
Regular Council Meeting



Agenda

6:00 PM October 9, 2025

Teri Murphy, Mayor

Council Members:

Ora Allen..... At-Large
Donald Burchett..... At-Large
Mike Daugherty..... Ward 1
Dave Miller..... Ward 2
Shirley Whitt..... Ward 3
Jeanette Marcus..... Ward 4

Michael Davis, City Manager
Martina Dillon, Law Director

Payne Recreation Center • 3800 Main Street, Moraine, OH 45439

I. Regular Meeting Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Approval of Minutes
 - 1. Regular City Council Meeting Minutes - September 25, 2025
- D. Special Presentations
 - 1. Oath of Office - Sergeant Walter Porter

II. Public Hearings

- A. R-02-2025 - 3305 Main Street Zoning District Change from R-2 to B-2
 - 1. Open Public Hearing
 - 2. Staff Report
 - 3. Opponents/Proponents
 - 4. Close Public Hearing - R-02-2025 - 3305 Main Street Zoning District Change from R-2 to B-2

III. Reports from the Following

- A. Finance Committee
- B. Finance Director
- C. Committee of the Whole
- D. City Manager
 - 1. City Manager's Report - October 9, 2025
- E. Law Director
- F. Mayor
 - 1. Mayor's Court Monthly Report - August 2025

IV. Guest Speakers - None

V. Business

(Anyone wishing to raise a question about any piece of legislation listed on this agenda will have three (3) minutes at this time. All other topics to be addressed to Council will be heard later in this meeting.)

Ordinances

- | | |
|---------|---|
| 2200-25 | An Ordinance denying a Zoning District Change for City Lot Number 4988 and located at 6844 Germantown Pike within the City of Moraine that encompasses a proposed 1.5 acre lot in Exhibit A from Parcel ID Numbers J44204201 0034 and J44204201 0035 from R-2 (Single Family Residence District) To B-1 (Neighborhood Business District). |
|---------|---|

- 2201-25 An Ordinance to amend Moraine Codified Ordinance Section 521.07 entitled “Fences.”
- 2202-25 An Ordinance to amend Moraine Codified Ordinance Section 1181.04 entitled “Standards For Accessory Buildings And Uses In Residential And Agricultural Districts”.
- 2203-25 An Ordinance to amend Moraine Codified Ordinance Section 1181.05 Entitled “Standards For Accessory Buildings And Uses In Conservation, Business, And Industrial Districts.”
- 2204-25 An Ordinance to add a new section 1185.23 to the Moraine Codified Ordinances entitled “Mobile Food Vendors”.
- 2205-25 An Ordinance to amend Moraine Codified Ordinance Section 1412.02 entitled “Parking”.
- 2206-25 An Ordinance to amend Moraine Codified Ordinance Section 505.08 entitled “Cruelty To Animals Generally”.

Resolutions

- 8176-25 A Resolution of Authorization authorizing the City Manager to submit application and all documentation necessary to become eligible for possible funding assistance via the Land and Water Conservation Fund Program.
- 8177-25 A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.
- 8178-25 A Resolution authorizing the submittal of an application(s) for Federal IJA Funds through the Miami Valley Regional Planning Commission for the 2030 Asphalt Paving Program.
- 8179-25 A Resolution declaring the items listed on the attached 2025 list to be surplus and no longer needed for municipal purposes and authorizing the City Manager to dispose of such items through GovDeals Auction or donation to a non-profit organization or thru a trade-in program.

Voice Vote

- VI. Persons Appearing Before Council**
- VII. Any Other Business**
- VIII. Executive Session**
- IX. Adjournment**

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Regular Meeting Call to Order

Meeting called to order at 6:00 PM.

Roll Call

Teri Murphy	Mayor	Present
Donald Burchett	At-Large	Present
Ora Allen	At-Large	Present
Mike Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Present

Staff Attendance:

City Manager Michael Davis	Law Director Martina Dillon
Police Chief Craig Richardson	Deputy Fire Chief Michael Guadagno
Finance Director Annetta Williams	Street Superintendent Chris Dunn
Build. Maint. Superintendent Rocky Bangert	City Engineer Lauren Alvarado
City Planner Nick Sorice	Build. & Zoning Admin. Brent Carpenter
Parks and Recreation Director Brent Shane	Public Information Officer Aaron Viotor

Pledge of Allegiance

Mayor Murphy led the Pledge of Allegiance.

