if applicable third party items (collectively the "System") that are explicitly listed herein for the listed quantities.

This order provides TriTech Software licenses as well as required deployment services only for the environments that are explicitly listed herein (Production, Test, Training, Disaster Recovery, etc.). These software licenses do not apply to any other existing environments, or environments that may be implemented in the future.

Changes in the scope of certain components of the System may impact the cost and timelines for other areas of the Project.

All services will be performed during normal business hours, unless otherwise stated in this Change Order for specific service deliverables.

Deployment and implementation of TriTech Software and Services are based upon Client's provision and compliance with TriTech's System Planning Document.

TriTech reserves the right to adjust this Change Order as a result of changes including but not limited to project scope, deliverables (TriTech Software, or third party software or hardware, including changes in the hardware manufacturer's specifications), services, interface requirements, and Client requested enhancements.

Travel and out-of-pocket expenses will be invoiced as incurred, at actual cost, unless specifically itemized in the proposed change order.

TriTech reserves the right to assess \$1,000 cancellation fee for the training classes that are cancelled any later than 5 business days prior to the first day of the class, plus any additional fees or charges associated with the cancellation and rebooking of the airline tickets and other travel arrangements.

TriTech reserves the right to assess 25% of the services fee, up to \$1,000 as cancellation fee for any remote, or onsite installation services work that are cancelled by the Client at no fault of TriTech any later than 5 business days prior to the date of performing the work. This may include the services that are cancelled or rescheduled due to the client's infrastructure not meeting the minimum requirements for the installation, lack of preparation of the site based on TriTech's documentation, issues with remote connectivity, or other barriers that result in the work being cancelled.

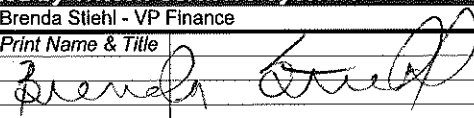
By signing below, you are indicating that you are authorized to obligate funds for your organization. To activate this change order, check the appropriate box below and, either, (I) attach a copy of this change order to your purchase order when it is remitted to TriTech, or, (II) if no additional authorizing paperwork is required for your organization to accept and pay an invoice, sign below and fax this change order to 858-799-7015 or email to salesadmin@tritech.com to indicate your acceptance.

<input type="checkbox"/>	Purchase Order required and attached, reference PO# _____ on Invoice			
<input type="checkbox"/>	No Purchase Order required to invoice			

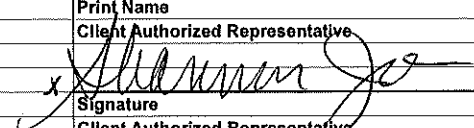
Please check one of the following:

<input type="checkbox"/>	I agree to pay any applicable sales tax.			
<input type="checkbox"/>	I am tax exempt. Please contact me if TriTech does not have my current exempt information on file.			

Accepted by Tritech Software Systems

Brenda Stehl - VP Finance				
Print Name & Title				
Signature				
17-Jan-19				
Date				

Accepted for Client

	Warren County			
	Client Agency/Entity Name			
	Print Name		Title	
	Client Authorized Representative		President	
			Date	
	Signature		2/26/19	
	Client Authorized Representative			

HOME

Accept Cancel Search Query Builder Add Update Duplicate Print Preview Output Office Tools Menu

Browse Global- Duplicate Print Preview Output Office Tools Menu

Text file Word Email Schedule Attach Notify Maplink Alerts

2 Notes Audit Line Items Update Journal Detail

Notes Print PO Return

Main Terms/Miscellaneous

Purchase Order-Details

Dept/Loc: TEL TELECOMM

Fiscal year: 2015 Current Next Period: 12

PO number: 15985

General commodity: []

General description: []

Buyer: munits

Project accounts applied:

Receive By: Quantity Amount

Status: Original Change Order

9 - Carry Forward

P - Pending

Entered: 02/19/2019

Needed by: []

Expire: []

Last changed: 02/19/2019 02

Vendor-Details

Vendor: 14840 Committed

Name: TRITECH SOFTWARE SYSTEMS

PO mailing: 0

PO BOX 203223

DALLAS TX 75320-3223

Delivery method: Print Fax E-Mail

Remit: 0

Shipping-Details

Ship to: []

Email: []

Reference: []

Line-Items

Line	Ordered Amount	Liquidated	Balance	1st GL Account
1	2,363,855.63	1,409,306.40	954,549.23	44923825-5320

Totals

Ordered: 2363855.63

Liquidated: 1409306.40

Workflow

Status: []

1 of 2

Resolution

Number 19-0250

Adopted Date February 26, 2019

APPROVE AND ENTER INTO ADOPTION ASSISTANCE AGREEMENTS WITH
[REDACTED] ON BEHALF OF OHIO DEPARTMENT OF JOB AND
FAMILY SERVICES CHILDREN SERVICES DIVISION

BE IT RESOLVED, to approve and enter into Adoption Assistance Agreements with [REDACTED]
[REDACTED] on behalf of Ohio Department of Job & Family Services Children Services
Division. Copy of agreements attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young.
Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

jc/

cc:

[REDACTED]
Children Services (file)

*BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO*

Resolution

Number 19-0251

Adopted Date February 26, 2019

CANCEL REGULARLY SCHEDULED COMMISSIONERS' MEETING OF THURSDAY,
FEBRUARY 28, 2019

BE IT RESOLVED, to cancel the regularly scheduled Commissioners' Meeting of Thursday,
February 28, 2019.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young.
Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

/tao

cc: Auditor
Commissioners file
Press

Resolution

Number 19-0252

Adopted Date February 26, 2019

REMOVE CHRIS BRAUSCH FROM THE TAX INCENTIVE REVIEW COUNCIL DUE TO SCHEDULING CONFLICTS AND APPOINT CHRIS WOJNICZ AS SAID REPLACEMENT

WHEREAS, the Warren County Board of Commissioners has created Rural Enterprise Zone Areas for the City of Franklin, City of Lebanon, City of Mason, City of Springboro, Village of Waynesville, Village of South Lebanon, Village of Carlisle, and Deerfield/Hamilton/Turtlecreek Township, et. al.; and

WHEREAS, said zones have been duly certified by the State of Ohio; and

WHEREAS, Ohio Revised Code requires that a Tax Incentive Review Council be created for each zone and that the Board of County Commissioners appoint three (3) members for each of the zones; and

WHEREAS, pursuant to Resolution #17-0020 adopted January 9, 2017 this Board appointed the following Tax Incentive Review Council members for the City of Franklin, City of Lebanon, City of Mason, City of Springboro, Village of Waynesville, Village of South Lebanon, Village of Carlisle, and Deerfield/Hamilton/Turtlecreek Township, et. al. Rural Enterprise Zones; and for all areas of Warren County for the Community Reinvestment Area Program and Tax Increment Financing Program:

1. Tiffany Zindel
2. Martin Russell
3. Chris Brausch

WHEREAS, Chris Brausch cannot serve due to scheduling conflicts and it is the desire of the Board to appoint Chris Wojnicz, Deputy Sanitary Engineer, to said committee; and

NOW THEREFORE BE IT RESOLVED, to accept Chris Wojnicz, Deputy Sanitary Engineer, to replace Chris Brausch, as the Warren County appointment to various Tax Incentive Review Councils.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: TIRC file
Appointee
Appointments file
L. Lander

Resolution

Number 19-0253

Adopted Date February 26, 2019

SET ADMINISTRATIVE HEARING TO CONSIDER VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS PERMIT OF ST. MARGARET OF YORK IN DEERFIELD TOWNSHIP

BE IT RESOLVED, to set the administrative hearing to consider a Request for Variance and Appeal of Conditions Required for an Access Permit filed by Archbishop Daniel E. Pilarczyk of Cincinnati, Trustee (St. Margaret of York) for access to Columbia Road for Parcel #16-20-401-0170 in Deerfield Township; said public hearing to be held March 19, 2019, at 9:15 a.m. in the County Commissioners' Meeting Room, 406 Justice Drive, Lebanon, Ohio 45036.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

/tao

cc: Engineer (file)
Public Hearing file
Applicant – Mike Ott (Mott@smoy.org)
Deerfield Township Trustees
Bruce McGary

Resolution

Number 19-0254

Adopted Date February 26, 2019

ENTER INTO CONTRACT WITH RUMPKE CONSOLIDATED COMPANIES FOR SOLID WASTE SERVICES FOR VARIOUS WARREN COUNTY BUILDING LOCATIONS


BE IT RESOLVED, to approve and authorize the Board to enter into a contract with Rumpke Consolidated Companies for solid waste and recycling services for various Warren County Government building locations, as attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

/sm

cc: c/a - Rumpke
Facilities Management (file)
Water & Sewer (file)
Solid Waste (file)

CONTRACT

THIS AGREEMENT, made this 20th day of February, 2019, with Warren County Board of Commissioners, hereinafter called "Owner" and Rumpke Consolidated Companies, Inc. 10795 Hughes Road, Cincinnati, Ohio doing business as (a corporation) hereinafter called "Contractor."

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Owner, the Contractor hereby agrees with the Owner to commence and complete the services described as follows:

SOLID WASTE SERVICES INCLUDING TRASH and RECYCLING

hereinafter called the project, for the cost listed on the proposal price (bid) sheet for the term of two (2) years beginning March 10, 2019, with an option of two additional renewal years, and all work in connection therewith, under the terms as stated in the Conditions of the Bid; and as its or their own proper cost and expense furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor insurance, and other accessories and services necessary to complete the said project in accordance with the conditions and prices stated in the Bid Proposal.

Either party upon may terminate this Agreement with written notice in the event of failure by the other party to perform in accordance with the terms of this Agreement. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party. If the nonperforming party fails to cure, submit a plan for cure, or implement the submitted plan for cure, the other party may terminate this contract. Owner and the Contractor may mutually agree to terminate or suspend performance of the service/work on a schedule acceptable to both parties.

The CONTRACTOR does hereby agree to indemnify and hold harmless the OWNER, their agents, employees and officers from any and all costs, expenses, attorneys fees, claims, damages, causes of action and injuries as may be occasioned by the CONTRACTOR in the negligent, reckless, willful and wanton or intentional misconduct in the performance of its obligations pursuant to this agreement.

The CONTRACTOR does hereby agree to indemnify and hold the OWNER harmless for any and all sums for which the OWNER may be required to pay or for which the OWNER may be held responsible for failure of the CONTRACTOR or any subcontractor to pay the prevailing wage upon this project.

This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in two counterparts, each of which shall be deemed an original on the date first above written.

Rumpke Consolidated Companies, Inc.

By: William J. Rumpke, Jr. - President
Printed Name and Title

William J. Rumpke Jr
Signature

**WARREN COUNTY
BOARD OF COUNTY COMMISSIONERS**

SIGNATURE: Shannon Jones

PRINTED NAME: Shannon Jones

TITLE: President

DATE: 2/26/19

Approved as to form:

DAVID FORNSHELL,
PROSECUTING ATTORNEY
WARREN COUNTY, OHIO

Keith Anderson
By: Keith Anderson, First Assistant Prosecutor

Proposal Price (Bid) Sheet

1. In accordance with the Special Provision/Technical Specifications, the Bidder shall supply prices for the defined services.
2. Prices listed on this proposal price (bid) sheet shall remain firm throughout the contract period. No additional charges shall be applied.
3. Prices shall be typed in number and written out in the spaces provided.
4. Prices quoted shall be based on a per month charge for trash and recycling services listed below.

Size	Trash/Recycling	PUs per week	Cost	Cost Written Out
2-cubic yards	MSW	1	\$40.31	Forty Dollars and Thirty-One Cents
2-cubic yards	MSW	2	\$78.00	Seventy-Eight Dollars and Zero Cents
4-cubic yards	MSW	1	\$43.50	Forty-Three Dollars and Fifty Cents
4-cubic yards	MSW	2	\$87.00	Eighty-Seven Dollars and Zero Cents
6-cubic yards	MSW	1	\$65.40	Sixty-Five Dollars and Forty Cents
6-cubic yards	MSW	2	\$130.00	One Hundred Thirty Dollars and Zero Cents
8-cubic yards	MSW	1	\$83.82	Eighty- Three Dollars and Eighty-Two Cents
8-cubic yards	MSW	2	\$140.00	One Hundred Forty Dollars and Zero Cents
95-gal cart	MSW	1	\$11.07 each	Eleven Dollars and Seven Cents Each

Size	Trash/Recycling	PUs per week	Cost	Cost Written Out
2-cubic yards	Com Mix Recyc	1	\$25.00	Twenty- Five Dollars and Zero Cents
2-cubic yards	Com Mix Recyc	2	\$47.00	Forty-Seven Dollars and Zero Cents
7-cubic yards	Com Mix Recyc	1	\$61.25	Sixty-One Dollars and Twenty-Five Cents
7-cubic yards	Com Mix Recyc	2	\$115.00	One Hundred Fifteen Dollars and Zero Cents
8-cubic yards	Com Mix Recyc	1	\$61.25	Sixty-One Dollars and Twenty-Five Cents
8-cubic yards	Com Mix Recyc	2	\$115.00	One Hundred Fifteen Dollars and Zero Cents

5. Identify two days of the week to provide trash service Tuesday and Friday.

6. Identify one day of the week to provide recycling service Wednesday and ---.
7. List types of trucks and containers (front or rear load) for trash service Frontload.
8. List types of trucks and containers (front or rear load) for recycling service Frontload.
9. 30 Yard Roll-Off for ONLY Construction and Demolition Debris
(per pull and return, container will remain on site)

\$ 440.00* Four Hundred Forty dollars and Zero cents

10. 30 Yard Roll-Off for ONLY Construction and Demolition Debris
(as needed basis only, container will not remain on site))

\$ 440.00* Four Hundred Forty dollars and Zero cents

11. 30 Yard Roll-Off for general solid waste
(per pull and return, container will remain on site)

\$ 440.00* Four Hundred Forty dollars and Zero cents

12. 30 Yard Roll-Off for general solid waste
(as needed basis only, container will not remain on site)

\$ 440.00* Four Hundred Forty dollars and Zero cents

*All Roll-Off loads include 6 tons. Any load above 6 tons will be charged \$33.00 per ton over 6 tons.

RUMPKE OF OHIO, INC.
Company Name

(513) 851-0122
Phone Number


Bidder's Signature

1/17/19
Date

PLEASE SUBMIT PRICE QUOTE TO:
Susanne Mason
Warren County Solid Waste Management District
406 Justice Drive
Lebanon, OH 45036

OR EMAIL TO: susanne.mason@co.warren.oh.us



Waste & Recycling Services

3990 Generation Drive, Cincinnati, OH 45251
Phone: 1-800-828-8171 Fax: 513-851-2057



January 17, 2019

WARREN COUNTY SOLID
WASTE MANAGEMENT DISTRICT
406 Justice Drive
Lebanon, Ohio 45036

Attention: Susanne Mason

RE: QUOTE FOR SOLID WASTE & RECYCLING SERVICES

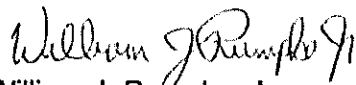
Rumpke of Ohio, Inc. is pleased to submit the enclosed quotation for solid waste and recycling collection services for the Warren County Government Facilities in accordance with the District's Special Provisions/Technical Specifications.

Enclosed is detailed information on Rumpke's overall experience and qualifications, holiday schedule, disposal locations, landfill permit and current certificates of insurance.

Thank you for the invitation to offer our services. If you have any questions or require additional information, please do not hesitate to contact Dean Ferrier. We look forward to the opportunity to provide the Warren County Government Facilities with all their waste removal and recycling services.

Respectfully submitted,

RUMPKE OF OHIO, INC.


William J. Rumpke, Jr.
President

WJR/jw

Encl.

Special Provisions/Technical Specifications

1. The special provisions/technical specifications provide information to acquire solid waste, including trash and recycling, services for the Warren County Government Facilities.
2. The Contract to be awarded shall cover a period of two calendar years with renewal options for two additional years. The period shall begin when the contract is executed and the notice to proceed indicates.
3. The Bid prices shall include all applicable existing Federal, State, Solid Waste District, and other related fees.
4. Each bidder must satisfy themselves by their own observation as to the quantity of proposed work to be performed and with the proposed requirements and limitations listed. The submission of a bid shall be considered evidence that the bidder has had such observation and is satisfied as to the conditions to be encountered in performing the work and as to the requirements of the bid specification specifically addressing the special provisions/technical specifications.
5. The County reserves the right to require the Bidder to present satisfactory evidence that they have been regularly engaged in the business of solid waste management including the solid waste collection and disposal plus recycling collection, sorting, and processing for market.
6. The County reserves the right to require the Bidder to present satisfactory evidence that they are fully prepared with the necessary capital, materials, insurance, machinery, and equipment to conduct the work to be contracted to the satisfaction of the County.
7. Contractor agrees to comply with all Federal and State statutes relating to liability and pollution insurance, workman's compensation, working hours, minimum wage, and provisions against discriminating throughout the life of the contract.
8. Contractor shall comply with all applicable requirements of the Warren County Solid Waste Management District's Plan, and any amendments or updates when they are adopted.
9. Contractor shall maintain a local office or facility, not necessarily within the County, through which contact may be made by the County staff. Such office shall be equipped with adequate telephone communication, shall have at least one responsible person in charge and present during collection hours, shall be open during all collection hours, and shall be accessible through a local or 1-800 telephone number.
10. Contractor shall receive and respond to all complaints and questions regarding services provided under this contract. Should a complaint go unresolved for longer than three days, the County has the right to demand an explanation or resolution to its satisfaction.
11. In case of failure of the contractor to comply in any respect with the specifications of the contract, the County shall have the right and power and is authorized to provide for the services. Cost for these services shall become the expense of the contractor.
12. The contractor shall furnish all labor and equipment necessary to carry out the provisions of these specifications. Any or all vehicles used for collection may be subject to inspection and approval by the Warren County Sheriff or their designee and the Warren County Combined Health District. Failure to pass said inspection shall result in removal of the vehicle from service until correction or repair is complete.
13. Contractor shall have exclusive rights to all solid waste generated and placed in contractor's containers by the County.
14. Contractor is responsible for invoicing the County for services described in these Special Provisions/Technical Specifications.

15. Bidders shall state clearly its policy for collections on holidays that shall be considered in determining the lowest and best bid.
16. Contractor and contractor's vehicles shall be registered with the Warren County Combined Health District and comply with any and all requirements thereof.
17. Contractor shall collect trash at the defined locations twice per week unless otherwise stated or a representative from Building Services or Water and Sewer gives other instructions. Contractor shall list on the Proposal Price (Bid) Sheet the days of the week when collection will occur. If a holiday occurs on one of the specified collection days, then the contractor shall provide the collection service on the day after the holiday or as soon as access to the location is available.
18. Contractor shall collect recyclables at the defined locations once per week unless a representative from Building Services or Water and Sewer gives other instructions. Contractor shall list on the Proposal Price (Bid) Sheet the day of the week when collection will occur. If a holiday occurs on the specified collection day, then the contractor shall provide the collection service on the day after the holiday or as soon as access to the location is available.
19. Contractor shall provide as part of the bid price containers to collect the solid waste that will include trash and recyclables. Containers shall be clearly identified, by color or labels, that they are designated to collect trash or recyclables.
20. Contractor shall collect the trash and recyclables from the collection containers in trucks that clearly identify, by color or labels, that they are designated to collect trash or recyclables.
21. Collection of trash and recyclables shall occur Monday through Friday. Collection of solid waste may occur on Saturday or Sunday if a holiday causes the change in service days. Collection may also occur on Saturday or Sunday if directed by a representative of Building Services or Water and Sewer.
22. Contractor will collect solid waste including trash in the trash container that shall include but not be limited to unwanted residual solid or semi-solid materials resulting from commercial operations and may include solid waste that is referenced as garbage, trash, rubbish, construction/demolition debris, or refuse.
23. Contractor will collect solid waste including recyclables in the recycling container that shall include corrugated cardboard, newspaper, office paper, junk mail, phone books, metal cans plus #1 and #2 plastic bottles. These materials shall be commingled.
24. Contractor's service shall include collection of the trash and recyclables from the containers and transportation to a disposal or processing facility. All facilities, including transfer stations, sanitary landfills, incinerators, or materials recovery facilities, must be properly licensed or permitted by the appropriate state, federal, county, or solid waste district authority. The facility must also operate in compliance with all licenses or permits. Contractor shall provide to the County a copy of all licenses and permits. Also, the contractor shall notify the County if the facility is cited for a violation and provide a copy of the violation to the County.
25. Contractor shall transport the collected recyclable materials to a central processing site or material recovery facility and retain responsibility for sorting and preparation of the materials to be brokered to their respective markets. At no time shall the specified recyclable materials that are placed in the collection container, collected by the contractor, and processed at a specified facility be disposed of in a landfill or incinerator.
26. The County is not to be held responsible for any problems arising at the facilities, including transfer stations, sanitary landfills, incinerators, or materials recovery facilities, as a result of the solid waste collected from the County.
27. As listed in the State Solid Waste Management Plan, the contractor will abide by the waste stream restriction implementation schedule.

28. Contractor shall provide an annual report to the County. The report shall include the weight of trash and recyclables collected and processed that were generated by the County; summary of successes, problems and measures taken to resolve problems. This report shall address date for each calendar year regardless if services were provided for the entire year. The report is due to the County by March 1st.
29. As applicable with implementation of Subtitle D regulations, trash collected through this contract shall be disposed in a landfill that complies with Subtitle D regulations and is classified a Best Available Technology Facility.
30. Contractor shall provide service to the following Warren County government buildings. These locations have a Lebanon, Ohio address. The service listed below identifies the size of the container needed and specifies service for trash or recycling. Cost for service to the sites listed below shall be invoiced to **Warren County Facilities Management, 416 S. East Street, Lebanon, OH 45036.**

Location	Address	Size	Trash/Recycling	PUs per week	Qty
County Administration	406 Justice Drive	8-cubic yards	MSW	2	2
County Administration	406 Justice Drive	8-cubic yards	Com Mix Recyc	1	1
Common Pleas	500 Justice Drive	8-cubic yards	MSW	2	1
Common Pleas	500 Justice Drive	8-cubic yards	Com Mix Recyc	1	1
Justice Center/Sheriff	822 Memorial Drive	8-cubic yards	MSW	2	2
Justice Center/Sheriff	822 Memorial Drive	8-cubic yards	Com Mix Recyc	1	1
Justice Center/Sheriff	822 Memorial Drive	7-cubic yards	Com Mix Recyc	1	1
Justice Center/Sheriff	822 Memorial Drive	2-cubic yards	MSW	2	1
Juvenile Court	900 Memorial Drive	2-cubic yards	Com Mix Recyc	1	1
Juvenile Court	900 Memorial Drive	8-cubic yards	MSW	2	1
County Garage	1433 W. Main Street	8-cubic yards	MSW	1	1
Old County Admin	320 E Silver St.	8-cubic yards	MSW	2	1
Old County Admin	320 E Silver St	8-cubic yards	Com Mix Recyc	1	1
East Street Bldg	416 East St	8-cubic yards	MSW	2	1
East Street Bldg	416 East St	8-cubic yards	Com-Mix	1	1
Building Services Warehouse	430 East Street	30-yard roll-off	MSW	As needed	1

31. Contractor shall provide service to the following Warren County government buildings that are used by the Water and Sewer Department. The service listed below identifies the size of the container needed and specifies service for trash or recycling. Cost for service to the sites listed below shall be invoiced to **Warren County Water and Sewer Department, PO Box 530, Lebanon, OH 45036.**

Location	Address	Size	Trash/Recycling	PUs per week	Qty
Water & Sewer Warehouse	1200 Monroe Rd	8-cubic yards	MSW	1	1
Renneker Waste Water Treatment Plant	6192 Striker Rd	4-cubic yards	MSW	1	1
Waynesville Water Treatment Plant	444 S US 42	2-cubic yards	MSW	1	1
Waynesville Water Treatment Plant	444 S US 42	95-gal cart	MSW	1	8
Lower Little Miami Waste Water Treatment Plant	2086 W State Route 22 & 3	2-cubic yards	MSW	1	8
Lower Little Miami Waste Water Treatment Plant	2086 W State Route 22 & 3	6-cubic yards	MSW	1	1

32. The County reserves the right to add additional containers based upon the prices quoted on the Proposal Price (Bid) Sheet or remove containers and service.
33. The County reserves the right to change the size of the containers based on the prices quoted on the Proposal Price (Bid) Sheet.
34. The County reserves the right to adjust the frequency of collection for trash and recycling service based on the prices quoted on the Proposal Price (Bid) Sheet.
35. On the Proposal Price (Bid) Sheet, the Bidder shall identify the types of truck (front or rear load) that will be used to collect the trash and recyclables.
36. Permanent C&D: Contractor shall provide a 30-cubic yard roll-off container to collect construction and demolition debris. Container shall be located at the County's Building Services Warehouse. The address is 430 S. East Street. This container will be placed and emptied as needed. A representative from Building Services will notify Contractor when the container needs to be emptied.
37. Temporary C&D: Contractor shall list a price to provide a 30-cubic yard roll-off container to collect construction and demolition debris. Container will be used for a special project and will be placed at a site for a temporary time period. A representative from Building Services will instruct the Contractor where and when to place the container and when to remove the container.
38. Permanent SW: Contractor shall list a price to provide a 30 cubic yard roll-off container to collect general solid waste. Container shall be placed at a location determined by a representative from Building Services. This container will be placed and emptied as needed. A representative from Building Services will notify Contractor when the container needs to be emptied.
39. Temporary SW: Contractor shall list a price to provide a 30 cubic yard roll-off container to collect general solid waste. Container will be used for a special project and will be placed at a site for a temporary time period. A representative from Building Services will instruct the Contractor where and when to place the container and when to remove the container.

40. At this time service for paragraphs numbered 39, 40 and 41 is not needed but prices are requested. Therefore, if the County needs the service, then it can be included with this contract.
41. Prices for paragraphs numbered 38 and 40 shall be applied according to the type of materials placed in the container. It is anticipated that the container placed at the Building Services Warehouse shall only be used for construction and demolition debris. However, it may be necessary to place general solid waste in the container. Then the cost for general solid waste would apply.



Waste & Recycling Services

STATEMENT OF QUALIFICATIONS

Our Story

Rumpke Consolidated Companies, Inc. is one of the largest waste and recycling firms in the United States. The company began in 1932, when William F. Rumpke operated a coal and junkyard business in Carthage, Ohio, which later morphed into a hog farm. William, with the help from his brother Bernard collected garbage from business owners to feed their large hog stock. As the years passed, William and Bernard converted their hog farm into a trash collection business and created the company's first landfill. Today, the company is managed by William Rumpke's grandson, William Rumpke Jr., along with other family members, an outside board of directors and a corporate team of managers.

Over the years, Rumpke has increased its service area to become the third largest, privately-owned waste hauler and one of the largest waste hauler in the nation, serving hundreds of thousands of residential, commercial and industrial customers throughout the United States.

Rumpke continues to grow through acquisitions, organic opportunities and investments in technology. Today, the company owns or operates 10 landfills, 15 transfer stations and 9 recycling centers serving customers throughout Ohio, Kentucky, Indiana and West Virginia.

With a fleet of more than 1,400 hauling vehicles (1,800 total vehicles) and a workforce of approximately 2,700 employees, Rumpke is a leader in solid waste solutions. After more than 85 years, Rumpke remains a strong player in the industry, serving more than 1.4 million residential and commercial customers, and more than 370 municipal contracts daily.

One of Rumpke's other divisions, The William-Thomas Group, also services national accounts using a nationwide network of nearly 5,000 waste haulers.

Rumpke's first landfill is one of the largest Sub-Title D landfills in the United States, accepting up to 10,000 tons of trash daily. The landfill is located in Colerain Township (near Cincinnati), and serves as the company's corporate headquarters. Rumpke owns or operates the following landfills:

- Bartholomew County Landfill (Columbus, Indiana)
- Beech Hollow Landfill (Wellston, Ohio)
- Bond Road Landfill (West Harrison, Ohio)
- Brown County Landfill (Georgetown, Ohio)
- Jackson County Landfill (Medora, Indiana)
- Lake County Landfill (Painesville, Ohio - effective July 1, 2017)
- Montgomery County Landfill (Mt. Sterling, Kentucky)
- New Baltimore Landfill (New Baltimore, Ohio)
- Noble Road Landfill (Shiloh, Ohio)
- Pendleton County Landfill (Butler, Kentucky)
- Pike Sanitation Landfill (Waverly, Ohio)
- Rumpke Sanitary Landfill (Colerain Township, Ohio, near Cincinnati)



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WARREN CNTY FACILITIES MGMT
430 JUSTICE DRIVE
LEBANON, OH 45036

Fiscal Year 2019

Page: 1 of: 1

THIS NUMBER MUST APPEAR ON ALL
INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **19000140**

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RUMPKE OF OHIO INC
PO BOX 538710
CINCINNATI, OH 45253
Fax: 513-741-5212

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WARREN CNTY FACILITIES MGMT
430 JUSTICE DRIVE
LEBANON, OH 45036

Vendor Phone Number	Vendor Fax Number	Requisition Number	Delivery Reference			
513-851-0122	513-741-5212	191				
Date Approved	Vendor Number	Date Required	Freight Method/Terms	Department/Location		
02/07/2019	76071			FACILITIES MANAGEMENT		
Item#	Description/PartNo		QTY	UOM	Unit Price	Extended Price
	FAC - RUMPKE CONTRACT FOR TRAS The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading					

INFORMAL PRICE QUOTATION FORM

This form is to be filled out in its entirety when purchasing items anticipated to cost \$1,000 or more in the aggregate. If less than 3 quotes are indicated, please note the reason at the bottom of this page and/or attach justifying documentation.

Department/Office: Facilities Management Date: 1/31/19

Purchase Order Number:	Item Description:
	Trash service for various County buildings

Quotation #1:

<u>Rumpke Consolidated Companies</u>	<u>1-800-828-8171</u>
Vendor Name	Phone Number
<u>10795 Hughes Road</u>	
Street Address	
<u>Cincinnati, OH</u>	<u>See Attached</u>
City, State, Zip Code	Total Price Quote

Quotation #2:

<u>No other haulers chose to submit quote</u>	
Vendor Name	Phone Number
<u> </u>	
Street Address	
<u> </u>	
City, State, Zip Code	Total Price Quote

Quotation #3:

<u>No other haulers chose to submit quote</u>	
Vendor Name	Phone Number
<u> </u>	
Street Address	
<u> </u>	
City, State, Zip Code	Total Price Quote

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

Resolution

Number 19-0255

Adopted Date February 26, 2019

**ENTER INTO PROFESSIONAL SERVICE CONTRACT WITH CLINTON COUNTY
RELATIVE TO BUILDING INSPECTION SERVICES**

BE IT RESOLVED, to enter into a professional service contract with Clinton County for the purpose of Warren County providing building inspection services, plan review and Building Official services on behalf of Clinton County; copy of said contract is attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: c/a—Clinton County
Building Department (file)

Clinton County Ohio
Professional Service Contract

This agreement is made by and between Clinton County, Ohio, hereinafter referred to as "county" and the Warren County Board of County Commissioners, hereinafter referred to as "Contractor", witnesses:

Whereas, the Warren County Building Department has been certified by the State of Ohio Board of building Standards to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections pursuant to sections 3781.10 (E) (1) and (E) 2 of the Ohio Revised Code; and

Whereas, the Clinton County, Ohio desires to engage the services of the Contractor to perform Services as listed in "Scope of Services" and as defined in Exhibit A; and

Whereas, the Contractor is authorized to enter into this Professional Service Contract with the Clinton County, Ohio pursuant to section 3017.15 (A) (1) of the Ohio Revised Code; and

Now, Therefore, for and in consideration of the promises, covenants and agreements herein contained, the parties mutually agree as follows:

1. **Scope of Services.** The Contractor shall, in a satisfactory and proper manner as determined by County to provide inspection scheduling, building inspection, plan review, and Building Official Services.
2. **Term.** The services of the Contractor shall be in effect for three years beginning February 1, 2019.
3. **Compensation and Method of Payment.** County shall pay Contractor for services rendered seventy-five percent (75%) of all building permit related fees as charged by County excluding the supplemental 1% or 3% fee paid directly to the Ohio Board of Building Standards. County may waive all or part of the fees due by an applicant for a specific permit but such action shall not relieve Clinton County of the obligation to pay seventy-five percent (75%) of then published fee schedule to Contractor. Collection of the permit fees shall be the sole responsibility of County.
4. **SUBCONTRACTING.** None of the work or services covered by this Contract shall be subcontracted without the prior approval of County. Any work or services subcontracted hereunder shall be specified by written contract reviewed by the County before execution, which contract shall explicitly state that it is subject to each provision of this Contract.
5. **ASSIGNABILITY.** The contractor shall not assign any interest in this contract, and shall not transfer any interest in the same, whether by assignment or novation, without prior written consent of County. Provided, however, that the claims for money due or to become due the Contractor from County under this contract may be assigned to a bank, trust company, or other financial institution. Notice of any such assignment or transfer shall be furnished promptly to Clinton County, Ohio.

6. TERMINATION.

- a. **Termination of Contract for cause.** If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner his obligations under this Contract, or if the Contractor shall violate any of the covenants or agreements of this Contract, Clinton County Ohio shall have the right to terminate this Contract by giving written notice to the Contractor specifying the effective date of the termination, at least five (5) Days before such effective date. In such event all finished or unfinished documents, date, studies, and reports prepared by the Contractor under this Contract shall, at the option of Clinton County, Ohio become its property and the Contractor shall be entitled to received equitable compensation for any work satisfactory completed. Notwithstanding the above, the Contractor shall not be relieved of liability to County for damages sustained by County by virtue of any breach of the Contract by the Contractor, and the County may without any payments to the Contractor for the purpose of set-off until such time as the exact amount of damages due County from the Contractor is determine. Payments that are being withheld shall be deposited in an interest bearing escrow account until actual damaged are determined.
- b. **Alternatives to Termination.** In the event the Contractor fails to fulfill the terms and conditions of this Contract in a timely and diligent manner, County reserves the right, at is sole option, as an alternative to termination of the Contract, to reduce the services required herein of the contractor and reduce the project budget in a manner which reflects such a reduction, by giving notice of such in writing, stating the date such reduction will become effective.
- c. **Termination of Contract for Convenience.** Both the County and the Contractor may terminate this Contract at any time by giving at least one-hundred and twenty (120) days notice in writing. If the Contract is terminated as provide herein, the County shall be paid an amount which bears the same ration to the total compensation as the services actually performed bear to the total services of the County covered by this Contract, less payments of compensation previously made.

7. COMPLIANCE WITH LAWS AND POLICIES.

- a. In the performance of services under this Contract, the Contractor shall comply with all statues, ordinances, regulations, and rules of the State of Ohio and County which are applicable to the expenditure of public funds, and in effect at the time of service.
- b. Whenever under the Contract, County notices, approvals, authorizations, waivers, instructions or determinations are required, they shall be effective only when given either (1) in writing and signed by County or (2) by general issuances or regulations issued from time-to-time by County.

8. LIABILITY

- a. All personnel or agents of the Contractor shall, for the purposed of allocations of liability to third parties only, be deemed to be acting under the direction and control of the Contractor and not under the direction and control of any other party to this Contract, and their employer or principal shall assume the risk of any liability to third parties arising from the conduct, acts or omissions of such personnel or agents.

In the event of any claim or action arising from any circumstances to which this Contract applies, and whether or not a reservation of rights is made, the parties, as condition of this Contract, shall give their full cooperation to any party defending such a claim or action.

- b. Each party to this Agreement agrees to be liable for the negligent acts or negligent omissions by or through itself, its employees and agents. Each Party further agrees to defend itself and themselves and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any such liability from one to the other.

9. EVALUATION, REPORTS, INFORMATION, AND AUDIT. The Contractor agrees to participate fully in all evaluation activities initiated by Clinton County, Ohio. At such times and in such form County may require, the Contractor shall furnish County such reports as may be requested pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract. Contractor will provide on a monthly basis a summary report of work completed. The Contractor shall retain all financial and administrative records for a minimum of three years following completion of the contract, and shall permit County or any of its representatives or auditors to such records.

10. CONFLICT OF INTEREST.

- a. No officer, employee, or agent of County who exercises any functions or responsibilities in connection with the planning and carrying out of the program, nor any immediate family member, close business associate, or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect, in the Contractor or in this Contract; and the Contractor shall take appropriate steps to assure compliance.
- b. The Contractor agrees that it will not contract with any subcontractor in which it has any personal financial interest direct or indirect. The Contractor further covenants that in the performance of this Contract no person having any conflicting interest shall be employed.

11. INSURANCE. As evidence of the Contractor's ability to be responsible for its allocation of risks stated in paragraph 8 herein, the Contractor warrants it is self-insured for Worker's Compensation, and further, for purposes of public liability insurance the Contractor is self-insured but is a member of a risk shared pool coverage, namely County Risk Sharing Authority (C.O.R.S.A.) whose contact information is: 209 E. State Street Columbus, Ohio 43215. Telephone: 1-866-455-8039 and web page: <http://www.ccao.org> the coverage and policy of limits of which being identified in the attached memorandum of Coverage (2011-2012). The Contractor further warrants it will notify Clinton County, Ohio in accordance with the notice requirements set forth in paragraph 12 herein of any changes in its worker's compensation or public liability coverage no less than ten (10) days prior to such change or cancellation. If the Contractor elects to sub-contract any of its duties and responsibilities under this agreement, the Contractor will notify Clinton County, Ohio, in accordance with the notice requirements set forth in paragraph 12 herein, no less than ten (10) days prior use of any sub-contractor, and any such sub-contractor shall maintain worker's compensation insurance and professional liability insurance, the minimum coverage of

which must be approved by Clinton County, Ohio. Any subcontractor must name the Contractor and Clinton County, Ohio as an additional insured. All sub-contractors must provide a certificate of insurance, executed by the insuring company or its authorized agent, to the Contractor and Clinton County, Ohio indicating the types and amount of coverage, and naming the insured parties including the Contractor and Clinton County, Ohio as additional insureds. As evidence of Clinton County, Ohio ability to be responsible for its allocation of risks stated in paragraph 8 herein, Clinton County, Ohio warrants it is a member of a risk shared pool coverage, namely County Risk Sharing Authority (C.O.R.S.A.) whose contact information is: 209 E. State Street Columbus, Ohio 43215. Telephone: 1-866-455-8039 and web page: <http://www.ccao.org>. Evidence of coverage is attached hereto.

- 12. NOTICE.** All notices hereunder shall in writing and shall be served by certified mail, return receipt requested and addressed as follows:

If to Warren County: **Warren County Commissioners**
 406 Justice Drive
 Lebanon, Ohio 45036

If to Clinton County: **Clinton County Commissioners**
 46 S. South Street
 Wilmington, Ohio 45177

- 13. SEVERABILITY.** In the event that any provision of this contract is declared or determined to be unlawful, invalid or unconstitutional, such declaration shall not affect, in any manner the legality of the remaining provisions and each provision of the Contract will be and is deemed to be separate and severable from each other provision.

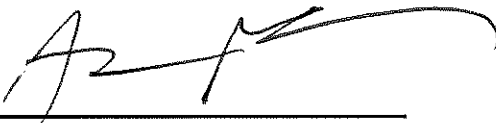
IN WITNESS WHEREOF, Clinton County, Ohio has executed this agreement on this 30th day of January, 2019.

CERTIFICATION OF AVAILABILITY OF FUNDS


I hereby certify that the funds required for this Contract have been lawfully appropriated and are in the Treasury or are in the process of collection to the credit of the Appropriate fund, free from prior encumbrance.

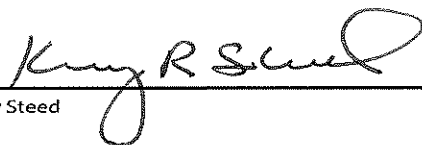
X 
Terry Habermehl
Auditor, Clinton County, Ohio

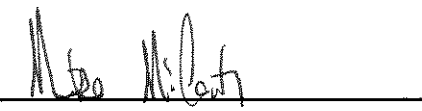
Approved as to Form:

X 
Andrew McCoy
Assistant Prosecutor, Clinton County, Ohio

CLINTON COUNTY COMMISSIONERS

X 
Brenda Woods
President

X 
Kerry Steed

X 
Mike McCarty

IN WITNESS WHEREOF, Warren County, Ohio has executed this agreement on this 26th day of ~~January~~ 2019.

February

WARREN COUNTY COMMISSIONERS

X *Shannon Jones*
Warren County Commissioner

X *[Signature]*
Warren County Commissioner

X *[Signature]*
Warren County Commissioner

APPROVED AS TO FORM
[Signature]
Adam M. Nice
Asst. Prosecuting Attorney

EXHIBIT A

1. County agrees that Contractor shall exercise enforcement authority for inspections and make inspections on behalf of Clinton County, Ohio and shall review plans and specifications. Such authority conveyed to Contractor by this agreement shall be no more than the authority conveyed to Clinton County, Ohio by its building Codes and by the Ohio Revised Code Sections 3781.10 (E) (1) and (E) (2).
2. Contractor agrees to exercise enforcement authority for inspections and plan review within Clinton County Ohio and to make inspections and plan review on behalf of Clinton County, Ohio. No waiver of code requirements shall be issued by Contractor. Inspections shall be performed on a daily basis during regular business hours except for inspections that must be performed during hours of darkness or during commercial "Shut-down" conditions. Plan review shall routinely be performed within 72 hours of receipt of plans, for 1, 2, and 3 family dwellings. Plans to be reviewed under the requirements of the Ohio building Code will routinely be reviewed within 3 to 10 business days from receipt of plans. Failure to render services in compliance with the Ohio Building Code will result in non-payment to Contractor. Plans are to be submitted to the Clinton County Building and Zoning Office at its address as identified above.
3. Contractor agrees that inspectors will be available by telephone to respond to citizen queries between 8am and 5pm Monday through Friday. All inspectors and plan reviewers will maintain the relevant state certification as required by law.
4. County has established a statutory building permit fee schedule, as enumerated in the ordinances of Clinton County, Ohio. The fee schedule may be changed upon approval by Clinton County Commissioners. A substantial reduction in building permit fees may be cause for Contractor to terminate the agreement. Contractor agrees to submit any dispute regarding Clinton County, Ohio building code to the duly appointed Appeals Board for final decision and to accept such decision.
5. Contractor agrees to furnish the following specific services to Clinton County, Ohio:
 - a. Examine plans and specifications for proposed work, as required by the Clinton County, Ohio building code, the Ohio Residential Code and the Ohio Building Code. Such examination and plan approval pertains only in general to technical and energy code compliance. Any part which may be in violation will not be considered as being approved. Site plan and related zoning permit fees shall be reviewed and retained by Clinton County, Ohio. Contractor will not knowingly issue any building permit until a zoning certificate has been approved.
 - b. County shall process all building permits and appropriate fees at their location and shall pay Contractor based upon the agreed-upon fee as outline in this agreement on a monthly basis.
 - c. Upon request, Contractor will advise applications on Code Requirements, but shall not perform design services for the completion of inadequate applications.
 - d. Perform job inspections of all work described on the application and plans, including the installation of equipment. Such services shall be provided promptly in the order received or scheduled without regard to type or extent of work, but within normal scheduling.
 - e. Upon request of County, make itself reasonably available for and shall testify in any judicial proceeding or any formal or informal dispute resolution proceeding involving

issues arising from the performance of the services herein described. After the first appearance on a specific case, Contractor shall be paid \$100 per hour for the time any of its employees or principals shall take to fulfill the requirement as set forth in this section.

- f. Provide emergency inspections after normal working hours at a rate of \$50 per hour for residential and \$100.00 per hour for commercial inspections.
- g. All documents including applications, plan review, job progress reports and inspections reports shall remain the property of Clinton County, Ohio.
- h. Service as the Building Official for Clinton County, Ohio. Responsibilities will include pre-permit submittal reviews and project evaluations for proposed projects as requested by Clinton County, Ohio.

Resolution

Number 19-0256

Adopted Date February 26, 2019

DECLARE VARIOUS ITEMS WITHIN BOARD OF ELECTIONS, COUNTY COURT, CLERK OF COURTS-LEGAL, FACILITIES MANAGEMENT, SHERIFF'S OFFICE, AND TELECOMMUNICATIONS AS SURPLUS AND AUTHORIZE THE DISPOSAL OF SAID ITEMS

BE IT RESOLVED, to authorize disposal of various items from Board of Elections, County Court, Clerk of Courts – Legal, Facilities Management, Sheriff's Office, and Telecommunications in accordance with the Ohio Revised Code; list of said items attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

/jm

cc: 2019 Auction file
Facilities Management (file)
Brenda Quillen, Auditor's Office

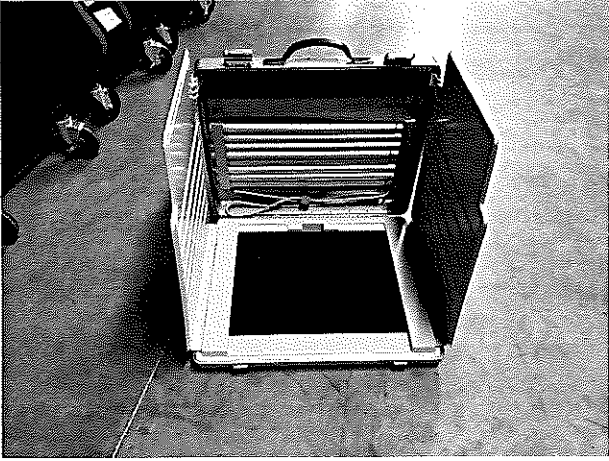
430 South East Street
513-695-1463

Michael D. Shadoan
Director

GovDeals Item Inspection Form

Board of Elections Date: Feb 14, 2019 003

Election Portable Voting Booths, Votomatics



Select Item Type:

Qty	Brand	Model	Working Condition Y/N	Description
50	Votomatics	n/a	N	50 Volomatic Voting Booths

Additional Comments

Note: Not all of the electronics work in these cases, but most of them do work properly.