Law Director Martina Dillon asked for a motion to appoint Aaron Viotor as Acting Clerk of Council.

Mrs. Whitt moved to appoint Aaron Viotor Acting Clerk of Council for this evening's meetings.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Shirley Whitt
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Approval of Minutes

Special City Council Meeting Minutes - September 11, 2025

Mayor Murphy asked if there were any changes or corrections to the September 11, 2025, Special Council meeting minutes. Hearing none, the minutes were approved as submitted.

Regular City Council Meeting Minutes - September 11, 2025

Mayor Murphy asked if there were any changes or corrections to the September 11, 2025, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations - None

Public Hearings

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Minutes of City Council

Held September 25, 2025

Law Director Martina Dillon administered an Oath to attendees providing testimony in any of the following public hearings.

R-03-2025 - Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land

Open Public Hearing

Mayor Murphy opened the Public Hearing concerning Case R-03-2025 - Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land at 6:03 PM.

Staff Report

City Planner Nick Sorice provided Council with the Staff Report from the Technical Review Committee. He reported the developer, A4 Real Estate Group, operated by Josh Allen, is requesting a section of land encompassing 6844 Germantown Pike and additional land which refers to 6888 Germantown Pike for a total of 1.5 acres, be approved for a Zoning District Change of R-2 to B-1. He said at 6844 Germantown Pike, there is a vacant dwelling which is presently a hazard for neighbors and has several property concerns as individuals have been reported breaking into the structure in addition to overgrowth issues surrounding the property. He noted on the Zoning exhibit that there are B-1 districts southwest of Germantown Pike as well as additional B-1 districts on South Union Road. He said in looking at the Comprehensive Plan for future land use at that parcel, the property is indicated as a single family detached dwelling or an R-2 district. He reported the Community Development Department has received numerous e-mails, letters and phone calls. He said the distances of Dollar Generals to this location are included in the packet. He said as a result of the August 19, 2025, Planning Commission meeting, the Planning Commission members recommended the application be denied. He asked Mr. Allen to speak and present to the Council.

Mr. Allen said, as pointed out in the Staff Report, this area has B-1 zoning, and he is asking the City to expand that zoning a little further. He gave a slide presentation showing 3-mile and 1-mile radius business and zoning overlays. He said the location was picked because it does not have direct neighbors. He said the rezoning will also create jobs. He pointed out there were people for and against the rezoning, and he asked Council to take everyone's opinion into consideration. He noted a precedent was made with the rezoning for Wawa.

Opponents/Proponents

The following people spoke in favor of or against the proposed Zoning Dstrict change: Doris Fisher, 6919 Germantown Pike; Mary Getter, 6891 Germantown Pike; Betsy Rainbolt, 6879 Germantown Pike; Kathy Walkup-King, 4488 South Union Road; Brett Scott, 6879 Germantown Pike; Ernestine Byrne, 4510 South Union Road; Kathy McKelvey, 6952 Germantown Pike; and O.L. Garrison, 5571 Shephard Road. Issues cited were store closings, increased traffic, increase in traffic accidents, potential increase in crime, deterioration of rural living, devaluation of property, saturation of dollar stores within five to ten miles of the proposed site, and additional trash. Those in favor look forward to the convenience of a store in the area.

Mrs. Whitt asked how the Beverage Dock and other businesses receive their merchandise?

Pam Crabtree of 6729 Germantown Pike said the Beverage Dock has a straight truck that delivers merchandise, not a semi truck and trailer.

Mr. Garrison responded to Ms. Crabtree's comment and said a commercial truck delivers merchandise to the business.

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Minutes of City Council

Held September 25, 2025

Mr. Josh Allen provided a closing statement addressing the residents' concerns. He reminded Council that the case is about rezoning not Dollar General. He talked about lighting levels and truck deliveries. He mentioned the emails that were sent in support of the rezoning and store.

Close Public Hearing - R-03-2025 - Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land

Mayor Murphy closed the Public Hearing at 6:43 PM.

Mr. Davis explained to the audience that a Committee of the Whole meeting follows the Regular City Council meeting. He noted in that meeting, the City Planner will bring up and then Council will vote on whether to push legislation forward for this item. He said a vote will not be taken at either of tonight's meetings.

TA-02-2025 - MCO 521.07 Fences

Open Public Hearing

Mayor Murphy opened the Public Hearing at 6:46 PM.

Staff Report

Mr. Sorice said clarity is needed for fence requirements. He stated the Ohio Building Code requires any fence over six feet in height to have a building permit, and that is language he would like to add to the Moraine Codified Ordinances. He said the amendment also clarifies that spiral barbed wire is not permitted on any fence in any district within the City of Moraine. He did state that three-strand barbed wire is permitted in industrial districts, and anywhere else will require a variance from the Board of Zoning Appeals. He noted any fence repairs would not require a variance. He said fences cannot display rust or damage.

Opponents/Proponents

There were no opponents or proponents to speak on this text amendment.

Close Public Hearing - TA-02-2025 - MCO 521.07 Fences

Mayor Murphy closed the Public Hearing at 6:49 PM.

TA-03-2025 - MCO 1181.04 Standards for Accessory Buildings and Uses in Residential and Agricultural Districts

Open Public Hearing

Mayor Murphy opened the Public Hearing at 6:49 PM.

Staff Report

Mr. Sorice said the text amendments are a touch up on the fencing ordinance changes City staff is trying to make uniform throughout the Moraine Codified Ordinances. He noted barbed wire and electrical fencing are not permitted in residential or agricultural zoned properties; however, sharp-pointed and barbed wire fencing is permitted in agricultural districts only for the use of keeping animals enclosed. He said battery charged fencing is not in the ordinances at all. He noted on July 21, 2022, House Bill 397 passed which included battery-charged fences being allowed in the State of Ohio. He said that is something the City is trying to adopt within the Ordinances as well. He said battery-charged fencing is permitted in nonresidential districts and

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

agricultural districts upon the issuance of a zoning permit and shall comply with the Ohio Revised Code (ORC) 3781.1011. Mr. Sorice highlighted the addition of corner lots, double frontage lots, and reverse corner lots and stated encing requirements are added as regulations as they were not in the code prior, and there are examples of those types of lots in the packet. He discussed fencing language and zoning enforcement.

Ms. Marcus asked if the electric fencing includes dog fences?

Mr. Sorice replied no. He discussed the Copart fence as an example.

Opponents/Proponents

There were no opponents or proponents to speak on this text amendment.

Close Public Hearing - TA-03-2025 - MCO 1181.04 Standards for Accessory Buildings and Uses in Residential and Agricultural Districts

Mayor Murphy closed the Public Hearing at 6:55 PM.

TA-04-2025 - MCO 1181.05 Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts

Open Public Hearing

Mayor Murphy opened the Public Hearing at 6:56 PM.

Staff Report

Mr. Sorice said these text amendments are regarding fencing requirements as listed in the attached language designed to clarify regulations as in the previous item.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-04-2025 - MCO 1181.05 Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts

Mayor Murphy closed the Public Hearing at 7:00 PM.

TA-06-2025 - New MCO Section "Mobile Food Vendors"

Open Public Hearing

Mayor Murphy opened the Public Hearing at 7:01 PM.

Staff Report

Mr. Sorice said this is a lengthy Ordinance and will be going into supplemental regulations if approved, which is Chapter 1185. He said food trucks are very popular in the City of Moraine, and the City does not have any regulations. He reported he did extensive research with other jurisdictions on food truck provisions, and he worked with the Law Director on the language. He said the City wants to make sure vendors have legal grounds to operate food trucks. He said the regulations do not affect one-day events. He stated the City wants to make sure sanitary and health regulations are being followed and that the vendors are in proper locations.

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Held September 25, 2025

Mrs. Whitt confirmed that the City of Moraine is not responsible for health permits and those permits are regulated by Montgomery County.

Mr. Daugherty asked if there is any concern with a vendor bouncing from location to location every three days?

Mr. Sorice said that is something the City would need to look at and confirm with landowners.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-06-2025 - New MCO Section "Mobile Food Vendors"

Mayor Murphy closed the Public Hearing at 7:10 PM.