(Click above to add additional picture)



(Click above to add additional picture)



(Click above to add additional picture)

Name: Michael E. Moore Title: Warehouse Coordinator Phone Number 513-695-2685

Location of Item: Board of Elections Warehouse, 520 Justice Dr., Lebanon, Ohio 45040

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles).
Check your listing for accuracy, click the button below to submit by email. Note: This is the only way auction items will be accepted.

Warren County Facilities Management

430 South East Street
513-695-1463

Michael D. Shadoan
Director

CCT19103

GovDeals Item Inspection Form

County Court

Date:

Feb 7, 2019

103

Monitor, printer and 2 towers

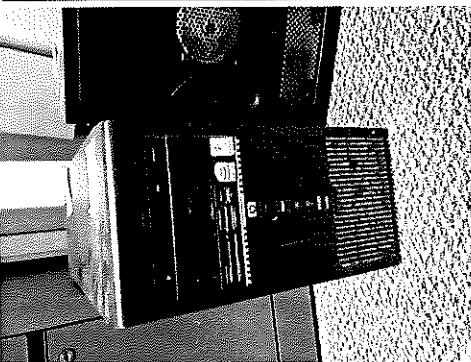


Select Item Type

Lot of Multiple Items

Qty	Brand	Model	Working Condition Y/N	Description
1	acer	v223w	y	Monitor- backlight going out
1	HP	2035	y	Hp laser jet printer- pick up assembly going bad
1	HP	dx3000 AM	n	Hp compaq lower - hard drive removed
	LG	SYX-G31M3	n	LG tower - hard drive removed

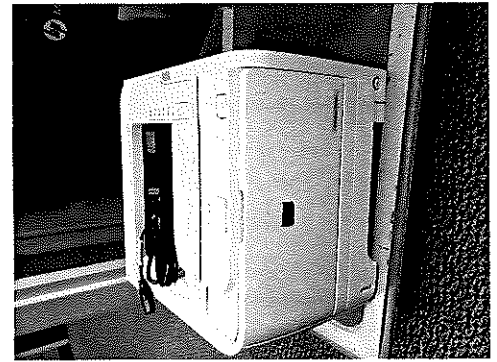
Additional Comments



(Click above to add additional picture)



(Click above to add additional picture)



(Click above to add additional picture)

Name: Melissa Moubray

Title: Court Admin

Phone Number 695-2411

Location of Item: Warren County Court

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles).
Check your listing for accuracy, click the button below to submit by email. *Note: This is the only way auction items will be accepted.*

Warren County Facilities Management

430 South East Street
513-695-1463

GovDeals # CKL19001

Michael D. Shadoan
Director

GovDeals Item Inspection Form

Clerk of Courts - Legal

Date: 02/13/2019

001

(Enter Item Description Here)



Select Item Type

Single Item

Category

Brand

Model #

Serial #

Date Removed From Service 02/13/2019

Did Item Work When Removed?

Yes No Unknown

Additional Comments

SHLVING UNIT

(Click above to add additional picture)

(Click above to add additional picture)

(Click above to add additional picture)

Name: DAVID GILREATH

Title: CHIEF DEPUTY

Phone Number 1785

Location of Item: BUILDING MAINTENANCE

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles).
Check your listing for accuracy, click the button below to submit by email. *Note: This is the only way auction items will be accepted.*

Warren County Facilities Management

430 South East Street
513-695-1463

Michael D. Shadoan
Director

FAC19005

GovDeals Item Inspection Form

Facilities Management

Date: Feb 15, 2019

005

LOT OF 4 CAMERAS



Select Item Type

Lot of Multiple Items

Qty	Brand	Model	Working Condition Y/N	Description
2	CANON	REBEL XS	UNKNOWN	CANON EOS REBEL XS
2	CANON	EFS 18-55	UNKNOWN	EFS 18-55mm IMAGE STABILIZER
1	CANON		UNKNOWN	CANON POWER SHOT G6, 7.1 MEGA PIXELS
1	FUJIFILM		UNKNOWN	FUJIFILM FINEPIX S, 14 MEGA PIXELS
1	CANON		UNKNOWN	BATTERY AND CHARGER FOR CANON EOS REBEL XS

Additional Comments

CANON EOS REBEL XS WAS REMOVED BECAUSE THEY DIDN'T WORK ANYMORE WITH OUR COMPUTER SOFTWARE FOR TAKING PICTURES. CAMERAS HAD A POWER SOURCE TIED INTO IT FOR TAKING PHOTOS. NO MEMORY CARDS. THE CANON POWER SHOT G6 AND FUJIFILM WORKED BEFORE TAKEN OUT OF SERVICE IN 2015.



(Click above to add additional picture)



(Click above to add additional picture)

(Click above to add additional picture)

Name: Sam Roberts

Title: Associate Architect

Phone Number 513-695-3125

Location of Item: 430 Justice Dr, Lebanon OH 45036

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles). Check your listing for accuracy, click the button below to submit by email. Note: This is the only way auction items will be accepted.

Warren County Facilities Management

GovDeals #

FAC19006

430 South East Street
513-695-1463

Michael D. Shadoan
Director

GovDeals Item Inspection Form

Facilities Management

Date:

Feb 15, 2019

006

Office Desks



Select Item Type

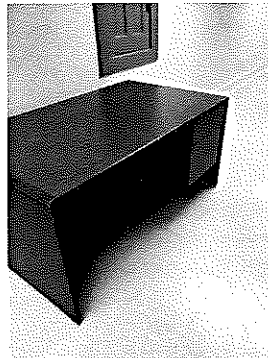
Lot of Multiple Items

Qty	Brand	Model	Working Condition Y/N	Description
1				METAL DRAWERS AND A UNDER DESK TOP KEYBOARD TRAY.
1				WOOD LAMINATED WORK DESK WITH TO DRAWERS

Additional Comments



(Click above to add additional picture)



(Click above to add additional picture)

(Click above to add additional picture)

Name: Sam Roberts

Title: Associate Architect

Phone Number 513-695-3125

Location of Item: 430 Justice Dr, Lebanon OH 45036

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles).
Check your listing for accuracy, click the button below to submit by email. *Note: This is the only way auction items will be accepted.*

Warren County Facilities Management

GovDeals #

SHF19100

430 South East Street
513-695-1463

Michael D. Shadoan
Director

GovDeals Item Inspection Form

Sheriff

Date:

Feb 12, 2019

100

2006 FORD CROWN VICTORIA



Select Item Type

Vehicle

Vin # 2FAFP71W96X159469

Title restriction?
 Yes No

Odometer Reading 123448

Accurate?
 Yes No Unknown

Year 2006

Make

FORD

Model CROWN VICTORIA

Does it Start?

Yes No With Boost

Does it run?

Yes No

Color BEIGE

Exterior Condition?

Good Minor Dents, Dings
Scratches or rust

Severe dents, Dings
Scratches or Rust

Interior

Cloth Leather Other

Interior Condition?

Good Fair Poor

Additional Comments

4.6L V8 GAS ENGINE, AUTOMATIC TRANSMISSION, REAR WHEEL DRIVE, BEIGE INTERIOR, STOCK AM/FM RADIO, AC, TILT STEERING, REMOTE MIRRORS, POWER STEERING, POWER WINDOWS, POWER LOCKS. VEHICLE REMOVED DUE TO HIGH MILEAGE, TIRES HAVE DRYROT, AND EXHAUST LEAK AT EXHAUST MANIFOLD.



(Click above to add additional picture)



(Click above to add additional picture)



(Click above to add additional picture)

Name: Nicki Bishop

Title: WCSO - Fiscal

Phone Number x1285

Location of Item: WARREN COUNTY GARAGE 1433 WEST MAIN STREET LEBANON OHIO 45036

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles).
Check your listing for accuracy, click the button below to submit by email. Note: This is the only way auction items will be accepted.

Warren County Facilities Management

430 South East Street
513-695-1463

GovDeals #

TEL19017

Michael D. Shadoan
Director

GovDeals Item Inspection Form

Telecommunications

Date:

Feb 8, 2019

017

Ceeco Wall Phones



Select Item Type

Lot of Multiple Items

Qty	Brand	Model	Working Condition Y/N	Description
23	Ceeco	N/A	UNK	Ceeco Wall Phones

Additional Comments

(Click above to add additional picture)

(Click above to add additional picture)

(Click above to add additional picture)

Name: Becky Trovillo

Title: Admin. Support

Phone Number 513-695-2494

Location of Item: 500 Justice Dr., Telecom, Lebanon, Ohio 45036

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles).
Check your listing for accuracy, click the button below to submit by email. *Note: This is the only way auction items will be accepted.*

Warren County Facilities Management

GovDeals #

TEL19018

430 South East Street
513-695-1463

Michael D. Shadoan
Director

GovDeals Item Inspection Form

Telecommunications

Date:

Feb 8, 2019

018

Mixed Black & White Harris Optic Phones



Select Item Type

Lot of Multiple Items

Qty	Brand	Model	Working Condition Y/N	Description
370	Harris	N/A	Unk	Mixed black and white Harris optic phones

Additional Comments



(Click above to add additional picture)

(Click above to add additional picture)

(Click above to add additional picture)

Name: Becky Trovillo

Title: Admin. Support

Phone Number 513-494-2494

Location of Item: 500 Justice Dr., Telecom. Lebanon, Ohio 45036

IMPORTANT: Please print this form off and tape it to the item(s) you are listing (excluding vehicles).
Check your listing for accuracy, click the button below to submit by email. *Note: This is the only way auction items will be accepted.*

Resolution

Number 19-0257

Adopted Date February 26, 2019

ENTER INTO CONTRACT WITH LAYNE CHRISTENSEN COMPANY FOR THE RAR WATER TREATMENT PLANT FILTER REHABILITATION PROJECT

WHEREAS, pursuant to Res. 19-0077, adopted January 22, 2019, this Board approved a Notice of Intent to Award Bid for the RAR Water Treatment Plant Filter Rehabilitation Project to Layne Christensen Company, for a total bid price of \$669,500.00; and

WHEREAS, all documentation, including performance bonds, insurance certificates, etc., has been submitted by the contractor; and

NOW THEREFORE BE IT RESOLVED, to enter into contract with Layne Christensen Company, 6451 Germantown Road, Middletown, Ohio, for a total contract price of \$669,500.00; as attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

KH\

cc: c/a—Layne Christensen Co.
Water/Sewer (file)
OMB Bid file

SECTION 00400 - CONTRACT

THIS AGREEMENT, made this 26th day of February, 2018⁹, with the Warren County Board of Commissioners, 406 Justice Drive, Lebanon, Ohio, hereinafter called "Owner" and **Layne Christensen Company, 6451 Germantown Road, Middletown, Ohio**, doing businesses as (an individual, partner, a corporation) hereinafter called "Contractor."

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Owner, the Contractor hereby agrees with the Owner to commence and complete the construction described as follows:

RAR WATER TREATMENT PLANT FILTER REHABILITATION PROJECT

hereinafter called the project, for the sum of **\$669,500.00, six hundred sixty nine thousand five hundred dollars**, and all work in connection therewith, under the terms as stated in the Conditions of the Contract; and as his (its or their) own proper cost and expense furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor insurance, and other accessories and services necessary to complete the said project in accordance with the conditions and prices stated in the Proposal, Conditions of the Contract, the Specifications and Contract Documents. "Contract Documents" means and includes the following:

ADDENDUMS

VOLUME I

SECTION 00040 - INVITATION TO BIDDERS

SECTION 00100 - BID PROPOSAL

SECTION 00120 - EXCEPTION SHEET

SECTION 00130 - BIDDER IDENTIFICATION

SECTION 00200 - GENERAL INSTRUCTIONS TO BIDDERS

SECTION 00220 - NONCOLLUSION AFFIDAVIT

SECTION 00240 - BONDING AND INSURANCE REQUIREMENTS

SECTION 00260 - BID GUARANTY AND CONTRACT BOND

SECTION 00280 - PERFORMANCE BOND

SECTION 00300 - EXPERIENCE STATEMENT

SECTION 00320 - AFFIDAVIT OF NON-DELINQUENCY OF REAL AND/OR PERSONAL PROPERTY TAX

SECTION 00340 - EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS, BID CONDITIONS, NON-DISCRIMINATION, AND EQUAL EMPLOYMENT OPPORTUNITY AFFIDAVIT

SECTION 00360 - FINDINGS FOR RECOVERY AFFIDAVIT

SECTION 00400 - CONTRACT

SECTION 00500 - WAGE RATE DETERMINATION

SECTION 00700 - GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT

SECTION 00730 - TECHNICAL SPECIFICATIONS

CONTRACTOR hereby agrees to commence work under this contract on or before a date to be specified in a Written "Notice to Proceed" of the OWNER and shall complete all work within the following requirements:

- a. Substantial completion shall be within 240 days from Notice to Proceed.
- b. Final completion, site restoration work complete, and Contract Closeout shall be within 300 days from Notice to Proceed.

Contractor also agrees to pay as liquidated damages, the sum of \$200.00 for each consecutive calendar day thereafter.

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party.

OWNER may terminate or suspend performance of this Agreement for OWNER'S convenience upon written notice to the CONTRACTOR. CONTRACTOR shall terminate or suspend performance of the services/work on a schedule acceptable to the OWNER.

The CONTRACTOR will indemnify and save the OWNER, their officers and employees, harmless from loss, expenses, costs, reasonable attorneys fees, litigation expenses, suits at law or in equity, causes of action, actions, damages, and obligations arising from (a) negligent, reckless or willful and wanton acts, errors or omissions by CONTRACTOR, its agents, employees, licensees, consultants, or subconsultants; (b) the failure of the CONTRACTOR, its agents, employees, licensees, consultants or subconsultants to observe the applicable standard of care in providing services pursuant to this agreement; (c) the intentional misconduct of the CONTRACTOR, its agents, employees, licensees, consultants, or subconsultants that result in injury to persons or damage to property for which the OWNER may be held legally liable.

The CONTRACTOR does hereby agree to indemnify and hold the OWNER harmless for any and all sums for which the OWNER may be required to pay or for which the OWNER may be held responsible for failure of the CONTRACTOR or any subcontractors to pay the prevailing wage upon this project.

The OWNER agrees to pay the CONTRACTOR in the manner and at such times as set forth in the General Provisions such amounts as required by the Contract Documents.

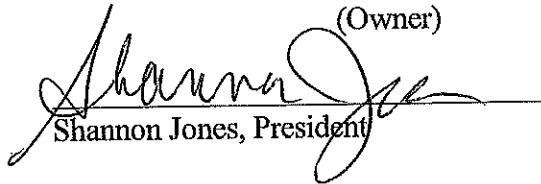
This Contract shall be construed under the laws of the State of Ohio, and the parties hereby stipulate to the venue for any and all claims, disputes, interpretations, litigation of any kind arising out of this Contract being exclusively in the Warren County, Ohio Court of Common Pleas (unless both parties mutually agree in writing to alternate dispute resolution), as well as waiving any right to bring or remove such matters in or to any other state or federal court.

This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

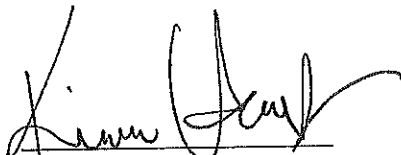
Contractor shall bind every subcontractor to, and every subcontractor must agree to be bound by the terms of, this Agreement, as far as applicable to the subcontractor's work particularly pertaining to Prevailing Wages and EEO requirements. Nothing contained in this Agreement shall create any contractual relationship between any subcontractor and Owner, nor create any obligations on the part of the Owner to pay or see to the payment of any sums to any subcontractor.

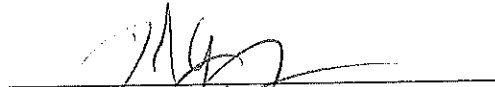
IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in two counterparts, each of which shall be deemed an original on the date first above written.

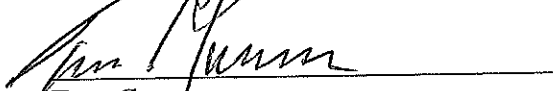
WARREN COUNTY BOARD OF COMMISSIONERS

(Owner)

Shannon Jones, President

ATTEST:

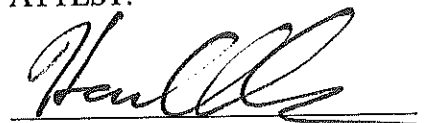

Name


David G. Young

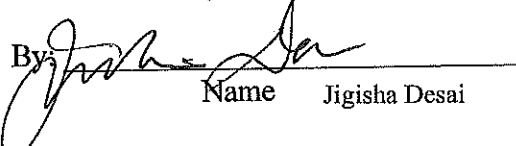

Tom Grossmann

(Seal)

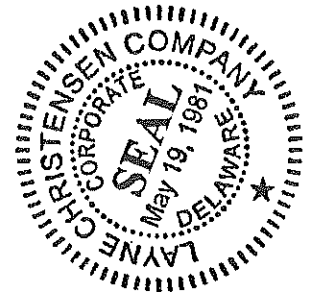
ATTEST:


Kenneth B. Olson, Treasurer

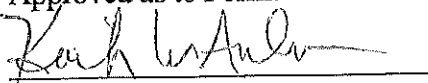
Layne Christensen Company
(Contractor)

By: 
Name Jigisha Desai
CFO

Title



Approved as to Form:


Assistant Prosecutor

Resolution

Number 19-0258

Adopted Date February 26, 2019

APPROVE NOTICE OF INTENT TO AWARD BID TO TRITON SERVICES INC. FOR THE FY18 MAINEVILLE – ADA RESTROOM UPGRADE CDBG PROJECT

WHEREAS, bids were closed at 9:30 a.m., February 12, 2019, and the bids were received, opened and read aloud for the FY18 Maineville – ADA Restroom Upgrade CDBG Project for the Grants Administration Office, and the results are on file in the Board of Commissioners' Office; and

WHEREAS, the Warren County Grants Coordinator, has determined that Triton Services Inc. is the lowest and best bidder; and

NOW THEREFORE BE IT RESOLVED, upon recommendation of the Warren County Grants Coordinator, that it is the intent of this Board to award the bid to Triton Services Inc., 8162 Duke Boulevard, Lebanon, Ohio, for a total bid price of \$78,440.00; and

BE IT FURTHER RESOLVED, that the President of the Board is hereby authorized to execute a "Notice of Intent to Award."

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

KH\

cc: OGA (file)
OMB Bid file

Resolution

Number 19-0259

Adopted Date February 26, 2019

APPROVE NOTICE OF INTENT TO AWARD BID TO RACK AND BALLAUER EXCAVATING FOR THE WARREN COUNTY FAIRGROUNDS PAVING PROJECT

WHEREAS, bids were closed at 9:00 a.m., on February 12, 2019, and the bids received were opened and read aloud for the Warren County Fairgrounds Paving Project, and the results are on file in the Commissioners' Office; and

WHEREAS, upon review of such bids by Rebecca Osborne, Rack and Ballauer Excavating, has been determined to be the lowest and best bidder; and

WHEREAS, this lowest bidder was determined to be non-responsive as their bid did not include pricing for all required items; and

NOW THEREFORE BE IT RESOLVED, upon recommendation of the Warren County Sanitary Engineer, that it is the intent of this Board to award the contract to Rack and Ballauer Excavating, 11321 Paddys Run Rd., Hamilton, Ohio , for a total bid price of \$110,975.00; and

BE IT FURTHER RESOLVED, that the President of the Board is hereby authorized to execute a "Notice of Intent to Award."

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

KH\

cc: Fairgrounds (file)
OMB Bid file

Resolution

Number 19-0260

Adopted Date February 26, 2019

CERTIFICATION OF DELINQUENT WATER AND/OR SEWER ACCOUNTS – WARREN COUNTY WATER AND SEWER DEPARTMENT

WHEREAS, pursuant to Section 7.05G, Warren County Rules and Regulations, all delinquent water and/or sewer accounts with an unpaid balance may be certified to the property owner's real estate tax record; and

NOW THEREFORE BE IT RESOLVED, to certify the attached list of delinquent water and/or sewer accounts to the property owner's real estate tax record. A copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby directed to forward a copy of this resolution to the Warren County Auditor.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cc: Auditor ___ (certified)
Water/Sewer (file)

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

Resolution

Number 19-0261

Adopted Date February 26, 2019

APPROVE AND ENTER INTO LEASE AGREEMENT WITH PITNEY BOWES


BE IT RESOLVED, to approve and authorize the President of the Board to execute a Lease Agreement for a mail system for the Warren County Clerk of Courts with Pitney Bowes; said agreement hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cc: c/a – Pitney Bowes
Clerk of Courts (file)

Exhibit A

LEASE SCHEDULE No. _____ TO MASTER LEASING AGREEMENT
(The "Master Leasing Agreement")

True Lease Transaction

UNDER STATE TERM SCHEDULE NUMBER 111 800547

1. **Terms and Provisions:** This Lease Schedule is entered into by and between the Lessor and the Lessee set forth below pursuant to the terms of the Master Leasing Agreement, dated 03/01/2017, between Pitney Bowes Inc., as Lessor, and the State of Ohio, by the Department of Administrative Services, for the Lessee. The terms of the MASTER LEASING AGREEMENT are hereby incorporated by reference and made a part hereof. The Lessee (check appropriate box) and billing address of Lessee (complete) are set forth below:

- An Ohio State agency. The Lessee is the Ohio State agency set forth with the billing address below.
- A Political Subdivision in the State of Ohio. The name of the Political Subdivision is set forth below with the billing address.

Name and Billing Address:
BOARD OF WARREN COUNTY COMMISSIONER
PO BOX 238
LEBANON OH 45036-0238

0013093967

- 2. **Commencement Date** of this Lease Schedule shall be: a) the Acceptance Date as identified on the Acceptance Certificate (Exhibit B) hereto if such date is the first day of a month; or b) the first day of the month following the Acceptance Date if such date is not the first day of a month. The Lease Payment due dates shall include the Commencement Date and shall be on the first day of each month thereafter.
- 3. **Description of the Property:** The Property subject to this Lease Schedule is set forth below and has been acquired pursuant to the State Term Schedule 800547 currently in existence between Pitney Bowes Inc. and the State of Ohio, dated 03/01/2017

Item No.	Quantity	Style	Description
1			
2		SEE ATTACHED PROPOSAL	
3 etc.			

Property Location:
500 JUSTICE DR LEBANON OH 45036 2379

- 4. **Term:** 60 months
- 5. **Periodic Lease Payment Amount:** \$1089.97 month
- 6. **Lease Payment Frequency:** monthly billed quarterly [monthly, quarterly, annually]
- 7. **Expiration:** Lessor shall not be obligated to maintain the stated Payment Amount if the Certificate of Acceptance covering the Property has not been executed by Lessee and received by Lessor at: 3001 Summer St Stamford CT 06926; by 5:00 p.m., 30 days after installation.
- 8. **Taxes.** Lessee shall keep the Property free of all levies, liens and encumbrances, except for the interest of Lessor under the Master Leasing Agreement, and shall pay when due all, to the extent applicable by law, taxes, fees, withholdings, levies, imposts, duties, assessments and charges of any kind and nature arising out of or related to the Master Leasing Agreement all in accordance with Section 11 of the Master Leasing Agreement. Upon receipt by Lessor of any such property tax bill (whether from Lessee or directly from the taxing authority), Lessor will pay such tax and will invoice Lessee for the expense. Upon receipt of such invoice, Lessee will promptly reimburse Lessor for such expense.

9. **Assignment:** As provided in Section 24 of the Master Leasing Agreement, Lessee is hereby notified that Lessor has assigned all of its right, title and interest in the Lease Schedule, the Property thereunder and the Lease Payments thereunder and all other rights in and amounts provided for under the Master Leasing Agreement applicable to the Lease Schedule to the Assignee (collectively the "Assigned Interest"). Lessee is hereby directed to pay any and all Lease Payments and other amounts due with respect to which Assignee renders an invoice, at the address set out immediately below or as otherwise directed in said invoice:

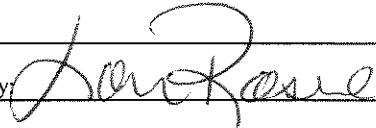
Assignee: Assignee Name
 Assignee address
 Assignee City, State, Zip

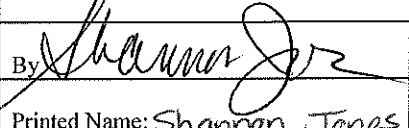
10. In signing this, Lessee warrants that the representations, covenants and warranties of the Lessee set forth in the Master Leasing Agreement, which are applicable to this Lease Schedule are true and correct on the date hereof. Lessee agrees that it will pay all amounts due under the Lease Schedule as directed in the invoice and subject to Section 9.2 of the Master Leasing Agreement.

11. This Schedule is subject to Review and Approval by Assignee Name

ASSIGNMENT ACCEPTED BY ASSIGNEE NAME:

By: N/A

Lessor: Pitney Bowes Inc.
By: 
Printed Name: Lori Rossio
Title: GMAM
Date: 2/11/19

Lessee: BOARD OF WARREN COUNTY COMMISSIONER
By: 
Printed Name: Shannon Jones
Title: President
Date: 2/26/19


APPROVED AS TO FORM

Adam M. Nice
Asst. Prosecuting Attorney

Exhibit B

True Lease Transaction

CERTIFICATE OF ACCEPTANCE

LEASE SCHEDULE NO. _____

By and Between

BOARD OF WARREN COUNTY COMMISSIONER (Lessee)

and

Pitney Bowes Inc. (Lessor)

Entered into Pursuant to the
MASTER LEASING AGREEMENT

Dated 03/01/2017

By and Between

The State of Ohio, by the Department of Administrative Services
and

Pitney Bowes Inc.

1.) ACCEPTANCE: LESSEE HEREBY CONFIRMS THAT THE PROPERTY DESCRIBED ON EXHIBIT A HAS BEEN RECEIVED, IS IN GOOD CONDITION AND REPAIR, AND COMPLIES IN ALL RESPECTS WITH ITS SPECIFICATIONS.

2.) PROPERTY LOCATION:

500 JUSTICE DR.
LEBANON OH 45036

USER:

CLERK OF COURTS

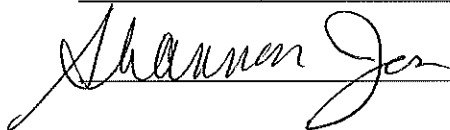
BY

(NAME TYPED OR PRINTED)

TITLE:

BOARD PRESIDENT

SIGNATURE:



DATE OF ACCEPTANCE 2/26/19 (Effective Date)



State and Local Fair Market Value Lease Quote

--	--	--	--	--	--	--	--	--	--

Agreement Number

Your Business Information

Full Legal Name of Lessee / DBA Name of Lessee	Tax ID # (FEIN/TIN)
BOARD OF WARREN COUNTY COMMISSIONER	316000058

Sold-To: Address
500 JUSTICE DR, LEBANON, OH, 45036-2379, US

Sold-To: Contact Name	Sold-To: Contact Phone #	Sold-To: Account #
David Gilreath	5136951785	0013093967

Bill-To: Address
500 JUSTICE DR, LEBANON, OH, 45036-2379, US

Bill-To: Contact Name	Bill-To: Contact Phone #	Bill-To: Account #	Bill-To: Email
David Gilreath	5136951785	0013093967	david.gilreath@co.warren.oh.us

Ship-To: Address
500 JUSTICE DR, LEBANON, OH, 45036-2379, US

Ship-To: Contact Name	Ship-To: Contact Phone #	Ship-To: Account #
David Gilreath	5136951785	0013093967

PO #	Quote Expiration Date
	2019-01-29

Your Business Needs

Qty	Item	Business Solution Description
1	SENDPROPSERIES	SendPro P Series
1	AZBD	SendPro P3000 Series WOW
1	AZBE	SendPro P Series Mono Print Module
1	APSJ	Connect+ 270 LPM Speed
1	MSD2	15" Color Touch Display
1	MSPS	SendPro P Series Power Stacker
1	1FW6	30 lb Interface Weigh w/External Display
1	MT3W	SCALE, W&M, US - 30 LB
1	APA2	100 Dept Analytics
1	NV10	INVIEW TMR Web Acct Bundle Single only
1	MW90650	Tape Moistener Asmbly Connect+ 3000 Mono
1	4W00	Connect+ /SendPro P Series Meter
1	SJM3	SoftGuard for SendPro P3000
1	M9SS	Mailstream IntelliLink Services

1	F9PG	F9PG-PowerGuard Service Package
1	T8CS	Receiving - Standard
1	APKE	SendPro P Receiving Feature
1	NV90	NV90 - INVIEW Subscription
1	PTJ1	Postal Shipping
1	APK2	SendPro P Series Basic Label Printer Pac
1	PTJN	Single User Access
1	PTJR	50 User Access with Hardware or Meter
1	PTK1	Web Browser Integration
1	PTK3	SendPro P Series Meter Integration
1	APKF	SendPro P Shipping Feature Access
1	STDSLA	Standard SLA-Equipment Service Agreement (for SendPro P Series)
1	SENDPROENTERPRISE	SendPro Enterprise
1	SPE01-C	SPE-1000 Labels/mo, \$0.125/lbl overage
1	397-A	5lb USB Scale
5	SPEPS	SPE Implementation
1	SMS1	SSL SPS MID ASSIST SVC

Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 1,089.97	\$ 3,269.91

*Does not include any applicable sales, use, or property taxes which will be billed separately.

- Tax Exempt Certificate Attached
- Tax Exempt Certificate Not Required
- Purchase Power® transaction fees included
- Purchase Power® transaction fees extra

Sales Information

Lori Rossio lori.rossio@pb.com

Account Rep Name Email Address PBGFS Acceptance

This Quotation is for budgeting and planning purposes only and is not legally binding. The supply of any goods or services is subject to a separate written order which will be issued by Pitney Bowes and will be subject to the terms and conditions incorporated therein.

02/20/2019 13:05
spaejl

Warren County, OH
PURCHASE ORDER CURRENT LIST

P 1
pomaintn

****CHANGE ORDER****

Purchase Order	Type: Normal	Fiscal Yr/Per	2019/01	PO#	00023263
Batch	CNVX	PO Date	02/20/2019		
Requisition	00023263				
Department Code	CLK		CLERK OF COURTS		
Allocation Code	00000000				
Buyer ID	munis		Spaeth, James L.		
Needed By Date					
General Commodity					
Vendor	083985		PITNEY BOWES GLOBAL FINANCIAL SERVICES L		
			PO BOX 371887		
			PITTSBURGH, PA 15250-7887		
Ship To Address	CLKCT1		WARREN CO COMMON PLEAS DIVISN		
			WARREN COUNTY CLERK OF COURTS		
			500 JUSTICE DRIVE		
			LEBANON, OH 45036		
Ship To Reference					
Shipping Method					
Bill To Address		ERROR -		100	
PO Description					
Special Handling	None	Status Printed		Distribution 1	
Total PO Amount	\$13,043.76				
Liquidated	\$818.00				
Open Encumbrance	\$12,225.76				

Line Item Details

Line 001	Commodity					
Req	Qty	1.00	UOM EACH	Unit Price	13,043.76000	
%Disc	0.00	Credit	0.00	Freight	0.00	Sales Tax 0.00
			Line Item Total	\$13,043.76		
Qty Received	0.00		Liquidated	\$818.00		
Qty Canceled	0.00		Canceled	\$ 0.00		
			Line Item Open Encumbrance	\$12,225.76		

Description
LEASE OF SENDPRO 3000 MAILING SYSTEM WITH
SENDPRO ENTERPRISE SAAS-BASED APP @
\$1086.98-MTH

Description Notes

STS 111 800547
APR-DEC '19-8 MTHS @ \$1,089.97/MTH OF 60-MTH LEASE=\$8,719.76 TOTAL

Department CLK 1099 Box Fixed Asset N Needed By
Quote Bid
Work Order: Task:

Allocation Details

Org	Obj	Proj	Description	Encumbered Amt	Bud
11011260	5400		CLK CT CP PURCHASE	\$13,043.76	A

02/20/2019 13:05
spaejl

Warren County, OH
PURCHASE ORDER CURRENT LIST

P 2
pomaintn

Liquidated	\$818.00
Canceled	\$ 0.00
Allocated Open Encumbrance	\$12,225.76

** END OF REPORT - Generated by Spaeth, James L. **

Resolution

Number 19-0262

Adopted Date February 26, 2019

AUTHORIZE THE DIRECTOR OF WARREN COUNTY TELECOMMUNICATIONS TO ORDER SERVICES WITH SPECTRUM (FKA TIME WARNER CABLE)

WHEREAS, Paul Kindell, Director, Warren County Telecommunications, is requesting authorization to order Communications Services from Spectrum per the attached State of Ohio Quotation; and

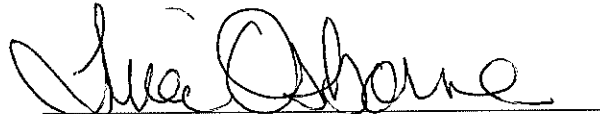
NOW THEREFORE BE IT RESOLVED, to authorize Paul Kindell, Director, Warren County Telecommunications to order services with Spectrum (FKA Time Warner Cable) on behalf of Warren County telecommunications; as attached hereto and a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cc: c/a—Spectrum
Telecom (file)



State of Ohio Services Quotation

The terms of this Quotation for Services are subject to the State Of Ohio Master Service Agreement and any conflicts will be resolved in favor of the Master Service Agreement.

CUSTOMER INFORMATION			
Company Name (Exact legal name) Warren County Telecommunications		Type of Entry (Individual, corporation, partnership, limited liability co., etc.) Government Entity	
Service Street Address (see below)		City	State
Billing Address 500 Justice Drive		Lebanon	OH
Customer Contact Name (Technical) Paul Kindell		Tel. No. 513-695-1318	Email Address paul.kindell@wcoh.net
Customer Contact Name (Procurement Contact) Paul Kindell		Tel. No. 513-695-1318	Email Address paul.kindell@wcoh.net
Customer Contact Name (Billing Contact)		Tel. No.	Email Address

Services							
Customer hereby agrees to purchase from TIME WARNER CABLE, and TIME WARNER CABLE agrees to provide to Customer, the following services (the "Services") as listed below on this order form, per the terms and conditions set forth in the Master Service Agreement.							
Line Item	Product/Service	Bandwidth (mbps)	Installation Address City, State Zip	Monthly Fee	Installation Fee	Construction Costs	Contract Term
1	Eline Service	100 Mbps	A Location: 500 Justice Drive, Lebanon, OH 45306	\$500	Waived	Waived	60 Months
2	Eline Service		Z Location: 19 Dave Avenue, Lebanon, OH 45306	N/A	Waived	Waived	60 Months
3.	MONTHLY TOTALS			\$500	Waived	Waived	

Note(s):

Placing State of Ohio orders: Services MUST be ordered through the State of Ohio ordering system. Please contact your Account Executive before ordering through the State of Ohio ordering system as they will be happy to walk you through the first entries as to ensure that the orders are entered correctly and will assist in the possibility that your orders will not be rejected from OIT. Should you enter the orders yourself, please enter the word "NEW" in the Circuit ID and Account Number field as these will only be generated after the circuit(s) have been installed.

- Additional order forms will be required and will be provided directly by your Account Executive (outside of the State of Ohio ordering system) and MUST be completed and returned to your Account Executive to complete your order (ie. Tax exempt certificates, permission to construct, etc.)
- Installation timeframe: Typical installation timeframe is 10-12 weeks from receipt of order.
- Services and Jurisdiction Certificate. Customer acknowledges and certifies that the total interstate traffic (including internet traffic) on the Service(s) constitutes ten percent (10%) or less of the total traffic on the Service and the prices and TWC calculations are based on this acknowledgement.
- Quotation for Services. Customer acknowledges that this quote is for ALL services, bandwidth, term and number of locations listed above. Should the any of these components be changed when customer places the order through the State of Ohio ordering system, this quotation automatically becomes null and void and a new quotation will be required.

Quote provided by:

By: Jim Beers, Major Account Executive, Government and Education

Phone: (937) 396-8601 Fax: (937) 552-9533 email: jim.beers@charter.com



Communications Solution Proposal

For WARREN COUNTY TELECOMMUNICATIONS

Prepared by:

James Beers

MAE - Government & Education

Phone: 937-396-8601

Cell: 937-689-9326

Email: jim.beers@charter.com

The terms of this proposal are confidential and should not be disclosed directly or indirectly to any third party, except as may be required by law. If you and/or your agents or representative make any unauthorized disclosure, Charter shall be entitled to revoke this proposal, terminate any associated agreement without liability and to seek damages and/or injunctive relief arising from such unauthorized disclosure. This proposal is an estimate for discussion purposes only and is not intended to give rise to binding obligations for either party.

Table of Contents

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Product Descriptions	4

Proposed Pricing

Proposal#: 10873452 **Proposed Pricing Good Until: 3/17/2019 12:00:00 AM**

Account Executive: James Beers

Telephone: 937-396-8601

Ext:

Fax:

Email: jim.beers@charter.com

Customer Information:

Authorized Contact:

Contact Phone:

Contact Fax:

Paul Kindell

(513) 695-1318

+1.513.695.1638

New and Revised Services and Monthly Charges At: 500 Justice Dr , Lebanon OH 45036

Product	Quantity	Sales Price	Contract Term	Bandwidth	Monthly Price
EPL Metro/Regional Intra - 100 Mbps (Fiber)	1	\$250.00	60 Months		\$250.00
Monthly Total:*					\$250.00

*Prices do not include taxes, surcharges, and/or fees

New and Revised Services and Monthly Charges At: 19 Dave Ave , Lebanon OH 45036

Product	Quantity	Sales Price	Contract Term	Bandwidth	Monthly Price
ELAN Metro/Regional Intra - 100 Mbps (Fiber)	1	\$250.00	60 Months		\$250.00
Monthly Total:*					\$250.00

*Prices do not include taxes, surcharges, and/or fees

One-Time Charges at: 19 Dave Ave , Lebanon OH 45036

Product	Quantity	Sales Price	Price
Ethernet Installation (Fiber)	1	0	0
		Total*:	\$0.00

*Prices do not include taxes, surcharges, and/or fees

One-Time Charges at: 500 Justice Dr , Lebanon OH 45036

Product	Quantity	Sales Price	Price
Ethernet Installation (Fiber)	1	0	0
		Total*:	\$0.00

*Prices do not include taxes, surcharges, and/or fees

*Prices quoted are subject to change. Applicable taxes, surcharges, and/or fees are not included in the quoted price. Additional Terms and Conditions may apply.

Product Descriptions

Ethernet Solutions

Spectrum Enterprise Ethernet Services are a portfolio of Wide Area Networking (WAN) services which enable businesses to efficiently connect nonadjacent locations together to form a seamless and secure network environment.

FEATURES	BENEFITS
Industry Standard Service Types	Service Type Options (EPL, EVPL, and EP-LAN) meet MEF Specifications.
Scalable Bandwidth Tiers	Scalable bandwidth from 2Mbps to 10Gbps.
Service Level Agreements	Industry leading service level agreements including metrics for Availability, Mean Time to Restore, Frame Delay, Frame Delay Variation, and Frame Loss.
Customer Portal	View status of services including Performance Metrics (subject to availability).

Resolution

Number 19-0263

Adopted Date February 26, 2019

AUTHORIZE WARREN COUNTY SANITARY ENGINEER OR DEPUTY SANITARY ENGINEER TO PREPARE AND SUBMIT A NOMINATION FORM TO PARTICIPATE IN WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) PROGRAM FOR 2020 FOR THE WARREN COUNTY WATER TREATMENT PLANT MEMBRANE SOFTENING UPGRADES PROJECT

WHEREAS, the State of Ohio's WSRLA Program, an account under the Drinking Water Assistance Fund (DWAF) offers financial assistance to public water systems for capital improvements to public infrastructure; and

WHEREAS, the Warren County Water and Sewer Department is planning to make capital improvements to the Richard A. Renneker and Franklin Area Water Treatment Plants, specifically softening upgrades; and

WHEREAS, the infrastructure improvement herein above described is considered to be a compliance related and human health related improvement and is a qualified project under the WSRLA program; and

NOW THEREFORE BE IT RESOLVED, that the Warren County Sanitary Engineer is hereby authorized to apply to the State of Ohio by way of the Ohio EPA for loans for capital improvements for the Warren County Water Treatment Plant Membrane Softening Upgrades Project.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: Water/Sewer (file)

Resolution

Number 19-0264

Adopted Date February 26, 2019

ACKNOWLEDGE PAYMENT OF BILLS

BE IT RESOLVED, to acknowledge payment of bills from 1/24/19, 2/5/19, 2/7/19, 2/12/19, 2/14/19, 2/19/19, 2/21/19, and 2/25/19 as attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: Auditor ✓

Resolution

Number 19-0265

Adopted Date February 26, 2019

APPROVE A SUBDIVISION PUBLIC IMPROVEMENT PERFORMANCE AND MAINTENANCE SECURITY AGREEMENT RELEASE FOR GRAND COMMUNITIES, LTD. FOR THE LAKESIDE AT SHAKER RUN, SECTION ONE SITUATED IN TURTLECREEK TOWNSHIP

BE IT RESOLVED, upon recommendation of the Warren County Sanitary Engineer, to approve the following security release:

RELEASE

Bond Number	:	17-026 (W/S)
Development	:	Lakeside at Shaker Run, Section One
Developer	:	Grand Communities, Ltd.
Township	:	Turtlecreek
Amount	:	\$76,723.40
Surety Company	:	RLI Insurance Company (CMS0328921)

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cgb

cc: Grand Communities, Ltd., Dave Stroup, 3940 Olympic Blvd, Ste 100, Erlanger KY 41018
RLI Insurance Company, 525 W. Van Buren, Suite 350, Chicago, IL 60607
Water/Sewer (file)
Bond Agreement file

Resolution

Number 19-0266

Adopted Date February 26, 2019

APPROVE A STREET AND APPURTENANCES BOND REDUCTION FOR SAVANNAH FARMS, LLC FOR COMPLETION OF PERFORMANCE OF CONSTRUCTION OF IMPROVEMENTS AND ENTER INTO THE MAINTENANCE SECURITY FOR SAVANNAH FARMS IN CLEARCREEK TOWNSHIP

WHEREAS, the Developer has completed the performance of the construction of improvements subject of the Bond referenced below, and upon recommendation of the County Engineer the bond amount for performance may be reduced to zero, but the bond shall remain in effect for maintenance security to secure the performance of all maintenance upon the completed improvements; and

NOW THEREFORE BE IT RESOLVED, upon recommendation of the Warren County Engineer, to approve the following street and appurtenances performance bond reduction and the two year maintenance period:

BOND REDUCTION

Bond Number	:	17-007 (P-M)
Development	:	Savannah Farms
Developer	:	Savannah Farms, LLC
Township	:	Clearcreek
Reduction Amount	:	\$9,715.24
Surety Company	:	First Financial Bank (LOC #820112989)

BE IT FURTHER RESOLVED: the original amount of bond was \$98,449.31 and after the above reduction, the remaining bond amount is \$88,734.07.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cc: Savannah Farms, LLC, Attn: Sherry Oakes, 8434 Yankee St, Dayton, OH 45458
First Financial Bank, Attn: Bradley Cummings, 300 High St. Hamilton, OH 45011
Engineer (file)
Bond Agreement file

Resolution

Number 19-0267

Adopted Date February 26, 2019

APPROVE VARIOUS RECORD PLATS

BE IT RESOLVED, upon recommendation of the Warren County Regional Planning Commission, to approve the following Record Plats:

- Country Brook North Section Six - C – Clearcreek Township

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cc: Plat File
RPC

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

Resolution

Number 19-0268

Adopted Date February 26, 2019

APPROVE SUPPLEMENTAL APPROPRIATION INTO SHERIFF'S OFFICE FUND #2286

BE IT RESOLVED, to approve the following supplemental appropriation into Warren County Sheriff's Office Fund #2286:


\$1,000.00 22862200 5317 (Non Capital Purchase)

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS


Tina Osborne, Clerk

cc: Auditor
Supplemental App. file
Sheriff (file)

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

Resolution

Number 19-0269

Adopted Date February 26, 2019

APPROVE SUPPLEMENTAL APPROPRIATIONS INTO COMMON PLEAS COURT
COMMUNITY BASED CORRECTIONS FUND #2289

BE IT RESOLVED, to approve the following supplemental appropriations:

\$ 80,000.00	into	22891227 - 5102	(Regular Salaries)
\$ 11,000.00	into	22891227 - 5811	(PERS)
\$ 2,000.00	into	22891227 - 5871	(Medicare)

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young.
Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: Auditor
Supplemental App. file
Common Pleas (file)

Resolution

Number 19-0270

Adopted Date February 26, 2019

APPROVE APPROPRIATION ADJUSTMENT FROM COMMISSIONERS GENERAL FUND #11011110 INTO OFFICE OF MANAGEMENT AND BUDGET FUND #11011115

BE IT RESOLVED, to approve the following appropriation adjustment from Commissioners Fund #11011110 into Office of Management and Budget Fund #11011115 in order to process a vacation leave payout for Mariel Pesavento former employee of the Office of Management and Budget:

\$836.00	from	#11011110-5882	(Commissioners - Vacation Leave Payout)
	into	#11011115-5882	(Office of Management and Budget - Vacation Leave Payout)

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: Auditor
Appropriation Adjustment file
OMB (file)

Resolution

Number 19-0271

Adopted Date February 26, 2019

APPROVING TEXT AMENDMENTS TO ALTER VARIOUS SECTIONS OF THE WARREN COUNTY RURAL ZONING CODE, TO-WIT:

Administrative Procedures

–Sections: 1.204.4, 1.303.5(C), 1.303.5(D), 1.303.6, 1.304.6(A), 1.304.6(B), 1.305.4(A), 1.305.4(B), 1.305.10(A), 1.306.1, 1.306.3, 1.306.5, 1.307.4, 2.202, 2.203(A), 1.312

Mixed Use Zone (MXU) Regulations

–Sections: 2.407.3(B), 2.407.5, 2.407.7

Wedding Facility, Event Center

–Sections: 2.205, 3.206.17, 4.103

Community Facilities & Essential Services

–Sections: 2.201, 2.205, 3.205, 3.206.12-3.206.16, 4.103

Caretaker Dwelling

–Sections: 3.206, 3.207.1, 3.208(A), 4.103

Residential Principal Buildings

–Sections: 3.203.1

Access Management

–Sections: 3.304, 4.103

WHEREAS, the Board adopted Resolution # 18-1737 on November 6, 2018, to initiate the aforementioned Text Amendments to alter various sections of the Warren County Rural Zoning Code; and,

WHEREAS, the Board adopted Resolution # 19-0088 on January 22, 2019 setting the public hearing on February 12, 2019 at 9:15AM in the Commissioners Meeting Room, 406 Justice Drive, Lebanon, OH, and to advertise notice of the hearing in a newspaper of general circulation, to consider the aforementioned Text Amendments to the Warren County Rural Zoning Code; and,

WHEREAS, notice of the date, time and place of the public hearing and all other requirements of section 303.12 (G) 1-5 of the Ohio Revised Code, were published in the Journal-News Pulse of Lebanon and Mason, being a newspaper of general circulation in Warren County, Ohio, on January 20, 2019, being more than 10 days prior the date scheduled for the public hearing; and,

WHEREAS, the public hearing was opened by the Board on February 12, 2019, at 9:15AM, and continued to February 26, 2019, at 9:15 AM whereupon the Board heard testimony from the Zoning Inspector who presented among other things the written recommendation of the Warren County Regional Planning Commission and the written recommendation of the Warren County Rural Zoning Commission, as well as the testimony of persons in favor of and opposed to the aforementioned Text Amendments; and,

WHEREAS, the public hearing was closed on February 26, 2019, and upon deliberation whether to adopt or deny the recommendations or adopt some modification of it, the Board took the following action.