TA-07-2025 - MCO 1412.02 Parking, Introduction of Gravel Pads and Provisions

Open Public Hearing

Mayor Murphy opened the Public Hearing at 7:11 PM.

Staff Report

Mr. Sorice said this text amendment is for the introduction of allowing a gravel pad in the side and/or rear yard only for the purpose of parking only one vehicle, one recreational vehicle, and one utility trailer along with the provisions for a zoning permit to be issued. He said this Section also prohibits new gravel driveway installation or gravel driveway additions. He said in the Moraine Codified Ordinances, businesses cannot have gravel parking lots. He said this does not apply to permitted agricultural uses. He discussed the specifications of the pad. He said the City is trying to help residents find ways to park. He said a permit and engineer review is required. He said current gravel pads are grandfathered in.

Mrs. Whitt asked Mr. Sorice to clarify where boats and campers are allowed to park currently.

Mr. Sorice replied in the driveway, in the side or rear yard as long as they are on a concrete pad or gravel pad. He said the Planning Commission tried to recommend an Ordinance change for recreational and utility vehicles, but those were tabled and not brought before Council.

Mayor Murphy asked what the time restriction is for street parking?

Mr. Sorice replied 48 hours is the limit.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-07-2025 - MCO 1412.02 Parking, Introduction of Gravel Pads and Provisions

Mayor Murphy closed the Public Hearing at 7:16 PM.

TA-08-2025 - MCO 505.08 Cruelty to Animals

Open Public Hearing

RECORD OF PROCEEDINGS

Minutes of City Council

Held September 25, 2025

Mayor Murphy opened the Public Hearing at 7:16 PM

Staff Report

Mr. Sorice remarked this text amendment addition is to include all animals on the list and businesses that house animals. He reported the establishments are to comply with proper care of and supply of nutrients to animals including amphibians, birds, fish, mammals, and reptiles. He said this amendment will give the City of Moraine the authority to investigate any wrongdoing, as the City has had an incident in the past where its hands were tied from further investigation of a pet store due to the City's ordinances. He said the amendments help to ensure the safety of all animals in the City of Moraine.

Mr. Daugherty asked Mr. Sorice to explain how the City's hands were tied?

Mr. Sorice said the City received a report that a business had several amphibians, fish and animals that were not being fed properly. He said the Humane Society could not get involved without an ordinance from the City.

Opponents/Proponents

There were no opponents or proponents to speak regarding this text amendment.

Close Public Hearing - TA-08-2025 - MCO 505.08 Cruelty to Animals

Mayor Murphy closed the Public Hearing at 7:25 PM.

Mr. Sorice thanked everyone who helped with all of the text amendments.

Reports from the Following

Finance Committee

No report.

Finance Director

August 2025 Finance Director Report

Mrs. Williams reported that the August Financial Report is included in the packet. She stated that she attended the Ohio Government Finance Officers Association conference last week. She thanked Council for the opportunity to attend.

Committee of the Whole

Ms. Marcus noted the last Committee of the Whole meeting was on September 11, 2025. She reported there would be a meeting this evening following the Regular City Council meeting.

City Manager

City Manager's Report — September 25, 2025

Mr. Davis reported the City is considering spraying for mosquitoes again this year in the coming weeks. He stated Council was supportive last year and asked if there is any opposition to spraying this year. No opposition was expressed.

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Minutes of City Council

Held September 25, 2025

Law Director

No report.

Mayor

No report.

Guest Speakers - None

Business - None

Persons Appearing Before Council

Mr. Sorice expressed condolences to the Clerk of Council on the passing of her brother.

Fire Chief Traci Kuzminski invited residents to attend the Fire Safety Fest on Tuesday, October 7, 2025.

Mr. Davis expressed condolences to Ms. Powell and also to Lieutenant Strong on the passing of his father.

Mr. Vietor stated that leaf collection will begin soon.

Any Other Business

Mr. Miller and Mrs. Allen offered condolences to Ms. Powell and Lieutenant Strong.

Ms. Marcus reported she and Ms. Allen attended the First Suburbs Consortium on September 24, 2025. She discussed infill housing which was a topic of the meeting.