THEREFORE BE IT RESOLVED, by at least a majority of the County Commissioners voting on the matter, to approve a modification of the text amendments, attached hereto and made a part hereof, to various sections of the Warren County Rural Zoning Code, to-wit:

Administrative Procedures

–Sections: 1.204.4, 1.303.5(C), 1.303.5(D), 1.303.6, 1.304.6(A), 1.304.6(B), 1.305.4(A), 1.305.4(B), 1.305.10(A), 1.306.1, 1.306.3, 1.306.5, 1.307.4, 2.202, 2.203(A), 1.312

Mixed Use Zone (MXU) Regulations

–Sections: 2.407.3(B), 2.407.5, 2.407.7

Wedding Facility, Event Center

–Sections: 2.205, 3.206.17, 4.103

Community Facilities & Essential Services

–Sections: 2.201, 2.205, 3.205, 3.206.12-3.206.16, 4.103

Caretaker Dwelling

–Sections: 3.206, 3.207.1, 3.208(A), 4.103

Residential Principal Buildings

–Sections: 3.203.1

Access Management

–Sections: 3.304, 4.103

BE IT FURTHER RESOLVED, that the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

BE IT FURTHER RESOLVED, that the Board is acting in its legislative capacity in adopting this Resolution.

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea
Mr. Young – yea
Mr. Grossmann – yea

Resolution adopted this 26th day of February, 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: RPC
RZC (file)
Text Amendment file
Bruce McGary
Township Trustees – Franklin, Harlan, Turtlecreek, Union, Washington

(1) Administrative Procedures

Changes to Zoning Code Text

1.204.4

Action For In Decision: ~~Formal action of the BZA is by it passing a resolution or motion, for which the concurring vote of the majority of the BZA members present at the hearing is necessary for it to reverse or affirm, wholly or partly, or modify an order, requirement, decision, or determination of the Zoning Inspector, as ought to be made, and to that end having the power of the Zoning Inspector from whom the appeal is taken, or to make a decision on an application submitted requiring an action by the BZA, such as a request for a variance from a dimensional requirement of this Zoning Code or in request of it to grant issuance of a zoning permit for a conditional use specified allowable by this Code or for a determination of allowance of a use not specified in the Code.~~ The BZA must conduct a quasi-judicial hearing on the record prior to rendering its decision on an application for an appeal, variance, or conditional use certificate, or revoking of an unauthorized variance or conditional use certificate. Upon closing the hearing, the BZA may deliberate its decision off the record in private (a quasi-judicial hearing is not a meeting and is not subject to the Open Meetings Act). Upon completing deliberations, the BZA on the record must pass a motion by a majority vote of a quorum of BZA members present at the hearing whether to approve, deny or approve with conditions an application, however, the 30 day period in which a person with standing may file an administrative appeal of a BZA decision only begins to run upon the date the BZA written decision is mailed to an applicant.

application. If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the County on the application until the deficiencies are corrected.

Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness, notify surrounding property owners by mail of the hearing at least ten (10) days prior thereto; submit and have the advertised notice in a newspaper of general circulation. The Zoning Inspector shall provide the accepted application to applicable authorities/departments involved for review of the plan and allow fifteen (15) days to respond and receive comments before the Zoning Staff Report is sent to the BOCC or Approving Authority.

- (C) **Staff Review and ~~Public Comments~~ Applicable Authorities/Departments:** The Zoning Inspector and other applicable authorities/departments shall provide written comments; report on any deficiencies, problems, or concerns, and may offer recommendations. ~~Public comments will be considered and recorded.~~
- (D) **Review and Action:** The Approving Authority shall conduct a quasi-judicial hearing and take sworn testimony and consider evidence made a part of the record, and consider the written comments and recommendations of the Zoning Inspector and other applicable authorities/departments ~~received regarding the site's development~~. Upon closing the hearing, the Approving Authority may deliberate in private (a quasi-judicial hearing is not a meeting and not subject to the Open Meetings Act) and issues a written decision ~~shall adopt a resolution~~ to approve or deny the site plan as submitted, or to approve with conditions. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the Approving Authority's decision is to the Court of Common Pleas.
- (E) **Case File Record:** Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.
 - (1) **Site Plan Review by BOCC:**
 - (a) You may reference the audio recording of the proceedings and the written meeting minutes at the BOCC Office.
 - (b) The resolution of the Approving Authority in decision on the plan is placed in the case file and provided to the applicant.
 - (2) **Site Plan Review by BZA:**
 - (a) You may reference the audio recording of the proceedings and the written meeting minutes at the Zoning Office.
 - (b) The resolution of the Approving Authority in decision on the plan is placed in the case file and provided to the applicant.

1.303.6 **Review Criteria:** The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. The Ffactors to be considered and weighed by the

Approving Authority include but are not limited to the following, but no single factor controls in making a decision, nor must all of the factors support the decision ~~include those in Section 1.303.1, and the following additional criteria:~~

- (A) **Adequacy of Information and Compliance with Zoning Code:** The plan contains the Code required information and is presented in an understandable manner that provides an accurate description of the proposed development, structure(s), site improvements and impacts. The plan complies with all applicable requirements of the Zoning Code pertinent to the proposal.
- (B) **Design Layout Sufficiency and Sensitivity:** The design components proposed and used are considered sufficient and sensitive to site topography, drainage, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access and the type, size and location of buildings.
- (C) **Design Character, Operational Compatibility, and Coordination:** The appearance and design character of the proposed development and all corresponding operational activities are considered compatible and coordinated with surrounding, existing, and planned developments. The proposed structures must also be identified as a primary or secondary, and must be coordinated to function with the internal operations of the site.
- (D) **Preservation of Significant Features:** The plan preserves: architecturally, historically and/or culturally significant buildings; wetland, floodplain, streams, aquifer recharge areas; soils areas with severe limitations for use; steep slopes; and tree lines, hedgerows, wooded areas, and trees that are determined valuable to retain.
- (E) **Pedestrian Access and Circulation:** The plan proposes provision of pedestrian circulation and access. Determination of adequacy is based on such provisions being designed to be safe, comfortable, compatible, connected, conflict-free, and compliant with applicable ADA regulations.
- (F) **Vehicular Access and Circulation Streets:** Driveways, parking aisles, and other related elements designed for vehicle access and circulation demands are determined sufficient per evaluation by the Warren County Engineer and Fire/EMS department. These elements are evaluated for safety and function.
- (G) **Parking and Loading:** Off-street parking and loading provisions are determined sufficient based upon the proposed number, size, location, and arrangement of parking spaces and provisions for shared-parking and for compliance with Article 3, Chapter 3 Parking, Loading, and Circulation Standards.
- (H) **Landscaping and Screening:** Evaluated based on the design and effectiveness of landscaping/building material to screen and mitigate negative visual impacts and for compliance with Article 3, Chapter 4 Landscaping and Screening Requirements.
- (I) **Exterior Lighting:** Evaluated for compliance with Article 3, Chapter 5 Lighting Requirements and Standards.
- (J) **Signage:** Evaluated for compliance with Article 3, Chapter 6 Signage Standards and Requirements.

- (I) Will approval of this amendment result in existing land uses, parcels, or structures becoming non-conforming or somehow result in conflict with any provision, restriction, or requirement of this code?

1.304.6 Decision Record, Delivery, Effective Date, Referendum, Appeal or

Reconsideration: After the BOCC renders its decision on a proposed amendment, the record of the decision shall be provided as specified below.

- (A) **Decision Record, Delivery, Effective Date and Permanence:** The BOCC Clerk shall prepare and certify a copy of the decision on the amendment in the form of a resolution adopted by BOCC. The certification shall be provided to the Zoning Inspector, the RPC, and the applicant. Except as provided in paragraph B below, if approved, the amendment becomes effective thirty (30) days after the adoption unless otherwise delayed as provided in paragraph B. Within five (5) working days after an amendment's effective date, BOCC shall file the text and maps of the amendment in the office of the County Recorder and with the RPC. Failure by the BOCC to file the effective amendment(s), or any text or maps with the County Recorder or RPC shall not invalidate the amendment(s) and is not grounds for an appeal. Upon becoming effective, the amendment is permanent unless otherwise later revised or removed per this Code or by appropriate Court action.
- (B) **Referendum:** The proposed amendment, if adopted by BOCC, shall become effective in thirty (30) days after the date of its adoption (defined as the date of the BOCC's verbal vote regardless of whether a written resolution is adopted at that time or not), unless, with thirty (30) days after the date of its adoption, there is presented to BOCC a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area under the zoning jurisdictions of the Zoning Code equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the most recent general election at which the governor of Ohio was elected, requesting BOCC submit the amendment to the electors of such area for approval or rejection in accordance with ORC Section 303.12 and 3501.38, et seq. No amendment for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SEC 1.305 PLANNED-UNIT DEVELOPMENT:

1.305.1 Purpose: Planned-unit development (PUD) is a means of zoning afforded to Counties by ORC Sections 303.022 and 303.023 which, as established in this Code, may be applied in the form of a PUD Zone or a PUD Overlay. The Planned Unit Development zoning classification is intended to provide applicants with more flexibility in the design and development of land by relaxing conventional zoning district regulations. The intent is to allow more efficient use of land and greater public benefit by encouraging ingenuity and imagination. The PUD shall further the general welfare, encourage the efficient use of the land and resources, and be cost effective in providing public and utility services. Within the PUD, the County Zoning regulations where applicable, subdivision regulations, and platting regulations need not be uniform but may vary in order to accommodate unified development and to promote the public health, safety, morals and general welfare.

1.305.2 Who Can Initiate Adoption and Owner Activation Voluntary: Proposal to place a PUD Zone on a property may be initiated only at the election of the owner(s) or authorized representative(s) of the property owners. A PUD Overlay may be initiated by the Rural Zoning Commission (RZC), the Warren County Board of Commissioners (BOCC), or a property owner. The BOCC has authority to approve a PUD overlay on any property, nevertheless, PUD regulations may only be applied to a property at the election of the owner.

1.305.3 Effect of PUD designation: After the designation of the property as a PUD on the Zoning Map, any approval or disapproval of subsequent use or development of property in the PUD as being in compliance with regulations established as authorized by this Section of the Code or ORC Section 303.022 shall not be considered to be an amendment to the Code for the purpose of ORC Section 303.12 but may be appealed pursuant to Chapter 2506, et seq. of the ORC. Unless otherwise provided in Section 1.305.11, any proposed subsequent use or development of property in the PUD that increases the overall density for the entire PUD or use change with the PUD or standards that have been specified for the PUD in Stage One, shall be considered a legislative amendment and must go back through the Stage One Rezoning Process.

1.305.4 PUD Process, Stages, and Processing Requirements: The PUD approval process consists of three (3) stages:

(A) **PUD Stage 1 Process:** Rezoning of the site consists of Warren County Regional Planning Commission (RPC) recommendation, Rural Zoning Commission (RZC) recommendation, and a legislative decision after a public hearing by the BOCC. This Stage ~~must comply~~ **complies** with the map amendment process and submittal requirements outlined in Section 1.304. Except as otherwise provided in Section 1.305.12(B), after designation of the site as a PUD on the Official Zoning Map, any subsequent applications for use or development of the site in the PUD as being in compliance with the PUD regulations shall not be considered an amendment under ORC 303.12.

(B) **PUD Stage 2 Process:** BOCC administrative decision on the preliminary site plan. Planned unit developments that received PUD Stage 1 approval prior to January 21, 2012 are subject to the current PUD Stage 2 process. The procedure by which the PUD

- (B) Proposed public improvements are found acceptable by the approving authority and are bonded as deemed necessary;
- (C) Proposed use will not develop hazards and/or nuisances, nor negatively impact the public and the environment. This includes devaluation of surrounding properties;
- (D) All proposed private aspects and provisions for vehicular access, parking, loading, and circulation; pedestrian access and circulation; essential services in the form of utilities or other facilities; drainage runoff and soil erosion control; landscaping, lighting, signage, and open space; building or other structure size, type, location, use, operation, maintenance, and site impervious surface coverage; and any other items or considerations applicable to PUD site planning, development, and use are found sufficient per discretion of the BOCC in recognition of commonly accepted standards for such;
- (E) The phasing of each individual section or sub-section of the PUD results in a functionally complete section; and,
- (F) Provisions are made to protect, preserve, and incorporate: any existing architecturally and/or historically and/or culturally significant buildings; wetland, floodplain, streams, aquifer recharge areas; soils areas with severe limitations for use; steep slopes; and tree lines, hedgerows, wooded areas, and trees that are determined valuable to retain.

1.305.9 Permissible Uses and Activities: Any permitted, accessory, or conditional use permissible in the underlying zone(s) on the PUD site property or associated activity may be considered by the BOCC for approval. However, any such use or associated activity may also be prohibited or restricted by the BOCC, in disallowance of some or all aspects or provisions they find contrary and detrimental to the purposes of this Zoning Code.

1.305.10 Duration of Site Plan:

(A) A recommendation from the RPC Executive Committee shall expire after a period of one (1) year if the application has not progressed to the point where it is heard by the Board of County Commissioners at an administrative hearing.

(BA) Stage 2 Preliminary Site Plan approval by the Board of County Commissioners shall expire within two (2) years of the date of approval unless Stage 3 Final Site Plan approval has been granted.

(CB) An extension may be granted by the BOCC for a period not to exceed twelve (12) months provided that a request is submitted to the Zoning Inspector prior to the expiration date.

1.305.11 Post Site Plan Approval Requirements: Are as follows:

(A) **Permits or Approvals:** The applicant is responsible to obtain necessary permits or approvals from any other applicable authority before issuance of the zoning permit.

(B) **Development and Maintenance:** Per the approved Site Plan the property owner is responsible for the improvement and maintenance of the site in accordance with the approved Site Plan and all conditions of approval. Failure to comply with the approved

SEC 1.306 CONDITIONAL USE APPLICATION:

1.306.1 Purpose and Approval: ~~The Conditional Use process is provided for permitting certain uses listed in the Table of Uses (Section 2.205) determined by the BZA to be potentially acceptable in the Zoning District based on review criteria (Section 1.306.5), as a category and means of permitting certain uses listed in the Table of Permitted Uses as potentially acceptable. The use proposed must be listed as a conditional use in the Table of Uses for the district where the subject property is located. However, uses not listed in the Table of Uses but determined as similar to a listed conditional use pursuant to Section 2.203, as well as non-conforming uses under Section 1.308.5, may also be processed under this section. Only one (1) conditional use may be approved per property, except that secondary dwelling units approved as conditional uses shall not count toward this maximum allowance. Allowance is contingent on the Board of Zoning Appeals (BZA) granting approval in request for such use. A conditional use may only be approved if the BZA finds that proposal is in accordance with this Section and meets applicable use specific requirements specified in Article 3, Chapter 2, or any additional conditions specified by the BZA.~~

1.306.2 Application Requirements: The applicant shall submit the required application form and fee. The information to accompany the application for conditional use shall be the same as the information required for site plan review as specified in Section 1.303.

1.306.3 Application Processing: The procedure by which the application in request of conditional use approval shall be submitted, reviewed, and processed is as follows:

- (A) Pre-submittal consultation with the Zoning Inspector;
- (B) Formal submittal to, and processing by, Zoning Inspector (as specified in Section 1.303.3);
- (C) ~~Review~~Obtain comments from involved authorities ~~and surrounding property owners;~~
- (D) BZA conducts quasi-judicial hearing;
- (~~E~~D) BZA deliberation may be in private (a quasi-judicial hearing is not a meeting and not subject to the Open Meetings Act), and issues a written Review and decision by the BZA or any appeal; and
- (~~F~~E) **Case File Record:** Application files maintained by the Zoning Inspector shall contain all written information submitted, reference the location of audio recording of the proceedings, and include written meeting minutes and findings of fact. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year. The written decision~~resolution~~ of the Approving Authority ~~in decision~~ on the plan is placed in the case file and provided to the applicant. ~~The decision resolution on the plan by the BZA is placed in the case file and provided to the applicant.~~

1.306.4 Applicable Requirements and Provisions Following Use Approval:

- (A) **Permits or Approvals From Other Involved Authorities:** The applicant is responsible for obtaining all necessary permits or approvals from other approving

authorities before issuance of the zoning permit.

- (B) **Development and Maintenance in Compliance with the Approved Plan:** It is the responsibility of the owner of the property for which the conditional use approval has been granted, or of their duly authorized agent(s) acting in their behalf, to develop, improve, operate, and maintain the site, including the buildings, structures, and all development component elements of the use, in accordance with the approved plan and all conditions of approval.
- (C) **Expiration and Extension of Use Approval:** If the development and/or conditional use approved by the BZA has not commenced within two (2) years following the approval, the approval shall become null and void, requiring re-application. The applicant may only request an extension prior to the conditional use approval expiration date. A written request for extension shall be submitted to the Zoning Inspector. The BZA may grant up to twelve (12) months in extension of its initial approval and entertain subsequent extensions thereafter.
- (D) **Conditional Use Approval Abandoned or Dormant:** If the development and/or use has commenced, the conditional use approval will be considered null and void if the approved use is abandoned or dormant for a period of two (2) years. If so re-application in accordance with Section 1.306.3 is required.
- (E) **Modification of The Approved Use Plan:**
 - (1) **Minor Modification Allowances:** The following are considered minor modifications allowable for approval by the Zoning Inspector:
 - (a) Changes made during development to improve safety, protect natural features; accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
 - (b) Changes in landscaping that are consistent with the standards of this Code and that does not reduce the total amount of landscaping or buffering required.
 - (c) Adjustments in alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
 - (d) Reduction or changes in signage or lighting which will not affect off-site properties.
 - (2) **Major Modifications:** BZA approval is required for any proposed change which:
 - (a) Does not meet the minor modification qualification criteria specified above in number one (1).

1.306.5 Review Criteria:

- (A) In reviewing conditional uses, the BZA shall consider the [anticipated impacts on the following in the interest of](#) public health and safety, [as well as](#) public convenience,

comfort, prosperity, or general welfare, as applicable. The factors to be considered and weighed by the BZA include but are not limited to the following, but no single factor controls in making a decision, nor must all the factors support the decision:

- (1) The use complies with applicable requirements of the Warren County Rural Zoning Code, including Use Specific Standards.
- (2) The use is consistent with the suggestions of the components of the Comprehensive Plan.
- (3) The use will not be detrimental to surrounding properties.
- (4) The use is necessary or desirable to provide a service.
- (5) The use will not cause a burden to public services, facilities and utilities for water, sanitary sewer, natural gas, electricity, telephone and cable, roadways, police, fire and EMS protection, sidewalks, bikeways, and public schools.
- (6) The use will be served adequately by essential public facilities such as highways, streets, police and fire protection, water and sewers, and schools.
- (7) The use does not adversely impact traffic conditions in a manner that cannot be mitigated.
- (8) The use will be designed to be harmonious in appearance with the existing or allowable uses of the surrounding area.
- (9) The use will be operated, maintained, and will function in a manner that is appropriate with the intended character of the surrounding area.
- (10) The use will not result in substantial destruction, loss or damage of significant natural, scenic or historic features.
- (11) The reasonably anticipated detrimental effects of the use can be sufficiently mitigated by the proposal or by the imposition of conditions for approval.

- ~~(1) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located; (except as provided in Section 1.308.5)~~
- ~~(2) Whether the use deviates from the suggestions of the Comprehensive Plan; and,~~
- ~~(3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.~~

~~(B) In order to approve a conditional use, the BZA shall use the following review criteria:~~

- ~~(1) The use will be harmonious with, and in accordance with, the purpose of this zoning code; and,~~

- ~~(2) — The use will conform to the general character of the neighborhood in which it will be located; and,~~
- ~~(3) — Imposing special conditions or requirements that would mitigate the special characteristics which are inherent to the use and enable compatibility with the existing neighborhood; and,~~
- ~~(4) — The use complies with all applicable provisions of this zoning code, including any use specific standards; and,~~
- ~~(5) — The use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and the use will not change the essential character of the same area; and,~~
- ~~(6) — The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community; and,~~
- ~~(7) — That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and,~~
- ~~(8) — That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and,~~
- ~~(9) — Only one conditional use is allowed on a parcel of property.~~

1.306.6 Notification: The Zoning Inspector shall post a sign stating the public process and where to get additional information.

Written notice of the hearing shall be mailed by the Approving Authority, by first class mail, at least ten days before the date of the hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such hearing, and shall not invalidate any action taken at such hearing.

1.306.7 Post Conditional Use Approval: BZA approval of the Conditional Use shall be followed by a separate review of the Site Plan by the BZA. The plan for development and/or operation of the approved use shall be evaluated based on the Site Plan review per Section 1.303.

SEC 1.307 VARIANCE APPLICATION:

1.307.1 Purpose: Variance is provided as a type of application for appeal to the Board of Zoning Appeals (BZA) by which a property owner may be granted relief or release from a dimensional and/or numeric requirement of this Zoning Code.

1.307.2 Appropriateness: Applying for variance is inappropriate for any of the following:

- (A) Use variances;
- (B) Development within a PUD;
- (C) Changes to the development density of a property; and,
- (D) Before a zoning permit has been denied by the Zoning Inspector.

1.307.3 Application Requirements: The required application form and information to accompany the request for variance shall satisfy the requirements of Section 1.303.3 or as determined by the Zoning Inspector.

1.307.4 Application Processing: The procedure by which the application in request of variance approval shall be submitted, reviewed, and processed is as follows:

- (A) Pre-submittal consultation with the Zoning Inspector;
- (B) Formal submittal to, and processing by, the Zoning Inspector (as specified per Section 1.303.5 (B));
- (C) ~~Review~~Obtain comments from involved authorities ~~and surrounding property owners;~~
- (D) ~~Review and decision by the BZA or any appeal; and~~BZA conducts quasi-judicial hearing;
- (E) BZA deliberation may be in private (quasi-judicial hearing is not a meeting and not subject to the Open Meetings Act), and issues a written decision, or any appeal; and

(~~F~~E) **Case File Record:** Application files maintained by the Zoning Inspector shall contain all written information submitted, reference the location of audio recording of the proceedings, and include written meeting minutes and findings of fact. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year. The written decision~~resolution~~ of the Approving Authority ~~in decision~~ on the plan is placed in the case file and provided to the applicant. ~~The decision resolution on the plan by the BZA is placed in the case file and provided to the applicant.~~

1.307.5 Review Criteria: The BZA shall not authorize approval of variance(s) unless the Board documents Findings of Fact based on the evidence presented upon appeal. The standards for granting such variance from the terms of the Zoning Code to be considered are as follows:

- (A) That granting a variance will not be contrary to the public interest;

SEC 1.312 FEE REQUIRED:

- (A) **Applicability:** Each application specified necessary in this Chapter for zoning enforcement is to be accompanied by the fee required when submitted to the Zoning Inspector for filing and processing, unless otherwise waived or reduced by a BOCC Resolution referenced in the following paragraph (B).
- (B) **Amount:** The dollar amount of the fee required for each application specified in this Chapter is as adopted by a BOCC resolution.
- (C) **Publication:** The required fee for each application is available as public record upon inquiry to the Zoning Inspector or Clerk.

SEC 1.313 REASONABLE ACCOMMODATION REQUEST:

1.313.1 Purpose: This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the State of Ohio Fair Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

1.313.2 Applicability: A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment shall provide evidence of disability. This section is intended to apply to those persons who are defined as disabled under the Acts.

1.313.3 Application Requirements:

- (A) **Application:** Requests for reasonable accommodation should be submitted on an application form provided by the Building and Zoning Department, or in the form of a letter, to the Zoning Inspector and should contain the following information:
 - (1) The applicant's name, address, and telephone number.
 - (2) Address of the property for which the request is being made.
 - (3) The current actual use of the property.
 - (4) The basis for the claim that the individual is considered disabled under the Acts.
 - (5) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
 - (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- (B) Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to; conditional use permit or site plan review, etc), then the applicant shall file the information required together for concurrent review with the application for discretionary approval.

Other Specific Uses: These are uses involving the solid waste disposal, solid waste transition processing, mineral extraction and processing, and junk salvage yards.

SEC 2.202 **PERMITTING DESIGNATIONS OF LAND USES IN TABLE:** The following symbols are used in the permitting table of uses to designate whether or not a certain use listed is allowed in the various zoning districts of this Code, along with indication of whether subject to site plan approval or meeting PUD requirements:

<u>Symbol</u>	<u>Meaning</u>
P	Permitted Use by Zoning Inspector
C	Conditional Use subject to BZA approval or denial
S	A permitted use, subject to BOCC review of a Site Plan
(Shaded)	Prohibited Use
E	Exempt from zoning
Land Use:	The Land Use column of Table 2.205 Table of Uses by Zoning District includes principle permitted uses; accessory uses used in conjunction with a principle permitted use; and temporary uses.

SEC 2.203 **PERMITTING DETERMINATION FOR A USE NOT LISTED:**

- (A) Permitting of a use not listed in the Table of Uses By District shall depend on the ~~Zoning Inspector convening the~~ Board of Zoning Appeals (BZA) ~~making to make~~ a determination as to whether the use not listed shall be allowed as a permitted or conditional use or otherwise prohibited, based on being similar or not to one or more use that is listed. [The BZA shall make this determination simultaneously with a decision on any application for which it has jurisdiction upon conducting a quasi-judicial hearing.](#)
- (B) The BZA or the Zoning Inspector may determine that the use is an accessory use, associated with the principle permitted use. Accessory uses and structures are permitted in any zoning district, unless qualified within the code, but only in connection with, incidental to, and on the same lot with a principle permitted use or structure which is permitted within such district. Table 2.205 which includes principle permitted uses authorizes other uses normally accessory, auxiliary or incidental to the principle permitted use. The enumerated permitted accessory uses set forth in Table 2.205 provide examples of valid accessory uses for ease of administration but are not intended to exclude uses properly accompanying the principle permitted use.

SEC 2.204 **MIXED USE COMMERCIAL AND MIXED USE NEIGHBORHOOD:** Refer to Section 2.407.3 for use allowances within the Mixed Use Commercial and Mixed Use Neighborhood Districts.

SEC 2.205 **TABLE OF USES BY ZONING DISTRICT:** (See following table.)

(2) Mixed Use Zone (MXU) Regulations

Changes to Zoning Code Text

(B) **Residential and Industrial Use Table:** In addition to the above uses, the following residential and industrial uses are allowed as indicated:

LAND USES*	SUB-DISTRICTS				DEFINITION/ USE SPECIFIC STANDARD
	MXU-C		MXU-N		
	IDM	CD	IDM	CD	
Single Family Dwellings ¹	S		S	S	A building designed for or occupied exclusively by one (1) family.
Two Family Dwelling Units	S		S	S	A building designed for or occupied exclusively by two (2) families.
Live/Work Units	S	S	S	S	A structure that is specifically built (or altered) to accommodate retail or office commercial uses on the ground. Floors above the ground level may be occupied by one or residential unit.
Boarding Houses	C	C	C	C	A dwelling that is kept, used, maintained, advertised or held out to the public to be a place where long term accommodations are provided for compensation.
Apartment Houses	SP		S	S	Homes that have been reconfigured as apartments or small apartments designed to look like large, single-family units. This multi-family housing type is in the form of apartments of three to four units.
Townhouses	S		S	S	Dwelling units that are situated side by side generally having 2 or more floors and attached to other similar units via common walls.
Patio, Atrium and Lot Line	S		S	S	Patio and Atrium: Dwelling units that share a common wall Lot Line: Dwelling units that are constructed along a single property line.
Upper Story Residential	SP	P	S	S	A dwelling unit within a mixed use structure that is situated above retail/commercial or other non-residential uses.
Multiple Family Dwelling Units	S		S	S	A building or portion thereof designed for or occupied by more than two (2) families.
Retail Small Scale/Light Manufacturing	S	S	S		An accessory and associated light manufacturing use conducted in conjunction with the primary retail use. The manufacturing use is conducted within the building that the retail use is carried out, and the manufactured products are display and are available for sale on site.
Industrial – Light.	S	S			Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site.

KEY

IDM Mixed-Use Project/**ID** Integrated **d**Development

C-D A **c**onventional **d**Development project that does not include a mix of uses and does not satisfy the criteria for an **i**ntegrated **d**Development. Single-family residential conventional developments shall adhere to the standards of the R1B district (regarding density, lot area, frontage, width-to-depth ratio, and all other district standards)

S A permitted use, subject to BOCC review of a Site Plan

 Prohibited Use

¹ Minor subdivisions are exempt from this provision and are permitted within all development types

2.407.4 Prohibited Uses: The following uses are prohibited in all mixed-use sub-districts:

- (A) Dealers or businesses with outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment, manufactured homes, and other similar equipment for sale, rent or lease;
- (B) Heavy equipment sales and service;
- (C) Towing services, salvage yards, and Impound lots;
- (D) Car wash;
- (E) Mini-storage and self-storage facilities;
- (F) Commercial laundries with dry-cleaning operation on-site;
- (G) Warehousing and distribution facilities;
- (H) Freight terminals; and,
- (I) Industrial Heavy: Manufacturing, fabrication, processing, and assembly of materials in a raw form.
- (J) Any use or development that creates a danger to public health or safety and/or a nuisance, including but not limited to environmental pollution; traffic; noise; vibration; odor; dust; or, glare, is subject to interpretation by the Zoning Inspector in order to determine whether such is compatible to the zoning district; and,
- (K) Any use similar to one or more other uses already prohibited within the district.

An interpretation under paragraphs J and K above by the Zoning Inspector is subject to an administrative appeal as provided in Sec. 1.310.

2.407.5 Use Specific Standards:

(A) **Live/Work Units:** Live/work units shall be residential in character and are limited to five thousand (5000) square feet.

(B) **Free Standing Residential Uses in the MXU-C:** Within the MXU-C zoning district, free standing residential uses are limited to the interior or rear portions of a site and to the rear of non residential structures. The construction of free standing residential structures shall be phased to coincide with or after the development of the non residential portion of the site. A commercial/non-residential component is not required in the MXU-C district if one (1) or more of the following applies:

- (1) The property involved is ten (10) acres or less, on or before the effective date of this provision.
- (2) The property does not front on a collector or arterial roadway, per the Warren County Thoroughfare Plan.

(A) **Development Standards Table:** *Table 2.407-1*

DEVELOPMENT STANDARD		MIXED USE SUB-DISTRICTS				
		MXU-C	MXU-N			
Density ^{1 & 2} (Units per acre)	Free Standing Residential	8	Single Family	Two-Family Duplex & Apartment Houses	Structures containing more than 4 units	
			4	4.2	6	
	Upper Story Residential	Unlimited by the density standards				
Minimum House Size (Sq. Ft. of living space per unit)	Single Family	1,200	1,200			
	Two-Family or <u>Apartment Houses</u> Multi-Family	960	960			
Maximum Floor Area Ratio		0.3	0.2			
Minimum Yard ³ (feet)*	Front	Arterial	30	35		
		Collector & Local	20	35		
		On-Site Streets	0	35		
	Side	Non Residential Structure	Adjacent to off-site residential use or undeveloped site	30	30	
			Adjacent to off-site non-residential use	0	0	
		Residential Structure	15	15		
	Rear	Non Residential Structure	Adjacent to off-site residential use or undeveloped site	50	50	
			Adjacent to off-site non-residential use	15	20	
		Residential Structure	30	30		
Maximum Height ⁴ (feet)*	Residential	35	35			
	Non Residential & Mixed Use Structures	50	35			
Maximum Impervious Surface Ratio ⁵		0.70	0.57			
Mixed Use Development Minimum Open Space ⁶ (percent of site)	Free Standing Residential Component	8	12			
	Non Residential Component	6	6			

1. **Density:** Compatibility with other zoning districts in the vicinity of the integrated development and the adequacy of public roads, public services and facilities, and utilities required to serve the development shall be used to determine the appropriate density.
2. **Maximum density:** The density for freestanding residential shall be calculated on the basis of the total area of the development site.
3. **Setbacks:** Front yard setbacks within the MXU-C sub-district may be reduced to zero (0) to provide shop fronts along street frontages to create a pedestrian orientation at the street. This reduction may also be applied to multistory multifamily residential developments, including row housing and live/work unit to establish a clear and functional design relationship with the street front.
4. **Height and Massing:**
 - (a) A greater height can be approved by the Approval Authority at the time of Site Plan review provided that the petitioner can demonstrate that there will be no detrimental impact to residential property.
 - (b) The maximum height may be increased by ten (10) feet, if structured parking is provided either underneath the building or within the first floor.
 - (c) Pitched roofs and accessible decks may extend above the height limit, provided that there is no enclosed, habitable space above the height limit.
 - (d) Transition requirements for adjacent single-family residential zones are as follows:
 1. Any building, or portion, thereof, located within sixty (60) feet of a RU, R1A, R1 or R1B zoning district shall be no higher than thirty (35) feet above grade.
 2. Beyond the limit described above, additional building height may be added at a ratio of 1 foot of additional building height for every three (3) feet of additional horizontal distance from the closest single-family residential zone, until the maximum building is achieved.
5. **Impervious Surface Ratio:** Those portions of the site solely dedicated to freestanding residential use are not included within the ISR calculations.
6. **Open Space.**
 - (a) Any new mixed use project, ten acres or greater, other than reuse of existing structures, shall provide the minimum open space.
 - (b) Percentages are cumulative and open space sites may be distributed throughout the development.
 - (c) Community rooms and/or common roof terraces may be credited towards the required open space.

(3) Wedding Facility, Event Center

Changes to Zoning Code Text

SEC 2.205 TABLE OF USES BY ZONING DISTRICT

LAND USES	ZONING DISTRICTS												Use Specific Standards
	RU & R1A	R1	R1B	R2	R3	B1	B2	B3	B4	B5	I1	I2	
Recreational Facility – Indoor	C	C	C	C	C	S	S	S	S	E	E	E	3.206.15
Recreational Facility – Outdoor Active	C	C	C	C	C	S	S	S	S	E	E	E	3.206.16
Recreational Facility – Outdoor Passive	S	S	S	S	S	S	S	S	S	E	E	E	3.206.16
Self-Storage Facility							S	S		S	S	S	3.208.3
Tattoo & Body Piercing Parlor							S	S		S			3.206 & 3.207.3
Wedding Facility, Event Center	C	C				S	S	S					3.206.17
Retail													
Convenience Mart-Carry-Out Store					C	C	S	S	S	S	S	S	3.206
Farm Machinery and Small Engine Sales, Rentals & Repairs	C					S	S	S	S	S	S	S	3.206
Garden Center	C					S	S	S	S	S			3.206
Gunsmith & Firearms Dealer						C	C	C	C	C			3.206
Hardware, Home Improvement, Building Materials & Supplies Store							S	S					3.206
Large Scale Retail (Big Box) Stores							C	C		S			3.206.9
Retail Stores - General						S	S	S					3.206
Wholesale Business								C	S	S	S	S	3.206
Restaurant Full Service						S	S	S	S	S			3.206.10
Restaurant, Fast-Food						C	S	S	S	S			3.206.10
Retail Small-Scale/Light Manufacturing						S	S	S	S	S	S	S	3.206
Professional Office													

P = Permitted Use by Zoning approval
 C = Conditional Uses subject to BZA approval and Site Plan Approval

S = A Permitted Use Subject to BOCC approval of Site Plan Review
 Shaded Areas = Prohibited
 E = Exempt from zoning

- (3) Pumps and filtering equipment and appurtenant structures shall be located at least two hundred (200) feet from off-site property lines.
- (4) Facilities within the floodplain require Warren County Chief Building Official approval. There shall be no commercial displays visible from the street or other property.

(F) Speedways, Casinos, Horse and Dog Race Tracks and Permanent Outdoor Concert Facilities:

- (1) Requires noise impact analysis that considers impact on surrounding neighborhoods.
- (2) Structures or facilities are not within one thousand (1,000) feet of a residential, educational, church, or municipal use structure.
- (3) Requires traffic impact analysis that considers ingress and egress, internal circulation, and impact on the surrounding neighborhood

(G) Stadiums: Stadiums shall comply with the following standards:

- (1) Shall be located at least one thousand (1,000) feet from a residential use;
- (2) Are prohibited in the R-1B, R-2, and R-3 zoning districts;
- (3) Shall be located on a site or parcel that, at the primary point of access, has at least two hundred (200) feet of frontage on an arterial street;
- (4) Shall locate access points to minimize traffic to and through local streets; and,
- (5) Shall be located on a site or parcel with an area of at least five acres.

3.206.17 Wedding Facility, Event Center:

(A) Site Plan: The application shall include a detailed site plan, description of all uses, an exhibit map showing the location and distance of the facility to single family and other housing types, and shall comply with the standards set forth under this section. All temporary structures such as tents, stages and dance floors shall abide by all setbacks, and their use area must be identified on the site plan. The application shall also include strategies to mitigate the noise impacts that would be generated by the facility. A parking analysis shall be provided at the time of submittal demonstrating that adequate parking is accounted for in the plans.

(B) Minimum Lot Size:

- (1) Residential Zoning Districts: Ten~~Five~~ (10~~5~~) acres
- (2) Commercial Zoning Districts: Two (2) acres

(C) Minimum Setbacks from Residential: All structures, parking lots, and outdoor use areas shall be a minimum of 100 feet from the property lines of all residential zoning districts and uses.

- (D) **Landscaping:** A landscaped buffer is required along the property boundaries adjacent to existing residential uses. The quantity of trees and landscaping required shall be equivalent to a Buffer Type D, and may require additional buffering based on the Approving Authority's evaluation of the design effectiveness of landscaping/structures to screen and mitigate negative visual impacts. The Approving Authority may require additional buffers along property boundaries other than those of existing residential uses.
- (E) **Design:** The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the prevailing existing or intended character of the general vicinity.
- (F) **Maximum Occupancy:** The primary event facility shall not exceed 300 persons for conditional use allowance within residential districts. There shall be no maximum occupancy in commercial districts.
- (G) **Event Duration:** The duration of an event shall not exceed 12 hours per day, and the hours of operation shall be set by the Approving Authority.
- (H) **Sounds:** There shall be no outside amplified music – except for music performed during a wedding ceremony for conditional use allowance within residential districts. This provision does not apply within commercial districts.
- (I) **Signage and Lighting:** All signage shall comply with Article 3, Chapter 6 and all lighting shall comply with Article 3, Chapter 5 of the Warren County Rural Zoning Code.
- (J) **Operations:** Events may occur entirely within a structure, outside of a structure, or both inside and outside a structure.
- (K) **Fire and EMS:** Adequate ingress and egress and circulation for emergency vehicles, and other factors to ensure public safety, to the satisfaction of the Township Fire Department.
- (L) **Traffic Circulation:** The use shall be conditional upon the approval of the following by the Warren County Engineer's Office:
- (1) Access conforming to the Warren County Engineer's Office access management regulations.
 - (2) Site design that ensures the orderly and safe arrival, parking, and departure of all vehicles.
 - (3) A traffic impact study, if deemed necessary by the Warren County Engineer's Office.

Underground Storage Tank: One or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of regulated substances the volume of which, including the volume of the underground pipes connected thereto, is ten per cent or more beneath the surface of the ground. ORC 3737.87(P)

Use: The specific purpose for which land inclusive of the building(s) and other structure(s) thereon and the activities and operations thereof are utilized, designed, arranged, intended, occupied, or maintained.

Use, Temporary: A use permitted for a period of time specified per this code.

Utility Scale Wind Farm: Wind Energy Conversion System (WECS) installations with a total generating capacity over 5 megawatts which are subject to certification by the Ohio Power Siting Board.

Variance: A modification of the strict terms of this Code, if granted by the Board of Zoning Appeals (BZA).

Veterinary Animal Hospital or Clinic: A business use of land and structures thereon as a place used for the medical and surgical care, diagnosis, and treatment of animals, including grooming and boarding accommodations for treatment purposes of observation and recuperation.

Warehouse Depot: A use engaged in storage of manufactured products, supplies, and equipment. This uses is characterized by frequent trucking activity, open storage of material, but does not involve manufacturing, production or selling of the goods they handle.

Wastewater Disposal System, Central: (See Central Sanitary Sewage System)

Wastewater Disposal System, On-Site: A system for the purposes of storing, treating, and disposing of sewage and wastewater generated by the use on the site.

Water Pollution: The unpermitted release of sediment from disturbed areas, solid waste, leachate, or other contaminants into the waters of the state.

Water System, Central: A public system which provides water supply to a development, community, or region.

Water System, On-Site: A well or other similar installation on a site which provides a water supply for the uses on the site.

Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are wholly or partly within, or border upon, the zoning jurisdiction, except those private waters which do not combine or affect a junction with natural surface or underground waters. (ORC 1509.01)

Wedding Facility, Event Center: [A building or group of buildings where weddings; retreats; seminars; community events; private parties; and similar events are conducted in exchange for compensation. This use may include, but is not limited to, facilities for food preparation and serving, parking facilities, a caretaker residence, and administrative offices.](#)

Well: A bored, drilled or driven-shaft, or a dug hole whose depth is greater than the largest surface dimension and whose purpose is to reach underground water or oil supplies, or to store or bury fluids below ground.

Wellhead: The physical structure, facility, or device at the land surface from, or through which, groundwater flows or is pumped from subsurface, water-bearing formations.

(4) Community Facilities & Essential Services

Changes to Zoning Code Text

ARTICLE 2

CHAPTER 2: USE PROVISIONS AND DIMENSIONAL REQUIREMENTS

SEC 2.201 **USE GROUPS IN THE TABLE OF USES BY ZONING DISTRICT:** The uses of land in the following Section 2.205 Table of Uses by Zoning District have been organized, for ease of use and convenience, into use groups, based upon certain characteristics that the grouped uses may share. These use groups are described as follows:

Agricultural & Related Uses: These are primarily uses of or related to agriculture, as defined in this Code.

Residential Uses: These are uses primarily involving housing of various types and densities and associated uses typically found or provided in relation thereto.

Accessory Uses & Structures: These structures and uses are permitted subordinate and secondary in support of, or in relation to, a principal permitted or conditional use or structure.

Temporary Uses: These are uses that are generally of a temporary nature, including but not limited to garage sales, events sponsored by public or private organizations, and which may or may not involve the construction or occupation of new or existing buildings.

Community Facilities' & Essential Services Uses: Community Facilities are publicly or privately owned or operated uses, for profit and not-for-profit, that serve as focal or gathering points for members of the community. ~~These uses~~ Essential Services are generally publicly owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population. ~~-or are uses that serve as focal or gathering points for members of the community-~~

Commercial Business & Service Uses: These are generally privately owned or operated uses, or uses of a for-profit nature, that include personal service establishments, financial, executive, administrative, medical and professional offices, retail sales, food service, lodging, entertainment, repair services, workshops and studios, and similar associated uses.

Industrial Manufacturing, Research & Supply/Services Uses: These are uses of a manufacturing, research, warehousing, or wholesaling character, or that involve compounding, processing, packaging, assembly, storage, or treatment of products or materials, other than solid waste, but including mineral extraction and vehicle parts salvaging uses.

SEC 2.205 TABLE OF USES BY ZONING DISTRICT

LAND USES	ZONING DISTRICTS												Use Specific Standards
	RU & R1A	R1	R1B	R2	R3	B1	B2	B3	B4	B5	I1	I2	
Events													
Circuses, Fairs, Carnivals, Revivals, Rodeos and Similar Uses	C	C	C	C	C	S	S	S	S	S	S	S	3.204.1
Commercial Event Tents	P	P	P	P	P	P	P	P	P	P	P	P	3.204(G)
Yard/Garage Sales, Estate Sales, and Private Auctions	P	P	P	P	P	P	P	P	P	P	P	P	3.204.4
Vehicle Parking													
Commercial Vehicle Parking in Residential Districts	P	P	P	P	P								3.102.3(A)
Recreational Vehicle Parking for Habitation	P	P	P	P	P								3.102.3(B)(3)
Recreational Vehicle Parking in Residential Districts	P	P	P	P	P								3.102.3(B)
Retail Sales													
Outdoor Plant, Art, Craft Sales						S	S	S					3.204
COMMUNITY FACILITIES & ESSENTIAL SERVICES USES													
<u>Community Facilities</u>													
Auditoriums & Performing Arts						S	S	S	S	S			3.205.1
Cemeteries	S	S	S	S	S	S	S	S	S	S			3.205.3
Day-Care-Center	E	E	E	E	E	S	S	S	S	S	E	E	3.205.5 & 3.205.1(E)
Churches / Places for Worship - Large Facility	C	C	C	C	C	C	C	C	C	C	C	C	3.205.1
Churches / Places for Worship - Small Facility	C	C	S	S	S	S	S	S	S	S	C	C	N/A
Civic Clubs, <u>Civic Halls</u> & <u>Civic Lodges</u>	C	C	C	C	C	S	S	S	S	S	S	S	3.205.34
Conference-Training Center	E						S	S	S	S			3.205.1(B)

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S = A Permitted Use Subject to BOCC approval of Site Plan Review
 Shaded Areas = Prohibited
 E = Exempt from zoning

SEC 2.205 TABLE OF USES BY ZONING DISTRICT

LAND USES	ZONING DISTRICTS												Use Specific Standards
	RU & R1A	R1	R1B	R2	R3	B1	B2	B3	B4	B5	I1	I2	
Libraries, Museums, and Fine Arts Centers	S	S	C	C	C	S	S	S	S				3.205.1
Essential Services													
Correctional Facilities													2.406
Campground	C	C											3.206.13 5.2
Cemeteries	S	S	S	S	S	S	S	S	S	S			3.205.2
Correctional Facilities													2.406
Day Camp, Boarding Camp, Retreat Facility	E	E	E	E	E								3.205.2
Fire & Police Station	S	S	S	S	S	S	S	S	S	S	S	S	N/A
Government Offices, including Post Offices	S	S	S	S	S	S	S	S	S	S	S	S	N/A
Health Care, Hospital, Clinic, Rehab Facility	S	S	S	S	S	S	S	S	S	S			3.205.5 7
Institutional Care, Substance Abuse Rehab Facility	C	C				S	S	S	S	S	S	S	3.203.3
Libraries, Museums, and Fine Arts Centers	S	S	E	E	E	S	S	S	S				3.205.1
Public Works/Road Maintenance Yards	C	C	C	C	C	C	C	S	S	S	S	S	N/A
Recreational Facility-Indoor	E	E	E	E	E	S	S	S	S	S	S	S	3.205.9
Recreational Facility—Outdoor Active	E	E	E	E	E	S	S	S	S	S	S	S	3.205.8
Recreation Facility Outdoor Passive	S	S	S	S	S	S	S	S	S	S	S	S	3.205.8
Schools Pre-School, Elementary, Non-Elementary	C	C	C	C	C	S	S	S	S	C			3.205.4 6
Career Center/College, Universities	C	C	C	C	C	C	C	S	S	S	C	C	3.205.4 6
Other Towers	P	P	P	P	P	P	P	P	P	P	P	P	3.205.6 10

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Shaded Areas = Prohibited
E = Exempt from zoning

SEC 2.205 TABLE OF USES BY ZONING DISTRICT

LAND USES	ZONING DISTRICTS												Use Specific Standards
	RU & RIA	R1	R1B	R2	R3	B1	B2	B3	B4	B5	I1	I2	
Telecommunications Facility Small Cell Towers	P	P	P	P	P	E	E	E	E	E	E	E	3.205.7+(2)
Telecommunications Facility Towers	S	S	S	S	S	E	E	E	E	E	E	E	3.205.7+(1)
Wind Energy Conversion System, Large Wind Farms	C	C									C	C	3.209.7(B)
COMMERCIAL BUSINESS AND SERVICES USES													
Automotive Repair, Service, Sales and Rentals													
Automobile Body Repair Shop						C	C	C		S	S	S	3.206.2(B)
Automobile Fueling Station						C	S	S	S	S	S	S	3.206.3
Automobile General Repair						C	S	S	S	S	S	S	3.206.2(A)(B)
Automobile Oil Change, Lube, Light Service						C	S	S	S	S	S	S	3.206.2(A)
Automobile Sales							S	S		S	S		3.206.2(A)(C)
Automobile Washing Facility						C	S	S	S	S	S	S	3.206.2(A)(E)
Truck Stop							C	S		S	S	S	3.206.2(A) & 3.206.3
Entertainment and Recreation													
Bar, Brewpub, Cocktail Lounge, Night Club						S	S	S	S	S			3.206.4
Casino									S	S	S	S	3.205.8(F)
Commercial Amusement, Indoor						S	S	S	S	S			3.205.9
Commercial Amusement-Outdoor						C	C	C	C	C			3.205.8
Cinema							S	S	S	S			3.206.9
Golf Driving Range or Miniature Golf	C					S	S	S	S	S			3.205.8(D)
Health/Fitness Club, Gym or Spa						C	S	S	S	S			3.205.9

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SEC 2.205 TABLE OF USES BY ZONING DISTRICT

LAND USES	ZONING DISTRICTS												Use Specific Standards
	RU & R1A	R1	R1B	R2	R3	B1	B2	B3	B4	B5	I1	I2	
Internet Sweepstakes Establishment													N/A
Race Tracks										S	S	S	3.205.8(F)
Sexually Oriented Businesses											C	S	3.206.11
Shooting Range						C	C	C	C	C	C	C	3.205.8
Lodging													
Bed and Breakfast	C	C	C	C	C	S	S	S	S	S			3.206.5
Country Inn	C	C											3.206.8
Hotels / Motels							S	S	S	S			3.206.7
Services													
Animal Hospital or Veterinary Clinic	C	C	C	C	C	S	S	S	S	S	S	S	3.206.1
Barber, Beauty Shop & Personal Care Salon						S	S	S	S	S			3.207.32
Commercial Service Provision	C					S	S	S	S	S	S	S	3.206
Conference-Training Center	<u>C</u>						<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			3.206.12
Day Camp, Boarding Camp, Retreat Facility	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>								3.206.13
Day Care Center	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>C</u>	<u>C</u>	3.206.14 & 3.205.1 (E)
Funeral Parlor, Crematory or Mortuary	C	C	C	C	C	S	S	S					3.206.6
Landscaping Service	C					P	P	P	P	P	P	P	3.206
Laundromat and Dry Cleaner						S	S	S					3.206
Moving Truck & Trailer Rental						S	S	S		S	S		3.206
Printing or Copying Shop						S	S	S	S				3.206

P = Permitted Use by Zoning approval
 C = Conditional Uses subject to BZA approval and Site Plan Approval

S = A Permitted Use Subject to BOCC approval of Site Plan Review
 Shaded Areas = Prohibited
 E = Exempt from zoning

SEC 2.205 TABLE OF USES BY ZONING DISTRICT

LAND USES	ZONING DISTRICTS												Use Specific Standards
	RU & R1A	R1	R1B	R2	R3	B1	B2	B3	B4	B5	I1	I2	
Recreational Facility – Indoor	C	C	C	C	C	S	S	S	S	S	S	S	3.206.15
Recreational Facility – Outdoor Active	C	C	C	C	C	S	S	S	S	S	S	S	3.206.16
Recreational Facility – Outdoor Passive	S	S	S	S	S	S	S	S	S	S	S	S	3.206.16
Self-Storage Facility							S	S		S	S	S	3.208.3
Tattoo & Body Piercing Parlor							S	S		S			3.206 & 3.207.3
Wedding Facility, Event Center	C	C				S	S	S					3.206.17
Retail													
Convenience Mart-Carry-Out Store					C	C	S	S	S	S	S	S	3.206
Farm Machinery and Small Engine Sales, Rentals & Repairs	C					S	S	S	S	S	S	S	3.206
Garden Center	C					S	S	S	S	S			3.206
Gunsmith & Firearms Dealer						C	C	C	C	C			3.206
Hardware, Home Improvement, Building Materials & Supplies Store							S	S					3.206
Large Scale Retail (Big Box) Stores							C	C		S			3.206.9
Retail Stores - General						S	S	S					3.206
Wholesale Business								C	S	S	S	S	3.206
Restaurant Full Service						S	S	S	S	S			3.206.10
Restaurant, Fast-Food						C	S	S	S	S			3.206.10
Retail Small-Scale/Light Manufacturing						S	S	S	S	S	S	S	3.206
Professional Office													

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SEC 2.205 TABLE OF USES BY ZONING DISTRICT

LAND USES	ZONING DISTRICTS												Use Specific Standards	
	RU & R1A	R1	R1B	R2	R3	B1	B2	B3	B4	B5	I1	I2		
Administrative, Business and Professional Offices						S	S	S	S	S	S	S	3.206	
Banks and Financial Institutions						S	S	S	S	S			3.207.43	
Office with Warehousing							S	S	S	S	S	S	3.208	
Radio, TV or Other Broadcast Studio						S	S	S	S	S	S	S	N/A	
Recording Studio						S	S	S	S	S	S	S	3.207.21	
INDUSTRIAL MANUFACTURING, RESEARCH AND SUPPLY/SERVICES USES														
Manufacturing														
Acid, Chemicals, Inflammable Liquids or Gases Manufacturing & Storage												C	S	3.208
Animal Rendering Fertilizer or Glue Manufacture													S	3.208
Asphalt or Concrete Batch Plant or Products Manufacturing													S	3.208
Bakery or Candy Making Facility									C	S	S	S	3.208	
Building Trusses Manufacture or Wood Milling Facility										C	S	S	3.208	
Ceramic, Glass or Similar Product Manufacture											S	S	3.208	
Cosmetics Manufacture											S	S	3.208	
Electrical Device or Component Manufacture or Assembly											S	S	3.208	
Explosives or Flammable Components Manufacture or Storage													S	3.208
Furniture Making, Wood Products & Upholstering										S	S	S	3.208	
Heating /AC /Sheet Metal Manufacturing										S	S	S	3.208	

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S = A Permitted Use Subject to BOCC approval of Site Plan Review
 Shaded Areas = Prohibited
 E = Exempt from zoning

SEC. 3.205 **COMMUNITY AND ESSENTIAL SERVICE USES:** Generally, except as otherwise stated in this Chapter, Community and Essential Services Facilities shall comply with the following requirements:

- (A) **Adaptive Re-Use:** The adaptive re-use of residential structures may be exempt from the requirements of the subsection upon determination by the appropriate approval authority provided that the proposed use will not adversely impact the character for function of the area.
- (B) **Landscaping:** Community and Essential Services uses adjacent to residential districts or used shall be regulated as “Commercial” in application of the provisions of Article 3, Chapter 4 (Landscaping and Screening Requirements).
- (C) **Minimum Lot Size:** The minimum lot size requirements of this section applies to single use developments and shall not be applied cumulatively to mixed-use sites. For mixed use sites, the most restrictive lot size requirement among the proposed uses shall apply.
- (D) **Supplementary Standards for the R1B, R2 and R3 zoning districts:**
- (E) **Location:** The use is located along and has direct access to an arterial roadway, unless the appropriate approval authority finds that access to an adjoining collector or local street is safer, and provides improved design, benefitting the county.
 - (1) **Signage:** Internally illuminated signs are prohibited.
 - (2) **Traffic Impact Analysis:** Required for uses generating more than one hundred (100) peak hour trips.
 - (3) **Community Impact Statement:** Required that documents the anticipated impacts on neighborhood character, quality of life, public facilities, services, and infrastructure.

3.205.1 **Auditorium, Museums, Performing Arts Centers and Fine Arts Center, Places of Worship:**

- (A) **Accessory Facilities:** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and other similar and traditional associated uses shall be permitted, subject to the requirements of this Zoning Code.
- ~~(B) **Conference and Training Centers:** Conference and Training Centers located within these facilities shall comply with the following standards:
 - ~~(1) **Dining and banquet facilities:** May be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed twenty percent (20%) of the total floor area of the principal building.~~
 - ~~(2) **No products:** Shall be sold on site except those that are clearly incidental and integral to training programs and seminars conducted in the center.~~~~
- (B) **Daycare Centers:** Daycare centers in conjunction with a place of worship are subject to the requirements of Section 3.206.14 ~~5.5~~ Daycare Centers.

- (1) Maximum Floor Area Ratio:
 - (a) R2 and R3 Zoning Districts: 0.25
 - (b) R1B Zoning District: 0.27

(~~CD~~) **Minimum Lot Size:** Auditoriums, performing arts centers, and large places of worship require five (5) acres. Adaptive re-uses are exempt from this requirement.

(~~DE~~) **Setbacks:** All structures shall be set back a minimum of one hundred (100) feet from adjacent residential districts and uses. Installation of Buffer Type D reduces the required setback to fifty (50) feet. Setbacks for adaptive re-uses shall be as determined acceptable by the BZA.

(~~EF~~) **On-Site Recreational Facilities:** May be provided for use by employees, trainees, or conferees, provided the gross floor area devoted to such facilities does not exceed twenty percent (20%) of the total floor area of the principal building.

~~3.205.2 — **Day Camps, Campgrounds and Retreats:** Campgrounds and Retreats shall be permitted subject to the following provisions:~~

~~(A) — **Access:** Site access shall be from an arterial or collector road.~~

~~(B) — **Buffers:** This use shall have a minimum of a Buffer Type C on all sides.~~

~~(C) — **Floodplain & Stream Setback:** No permanent structures shall be allowed in the one hundred (100)-year floodplain or stream setback.~~

~~(D) — **Improvement:** Each parking space shall be improved with a pervious surface or comparable hard surface covering in order to maintain a dust free condition.~~

~~(E) — **Open Space:** Open space for common areas shall be planned and provided for at convenient, centralized locations to provide at least two hundred (200) square feet per recreational vehicle space. Such open space may include play yards, pools, and recreation buildings, but shall not be deemed to include public facilities and open areas that are not accessible to the tenants.~~

~~(F) — **Residential Use Prohibited:** A Recreational Vehicle or tent shall not be used as a place of permanent residence. Use of a Recreational Vehicle or tent for occasional, daily or overnight occupancy for more than thirty (30) consecutive days is permitted during the months of March through November (I.E., camping season). The owner must prove evidence of compliance with applicable Warren County Combined Health District requirements related to sewage disposal, water supply and electrical services.~~

~~(G) — **Identification:** Campsites must be identified (numbered) on an entry sign and at each site.~~

~~(H) — **Site Area:** The minimum site area for this use shall be ten (10) acres.~~

3.205.23 Cemeteries:

(A) **Minimum Lot Size:** Twenty (20) acres.

- (B) **Setbacks:** Buildings shall be located a minimum of two hundred (200) feet from residential lot lines, districts, or recorded subdivisions.

3.205.34 Civic Clubs, Halls, and Lodges:

- (A) **Minimum Lot Size:** Two (2) acres.
- (B) **Setbacks:** All structures shall be setback a minimum of one hundred (100) feet from adjacent residential districts and uses. Installation of Buffer Type D reduces the required setback to fifty (50) feet.
- (C) **R1B, R2 and R3 Districts:** The use is limited to buildings that:
- (1) Have the character of a residential building;
 - (2) Have a floor area that is not greater than two and a half (2 ½) times the floor area of the largest home that is located on the same street block; and
 - (3) The site is accessed by a public street that is classified as a collector or greater capacity.

~~**3.205.5 Day Care Centers:**~~

- ~~(A) **Minimum Lot Size:** One (1) acre.~~
- ~~(B) **Minimum Setbacks:** Fifty (50) feet from all property lines.~~
- ~~(C) **Play Area:** Outdoor activity areas and play lots shall be fenced and screened to Buffer Type C standards.~~

3.205.46 Schools, Colleges, and Universities:

- (A) **Minimum Setbacks:** All structures shall be set back per the following from any abutting residential lot line, residential district, or recorded subdivision:
- (B) **High School, Colleges, and Universities:** Two hundred (200) feet.
- (C) **Elementary and Middle Schools:** Two hundred (200) feet.
- (D) **Temporary Structures:** Temporary structures needed for the expansion of an elementary, middle, or high school located within residential zoning districts shall be screened from view of abutting properties.
- (E) **I1 and I2 District:** The college or university is engaged in vocational training or research and development consistent with the purposes of the district.

3.205.57 Hospitals, Medical Centers, and Outpatient Clinics:

- (A) **Accessory Uses:** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building.
- (B) **Locations Within Residential Districts:**

- (1) **Hospitals:** The use is located along, and has direct access to, an arterial roadway, unless the BZA finds that access to an adjoining collector road is safer, and provides improved design benefitting the county.
- (2) **Medical Centers and Clinics:** Access to the use is provided by a road that is classified as collector or greater in capacity.
- (3) **Within the R-3 and R-2 zoning districts:**
 - (a) The facility shall have a gross floor area not exceeding three thousand (3,000) square feet;
 - (b) The facilities shall be designed to be compatible with residential structures; and
 - (c) Medical and bio-hazardous waste incineration uses are prohibited.
- (C) **Hospitals Minimum Lot Size:** A minimum lot area of ten (10) acres. There is no minimum lot size for medical centers and outpatient facilities.
- (D) **Minimum Setbacks:** All buildings shall be set back a minimum of two hundred (200) feet from any abutting residential lot line, district, or recorded subdivision. Installation of Buffer Type D reduces the required setback to one hundred (100) feet.

3.205.8 — Recreation Facility — Outdoor:

- (A) **Accessory Uses:** Retail sales must be strictly ancillary to the principal use.
- (B) **Minimum Setback:**
 - (1) Fifty (50) feet from adjacent non-residential property line
 - (2) Two hundred (200) feet from residential district or use.
- (C) **R-1B, R-2 and R-3 Districts:**
 - (1) Uses within three hundred (300) feet from a residential use or zone shall be closed between 10:00 p.m. and 8:00 a.m.
 - (2) Where the use adjoins any residential property or use, the buffers shall incorporate berms or walls and be increased by one hundred percent (100%) of the required buffer.
 - (3) The minimum lot area shall be five (5) acres.
- (D) **Golf Courses, Driving Ranges and Miniature Golf:**
 - (1) **Screening:** Lot lines abutting a residential zoning district shall be screened with Buffer Type D.
 - (2) **Setbacks:** No structure shall be located less than two hundred (200) feet from the property line of any abutting residential district or use.

- (3) ~~**Site Plan Requirements:** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots, or public streets.~~
- (4) ~~The location, layout, design, and operation shall not adversely affect nor impair the use.~~
- (E) ~~**Membership Sports or Recreation Clubs/Swimming Pools:** Swimming pools that are a principal use shall comply with the following standards. Swimming pools that are accessory uses shall comply with Section 3.102.7 and 3.102.10.~~
 - (1) ~~Swimming pools shall be located on a site or parcel with an area of at least three (3) acres and a width of at least two hundred (200) feet at the building line.~~
 - (2) ~~The area containing the pool shall be completely enclosed by a wall or fence not less than six (6) feet in height, with all access gates being lockable, self-closing and self-latching, and always maintained in good condition.~~
 - (3) ~~Pumps and filtering equipment and appurtenant structures shall be located at least two hundred (200) feet from off-site property lines.~~
 - (4) ~~Facilities within the floodplain require Warren County Chief Building Official approval. There shall be no commercial displays visible from the street or other property.~~
- (F) ~~**Speedways, Casinos, Horse and Dog Race Tracks and Permanent Outdoor Concert Facilities:**~~
 - (1) ~~Requires noise impact analysis that considers impact on surrounding neighborhoods.~~
 - (2) ~~Structures or facilities are not within one thousand (1,000) feet of a residential, educational, church, or municipal use structure.~~
 - (3) ~~Requires traffic impact analysis that considers ingress and egress, internal circulation, and impact on the surrounding neighborhood~~
- (G) ~~**Stadiums:** Stadiums shall comply with the following standards:~~
 - (1) ~~Shall be located at least one thousand (1,000) feet from a residential use;~~
 - (2) ~~Are prohibited in the R-1B, R-2, and R-3 zoning districts;~~
 - (3) ~~Shall be located on a site or parcel that, at the primary point of access, has at least two hundred (200) feet of frontage on an arterial street;~~
 - (4) ~~Shall locate access points to minimize traffic to and through local streets; and,~~
 - (5) ~~Shall be located on a site or parcel with an area of at least five acres.~~

3.205.9 Recreation Facility — Indoor: This use shall be:

- (A) ~~At least one hundred (100) feet from any residential property line; and~~
- (B) ~~The appropriate authority shall evaluate noise impact.~~

3.205.610 Towers other than Telecommunication Towers:

(A) **Setbacks:**

- (1) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height.
- (2) A tower may encroach within the required setback only upon securing the following:
 - (a) An easement for the affected area from an adjacent/involved property owner; or
 - (b) A variance from the BZA upon certification by a recognized authority that the tower's engineered fall radius is contained within the parent parcel.

(B) **Structural Sufficiency:** Shall be certified by a licensed engineer

(C) **Lighting:** Towers shall not be illuminated unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority for security and/or for safety purposes. The applicant shall provide documentary evidence of compliance with all Federal Aviation Administration and Federal Communications Commission requirements.

(D) **Abandonment:** The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.

(E) **Liability Insurance:** The tower owner shall secure, and at all times maintain, public liability insurance for personal injuries, death, and property damage.

3.205.711 Telecommunications Towers: Telecommunications towers subject to Warren County Zoning authority, pursuant to ORC Section 303.211, shall comply with the following requirements:

(A) **Telecommunications Tower:**

- (1) **Justification:** The applicant for a new telecommunications facility tower or other type of support structure shall demonstrate the need by submitting a needs study that identifies the location, or group of locations, where a facility will meet the communications need. Justification shall include, but is not limited to, copies of certified mail requests sent to all other tower owners in the vicinity of the proposed tower, stating the applicant's needs. The applicant shall provide documentation of each request and responses. Among the locations identified, the applicant shall locate the facility according to the following priority locations, listed from greatest priority (1) to least priority (5):
 - (a) Collocation on another tower that meets the requirements of this section.
 - (b) On an existing utility structure such as a water tower.

prosecution, civil or criminal, for reasonable, good faith trespass upon a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter.

3.206.12 Conference-Training Center: Conference and Training Centers located within these facilities shall comply with the following standards:

- (A) **Dining and banquet facilities:** May be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed twenty percent (20%) of the total floor area of the principal building.
- (B) **No products:** Shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center.

3.206.13 Day Camps, Campgrounds and Retreats: Campgrounds and Retreats shall be permitted subject to the following provisions:

- (A) **Access:** Site access shall be from an arterial or collector road.
- (B) **Buffers:** This use shall have a minimum of a Buffer Type C on all sides.
- (C) **Floodplain & Stream Setback:** No permanent structures shall be allowed in the one hundred (100) year floodplain or stream setback.
- (D) **Improvement:** Each parking space shall be improved with a pervious surface or comparable hard-surface covering in order to maintain a dust-free condition.
- (E) **Open Space:** Open space for common areas shall be planned and provided for at convenient, centralized locations to provide at least two hundred (200) square feet per recreational vehicle space. Such open space may include play yards, pools, and recreation buildings, but shall not be deemed to include public facilities and open areas that are not accessible to the tenants.
- (F) **Residential Use Prohibited:** A Recreational Vehicle or tent shall not be used as a place of permanent residence. Use of a Recreational Vehicle or tent for occasional, daily or overnight occupancy for more than thirty (30) consecutive days is permitted during the months of March through November (I.E., camping season). The owner must prove evidence of compliance with applicable Warren County Combined Health District requirements related to sewage disposal, water supply and electrical services.
- (G) **Identification:** Campsites must be identified (numbered) on an entry sign and at each site.
- (H) **Site Area:** The minimum site area for this use shall be ten (10) acres.

3.206.14 Day Care Centers:

- (A) **Minimum Lot Size:** One (1) acre.
- (B) **Minimum Setbacks:** Fifty (50) feet from all property lines.
- (C) **Play Area:** Outdoor activity areas and play lots shall be fenced and screened to Buffer Type C standards.

3.206.15 Recreation Facility — Indoor: This use shall be:

- (A) At least one hundred (100) feet from any residential property line; and
- (B) The appropriate authority shall evaluate noise impact.

3.206.16 Recreation Facility — Outdoor:

(A) **Accessory Uses:** Retail sales must be strictly ancillary to the principal use.

(B) **Minimum Setback:**

- (1) Fifty (50) feet from adjacent non-residential property line
- (2) Two hundred (200) feet from residential district or use.

(C) **R-1B, R-2 and R-3 Districts:**

- (1) Uses within three hundred (300) feet from a residential use or zone shall be closed between 10:00 p.m. and 8:00 a.m.
- (2) Where the use adjoins any residential property or use, the buffers shall incorporate berms or walls and be increased by one hundred percent (100%) of the required buffer.
- (3) The minimum lot area shall be five (5) acres.

(D) **Golf Courses, Driving Ranges and Miniature Golf:**

- (1) **Screening:** Lot lines abutting a residential zoning district shall be screened with Buffer Type D.
- (2) **Setbacks:** No structure shall be located less than two hundred (200) feet from the property line of any abutting residential district or use.
- (3) **Site Plan Requirements:** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots, or public streets.
- (4) The location, layout, design, and operation shall not adversely affect nor impair the use.

(E) **Membership Sports or Recreation Clubs/Swimming Pools:** Swimming pools that are a principal use shall comply with the following standards. Swimming pools that are accessory uses shall comply with Section 3.102.7 and 3.102.10.

- (1) Swimming pools shall be located on a site or parcel with an area of at least three (3) acres and a width of at least two hundred (200) feet at the building line.
- (2) The area containing the pool shall be completely enclosed by a wall or fence not less than six (6) feet in height, with all access gates being lockable, self-closing and self-latching, and always maintained in good condition.

- (3) Pumps and filtering equipment and appurtenant structures shall be located at least two hundred (200) feet from off-site property lines.
- (4) Facilities within the floodplain require Warren County Chief Building Official approval. There shall be no commercial displays visible from the street or other property.

(F) Speedways, Casinos, Horse and Dog Race Tracks and Permanent Outdoor Concert Facilities:

- (1) Requires noise impact analysis that considers impact on surrounding neighborhoods.
- (2) Structures or facilities are not within one thousand (1,000) feet of a residential, educational, church, or municipal use structure.
- (3) Requires traffic impact analysis that considers ingress and egress, internal circulation, and impact on the surrounding neighborhood

(G) Stadiums: Stadiums shall comply with the following standards:

- (1) Shall be located at least one thousand (1,000) feet from a residential use;
- (2) Are prohibited in the R-1B, R-2, and R-3 zoning districts;
- (3) Shall be located on a site or parcel that, at the primary point of access, has at least two hundred (200) feet of frontage on an arterial street;
- (4) Shall locate access points to minimize traffic to and through local streets; and,
- (5) Shall be located on a site or parcel with an area of at least five acres.

3.206.17 Wedding Facility, Event Center:

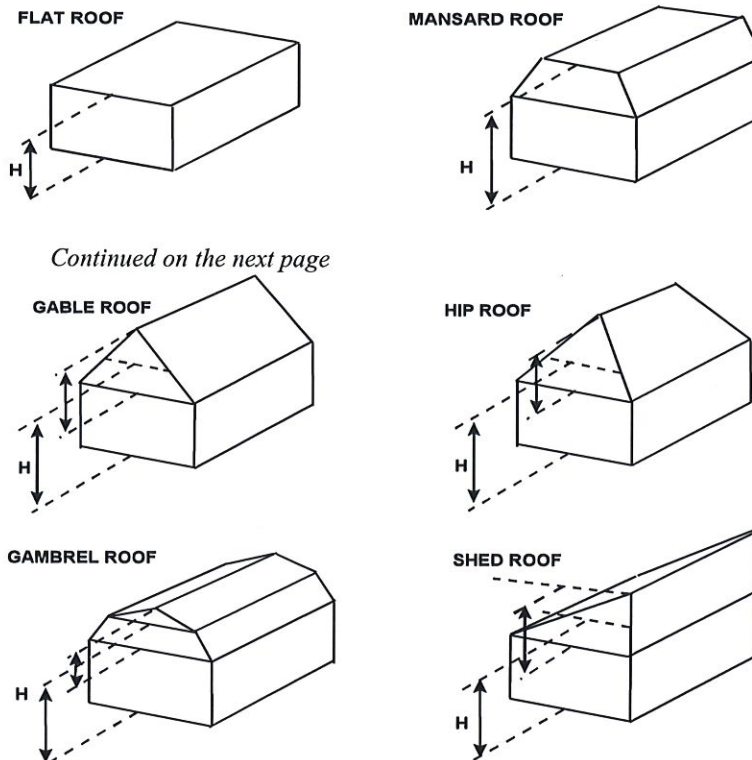
(A) Site Plan: The application shall include a detailed site plan, description of all uses, an exhibit map showing the location and distance of the facility to single family and other housing types, and shall comply with the standards set forth under this section. All temporary structures such as tents, stages and dance floors shall abide by all setbacks, and their use area must be identified on the site plan. The application shall also include strategies to mitigate the noise impacts that would be generated by the facility. A parking analysis shall be provided at the time of submittal demonstrating that adequate parking is accounted for in the plans.

(B) Minimum Lot Size:

- (1) Residential Zoning Districts: Five (5) acres
- (2) Commercial Zoning Districts: Two (2) acres

(C) Minimum Setbacks from Residential: All structures, parking lots, and outdoor use areas shall be a minimum of 100 feet from the property lines of all residential zoning districts and uses.

Building Height: The tallest vertical distance from the finished grade at the front of the building to: (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the eaves and ridge of gable, hip, and gambrel roofs; or (d) the average height between high and low points of a shed roof (see illustration).



Continued on the next page

Building Line: (See Setback)

Building, Principal: The main building(s) on a parcel in which the primary use is conducted.

Bulking Agent: Any material added to a composting system to provide structural support, improve aeration, or absorb moisture from the decomposing waste. (O.A.C. 3745-27-01(F)(5)).

Business: Any work, occupation, profession, activity, or buying and selling of commodities and services, commerce, or trade.

Business Activity: Any activity performed, conducted, maintained, or operated by one (1) or more person(s) as their work, occupation, profession, or involving buying and selling of commodities, the provision of services, commerce or trade, or approved home occupation in production and/or selling of goods or provision of service(s) in exchange for some form of consideration.

Business, Place Of: A place where the business activity as defined herein is conducted.

Campground: [An area or place \(such as a field or grove\) used for a camp, camping, or for a camp meeting.](#)

Camping Units: Portable dependent recreational vehicles, tents, sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes. (O.R.C. 3729.01 (P)).

(5) Caretaker Dwelling

Changes to Zoning Code Text

SEC 3.206 COMMERCIAL BUSINESS AND SERVICES USES:

(A) Commercial use within a residential district, excluding Mixed Use Neighborhood Zone (MXU-N), are limited to access from an arterial or collector road, but may also take access from a local road that is not more than five hundred (500) feet, or one (1) lot away, from an arterial or collector road. A Bed and Breakfast may be accessed by any public road.

(B) In cases where two (2) or more attached retail, service, office (including uses within Section 3.207), eating or drinking establishments, or other combination of permitted business or commercial uses, are designed or intended for more than one ownership, side yards between ownerships are not required, provided:

(1A) The complex is planned and constructed as one entity and at the same time.

(2B) Interior side lot lines are coincident with party walls.

(3C) The normal side yard is provided at each end of the complex.

(4) A caretaker dwelling may be constructed as an accessory use.

3.206.1 Animal Hospital or Veterinary Clinic:

(A) **Accessory Uses:**

(1) Within residential districts, accessory uses may include retail sales and grooming services, as long as such uses do not occupy more than twenty-five percent (25%) of the total gross floor area of the principal building.

(2) Crematories for animals as an accessory use are permitted in non-residential districts.

(B) **Design:** The use shall be designed so that noise or odor cannot be detected off-site as determined by appropriate authority.

(C) **Landscaping and Screening:** Outdoor enclosures or runs shall be enclosed by a Buffer Type D.

(D) **Residential Districts Minimum Site Size:** One (1) acre.

(E) **Operating Requirements:**

(1) All activities, except animal exercising, shall be conducted within an enclosed building; and,

(2) Boarding is limited to animals brought in for treatment or surgery.

(F) **Performance Standards:** Outdoor exercising is not allowed between 9:00 p.m. and 8:00 a.m.

(G) **Setbacks:** Structures where animals are housed, outdoor runs, and exercise areas shall not be located within the minimum setback areas, and shall be set back at least one hundred (100) feet from a residential use or district.

- (1) The use shall provide for all parking off-street, however, the Zoning Inspector may permit on-street parking to be substituted for off-street parking upon determining that the street can accommodate the required parking and that off-street parking would be detrimental to the character of the area.
- (2) Additional parking shall not be allowed within the front yard.
- (D) **Service:** Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
- (E) **Length of Stay:** Maximum thirty (30) consecutive days.

3.206.6 Funeral Parlor, Crematories or Mortuaries:

- (A) **Caretaker Dwelling's Residence:** A caretaker ~~dwelling's residence~~ may be provided as an accessory use within the main building.
- (B) **Chemicals:** The operator shall provide the Fire Department of jurisdiction with a list of all chemicals used.
- (C) **Crematory:** Crematories must be in conformance with established Ohio Environmental Protection Agency standards.
- (D) **Landscaping Adjacent to Residential Areas:** Buffer type C.
- (E) **Minimum Lot Size:** One (1) acre.
- (F) **Minimum Lot Width:** One hundred and fifty (150) feet.
- (G) **Parking and Circulation:** An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for the assembly of funeral processions.
- (H) **All Residential Districts:** The use shall reflect the scale and character of the adjacent residential properties and the exterior building design shall be approved by the BZA.

3.206.7 Hotels and Motels:

- (A) **Screening:**
 - (1) Parking areas shall be screened to the minimum standards of Buffer Type C.
 - (2) A Buffer Type D shall be provided between a hotel or motel and any land that is in a single-family residential zoning district or use. Side yards that front a road right-of-way that is directly across the street from a residential use shall be screened to the minimum standards of Buffer Type C.
- (B) **Frontage:**
 - (1) The site shall have its principal frontage, access, and orientation directly on an arterial street or collector road;

SEC 3.207 PROFESSIONAL & PERSONAL SERVICE USES:

3.207.1 Caretaker Dwelling: A caretaker dwelling may be constructed as an accessory use.

3.207.21 Recording Studios: Music shall not be audible at a level that creates a nuisance.

3.207.32 Personal Services: Personal service establishments within the B-1 zoning district shall comply with the following standards:

(A) An individual establishment shall have no more than two thousand five hundred (2,500) square feet of gross floor area.

(B) The business activities of the establishment shall be conducted within an enclosed building, with no more than fifty percent (50%) of the gross floor area devoted to storage.

3.207.43 Financial Institutions, with Drive-Through Service: Financial institutions with drive-through service shall locate the drive-through in the side or rear yard.

SEC 3.208 INDUSTRIAL, MANUFACTURING, RESEARCH, AND SUPPLY SERVICES:

(A) Caretaker Dwelling: A caretaker dwelling may be constructed as an accessory use.

(BA) Outdoor storage:

(1) Open storage shall not be located within ten (10) feet of a property line directly abutting a residential zone.

(2) Hazardous materials including petroleum shall be in accordance with all applicable federal, state, and local rules.

(3) Outside storage shall be permitted only for materials which are associated with the principal use or manufacturing process on the lot and that meet the standards of this chapter.

(CB) Noise: The noise emanating from premises shall be muffled so as to not become a nuisance.

(DE) Fire and Safety Hazards: The storage and handling of flammable, hazardous, and combustible materials shall be subject to review by Fire/Emergency Services.

(ED) Vibration: Uses shall not create continuous or intermittent vibrations beyond property lines.

(FE) Liquid, solid and hazardous wastes: The use shall not discharge in a manner that would endanger public health, safety or welfare, the surrounding environment, or cause injury or damage to animals, vegetation, property, or surrounding businesses. The disposal of all industrial waste types shall be governed by the regulations and standards of applicable state and federal agencies.

(GF) Nuisances: Dust, fumes, smoke, or odor shall not be detectable off-site.

Caretaker: An individual who is actively involved in on-site maintenance, service, security, or operations of a use. A proprietor may serve as a caretaker.

Caretaker Dwelling: An accessory residential unit occupied by a caretaker.

Cellar: (See Basement.)

Central Processing Facility: A site area location or tract of land on which one (1) or more building(s) or other completely contained installations engineered thereon are used for purposes of a solid waste transfer station, recycling facility, or resource/material recovery facility, but excluding incineration fueled by solid waste or that would burn it as a means for its reduction, disposal, or recovery as an energy resource.

Central Sanitary Sewage System: An operating system of components and facilities for wastewater collection, treatment and disposal, whether public or private, which has been approved by the Board of Warren County Commissioners (BOCC) for location within a sanitary sewer improvement area designated by Resolution of the BOCC for allowance thereof in the Warren County Sewer District or alternatively in an area of the District released by BOCC Resolution to another entity to provide such service, determined solely at the discretion of the BOCC.

Cemetery: A burial ground for earth interments; a mausoleum for crypt entombments; a columbarium for the deposit of cremated remains; and, a scattering ground for the spreading of cremated remains. (O.R.C. 1721.21).

C.E.R.C.L.A.: The Comprehensive Environmental Response Compensation and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42, U.S.C. 9601 et seq, as amended.

Channel: The area between definite banks of a natural or artificial stream which confine and convey continuous or periodic flows of surface water, as defined in Ohio Revised Code Section 6105.01.

Churches-Places of Worship, Large: Establishments that exceed ten thousand (10,000) square feet.

Churches-Places of Worship, Small: Establishments that are less than ten thousand (10,000) square feet and do not include a school or commercial daycare.

Cistern: A tank that stores excess rainwater runoff.

Clinic: A building, or portion thereof, the use of which provides medical, dental, or psychiatric services to outpatient clients only.

Club: Building and facilities owned or operated by persons as a non-profit corporation, association, or other organization for social, intellectual, and recreational purposes, for the members and their guests.

Commencement of Permit Activity: Evidence of physical construction and/or change of use on the site for which a zoning permit has been issued.

Commercial Use: A type of nonresidential land use that has one or more of the following characteristics: 1) the use is service-oriented; 2) the use sells retail items; 3) the use sells goods or products on a wholesale basis; or 4) the use has or has the need for open storage areas or warehouses its products. This includes both business establishments that customarily occupy standard retail/office space that require patrons to visit the establishment and off-site businesses that due to equipment and vehicle storage or the processes used, typically require facilities in addition to standard retail/office space.

(6) Residential Principal Buildings

Changes to Zoning Code Text

- (C) Signage and site access shall be in accordance with the standards of this Code Structures, Animal Runs, and Exercise Areas
- (1) **Setback:** Shall not be located in any required setback area, and shall be set back a minimum of twenty (20) feet from side and rear property lines, and shall be a minimum of eighty-five (85) feet from abutting residential districts or uses, church, school, or restaurant on the same side of the street;
 - (2) **Enclosures and screening:** Animal runs and exercise areas shall be enclosed on all sides by screening in compliance with Article 3, Chapter 4 (Landscaping and Screening Requirements);
 - (a) Animal runs and exercise areas shall have impervious surfaces and an appropriate system for runoff, waste collection, and disposal;
 - (b) Outdoor exercising is allowed when the area is fenced or the animal is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 8:00 a.m.

3.202.6 Nurseries, Greenhouses, and Garden Centers (Non-Exempt Agriculture):

(A) **Residential Zoning Districts:**

- (1) Plants, products, and materials offered for sale shall be intended for household use or home gardening activities.
- (2) Retail sales are permitted provided the use is located along, and has direct access to, an arterial roadway.

(B) **All Zoning Districts:**

- (1) Storage and display areas shall meet the zoning district setback requirements for structures; and,
- (2) Soil, fertilizer, or similar loosely packaged materials shall be covered and contained.

SEC. 3.203 RESIDENTIAL USES STANDARDS AND REQUIREMENTS

3.203.1 Principal Building per Single or Two Families Residential Lot:

Only one principal building/use, [residential or non-residential](#), is permitted per lot. [For purposes of this section, outdoor advertising \(billboards\) shall not be considered a principal building/use.](#)

3.203.2 Multiple-Family:

(A) **All Development:**

(1) **Architectural Details:**

- (a) When located adjacent to single-family dwellings and visible from a public right-of way, the design and appearance of multiple-family dwellings must have similar massing, height, roof pitch, and architectural features, including front porches, cornice lines, horizontal lines of

(7) Access Management

Changes to Zoning Code Text

- (D) **Sidewalk Construction:** Sidewalks shall be constructed of an asphaltic, Portland cement binder, and/or permeable pavement, so as to provide a durable and dust-free surface. Hiking trails may be dirt and have a mulch surface for traveling.

SEC 3.304 CROSS-ACCESS MANAGEMENT EASEMENTS:

- (A) ~~The Zoning Inspector shall review all sites in non-residential zoning districts to determine whether it is necessary to provide cross-access easements to adjacent parcels in order to achieve better circulation throughout the corridor and to minimize driveway cuts along public roads. Such review will be in conjunction with the Warren County Engineer's Office.~~ Joint and/or cross access between parcels shall be required for all non-residential and multi-family uses, unless otherwise determined by the Warren County Engineer's Office based on one (1) or more of the following factors:

- (1) Steep slopes or challenging topography;
- (2) Natural features such as streams, wetlands, or vegetated areas;
- (3) Level of development potential, based on existing zoning designations or comprehensive plan recommendations;
- (4) Compatibility of land uses or development patterns;
- (5) Parcel boundary length; and
- (6) Any other factor based on traffic safety, flow and/or circulation in the local or regional vicinity.

- ~~(B) Where a cross-access easement is determined to be necessary, shared maintenance agreements shall be filed with the Warren County Recorder and provided to the Zoning Inspector prior to approval. All cross-access easements shall comply with the Warren County Engineer's Office Access Management Regulations or as otherwise approved or required.~~

SEC 3.305 BICYCLE PARKING: Bicycle parking shall be provided at community clubhouses/pool complexes in single-family and multiple-family residential developments, as well as office, commercial, industrial, and mixed-use planned development projects.

SEC 3.306 OFF-STREET PARKING DEFINITIONS AND STANDARDS: The following shall apply to all off-street parking or loading facilities:

- (A) **Number of Required Spaces:** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Chapter. Required parking, stacking, and loading spaces shall be considered separate and distinct components and requirements.

Materials from construction may also include empty packaging material consisting of, without limitation: wood, corrugated container board, paper, metal, and/or plastic directly resulting from construction material packaging. Material resulting from the alteration, construction, destruction, rehabilitation, or repair does not include materials that are required to be removed before demolition occurs, materials that are not affixed to the structure or that are otherwise contained within the structure such as solid wastes, yard waste, packaging materials not directly incidental to construction, pallets, containers, and drums including caulking tubes, furniture, appliances, tires, batteries, and fuel tanks.

Construction/Demolition Debris Facility: Any site, location, tract of land, installation, or building used for the disposal of material from construction or demolition operations. Material from construction or demolition operations are those items affixed to the structure being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing, finished lumber, roofing materials, plumbing, plumbing fixtures, heating equipment, wiring, and insulation, but excludes materials whose removal has been required prior to demolition.

Contaminant: Any physical, chemical, biological, or radiological substance or matter that has an adverse effect on air, water, or soil.

Convalescent Home: (See Institutional Care Facility, as a type of Community-Based Residential Social Service Facility.)

Correctional Facility: A penal institution publicly or privately operated that houses persons awaiting trial or persons serving a sentence imposed by a court of law.

Country Inns: A business, other than a hotel or bed and breakfast, that offers overnight accommodations in a rural area (RU,R1A), and wherein dining, banquet and other meeting facilities may be operated.

Court a.k.a. Courtyard: An open area of ground on a building use site that is partially or completely surrounded by walls, buildings, or fencing and typically decoratively landscaped, unobstructed to the sky and usually entirely internal and not part of a front, side, or rear yard as elsewhere defined on a building site.

Cross Access: An easement or service drive providing vehicular access between two (2) or more contiguous sites so that the driver does not need to reenter the public street system.

Cul-de-sac Lots: A lot that fronts on or takes access from a cul-de-sac. A lot shall be considered to be a cul-de-sac lot if the lot has more than one half (1/2) of its required frontages on the cul-de-sac.

Cut Off: The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.

Cut Off Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Cut Off Luminaire: A source of illumination with elements such as shield, reflectors or refractor panels that direct and cut off the light at a cut off angle less than ninety (90) degrees.

Damaged or Diseased Trees: Trees that have: split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure.

terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

Internet Sweepstakes Game Terminal: A computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, may be operated by the public for use as a contest or game of chance, and which provides the user with a chance to win anything of value.

Invasive, Species: Any plant listed by the ODNR as invasive, whose introduction causes or is likely to cause harm to the economy, environment, or to human health.

Joint Access: A single access point connecting two (2) or more contiguous sites to a public roadway that serves more than one property or developments including those in different ownership.

Junk: One or more objects, articles, or materials where as such items are:

- (a) poorly maintained, deteriorated, damaged, or in a destroyed condition; or,
- (b) careless, haphazard, disorganized placement; or,
- (c) lack of cover from sun and weather exposure.

Junk Vehicle: Any vehicle, whether motorized or otherwise made mobile for purposes of travel on or off roads, through air or on or under water and/or to transport a driver, passengers and/or materials of any kind, and can be described by one (1) or more of the following:

- (a) Inoperable in accordance with manufactured design and/or for safe and/or lawful use;
- (b) Damaged and/or dismantled so as to be unsafe or unlawful to operate and/or could not be restored to safe, lawful operation within seven (7) days;
- (c) Expired registration, if required to be registered; and,
- (d) Uninsured if required to be insured.

Junk Yard (a.k.a. Salvage Yard): A use permitted on all or part of a property that is not completely contained within a building, but which is completely contained within an area which is surrounded by a solid fence or wall and perhaps natural landscaping such that it is not viewable from any other property, and wherein placement: of junk, and/or junk vehicles, inclusive of used, wrecked and/or dismantled; vehicle, appliance, and machine parts; building, electrical, heating, air conditioning, and plumbing fixtures; scrap metal, lumber, concrete blocks, bricks, plastics, rubber, wire, cable, rope or glass are permitted, in accordance with applicable regulations of the zone in which the property is located, for the purpose of being dismantled, handled, wrecked, sorted, salvaged, or reclaimed for restoration or reuse, or to be shipped elsewhere for reuse or disposal. A junk yard is not considered a central processing facility or disposal site for solid waste or construction/demolition debris as otherwise defined by this Code.

Kennel: A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

Landscaping: Vegetation, including grass, groundcover, flowers, shrubs, and trees, for the purposes of adornment and soil erosion and sedimentation control of yard or other areas on a site and non-vegetation elements such as logs, rocks, fountains, water features, and contouring of the earth into mounds and depressions.

Land Use Plan: (See Comprehensive Plan of Warren County, Ohio)

Leachate: Liquid that has come in contact with or been released from solid waste or construction/demolition debris.