Mrs. Whitt expressed her condolences. She wished Mr. Miller a Happy 70th Birthday.

Mr. Miller thanked everyone for the prayers through the years.

Mrs. Allen said Mr. Miller gave a tremendous presentation to the Moraine Senior Citizens on September 24, 2025.

Mayor Murphy expressed her condolences to Lieutenant Strong and Ms. Powell. She reminded residents the City Shredding Event will be held on Saturday, October 4, 2025, from 9:00 AM to 11:00 AM at the Payne Recreation Center. She invited everyone to the Fire Safety Fest which is held on the first Tuesday of October. She said the Christmas Smiles Program online registration began September 17, 2025, and runs through October 15, 2025. She said this is only open to Moraine residents. She provided donation and adoption information. She thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Executive Session - None

Adjournment

Meeting adjourned at 7:33 PM.

Oath of Office - Sergeant Walter Porter

Department: Clerk of Council

Request: Presentation

Item Background and Purpose:

Promotion to Sergeant for Walter Porter who started with Moraine PD on 4/11/22.

Financial Impact:

Is Item Budgeted?: No

Funding Source: (i.e. Capital, Operating, etc...)

Attachments:

City of Moraine Planning Commission

Application for Zoning District Change

Revised 11/2021

Reviewed by Nick Sorice 07/01/2025

Paid: 07/01/2025

Office Use (This Section only)

Receipt #

6932

Date Received: 06/30/2025

Application No.: R-02 - 2025

Fee: \$200

Proposed Zoning Dist.: B-2

PUD District? N/A ☐

PUD Site Plan? N/A ☐

Location Information - General

City Lot Number(s): 3305 Main Street Area in Acres: .1188

Site Address: 3305 MAIN STREET MORaine OHIO 45431

Applicant(s) – Please include additional owners, applicants, or developers on back of application

Name of Owner: Omar Shaker

Address: 10980 Cobble Brook Drive City: centerville State: ohio

Contact Phone: 937-977-8448 Email: Centervilletowing@icloud.com

Zoning Data

Present Use: C - SMALL (UNDER 10,000SF) DETACH RETAI Certificate of Occupancy: M

Present Zoning Dist.: ~~MULTI USE SALES~~ R-2 Proposed Zoning Change: ~~none~~ B-2

Proposed Use(s): TOBACCO Sales

*Changes above were communicated to Omar Shaker via email and phone conversation

Supporting Information

Your Application must include the following information. This information should be provided as an attachment to this application at the time of its filing. Failure to provide such information may delay the processing of your application.

- Vicinity Map, showing property lines, streets, existing and proposed zoning
- List of owners for all property within 200 feet of any property included in this application. This includes properties immediately contiguous, across any streets, or properties that are non-adjacent but within the 200 foot radius.
- If applying for PUD approval, include all materials and information required by MCO Chapters 1155.05(c) and/or 1155.06(d), as applicable.

Omar Shaker

Applicant Signature

06/30/2025

Date



Technical Review Committee

Michael Davis, City Manager
Nick Sorice, City Planner
Doug Hatcher, Fire Inspector
Lauren Alvarado, City Engineer
Brent Carpenter, Building & Zoning Administrator
Beth Waters, Community Development Secretary

City Council R-02-2025 Staff Report

Applicant: Omar Shaker

Location: 3305 Main Street

Lot Number: 2152

Current Zoning District: R-2

Proposed Zoning District: B-2

Description: The applicant, Omar Shaker, is applying for a Zoning District Change for the 3305 Main Street Property from R-2 to B-2. This is a property in which the structure has not held a form of business or usage within the property for more than 2 years. We had a Public Hearing at Planning Commission and a Public Hearing at City Council currently due to this discontinuation. All legal notices were issued per Moraine Codified Ordinances Chapter 1127.

In the Moraine Codified Ordinances, Chapter 1191.02 Section C, it reads:

(c) If a nonconforming use of land is discontinued for two (2) years or more, any further use thereof shall be in conformity with all the provisions of this Zoning Code.
(Ord. 1069-94. Passed 4-28-94.)

On the Zoning District Change application from Omar Shaker, you can see that tobacco sales are listed as the proposed use. In the Moraine Codified Ordinances, Planning & Zoning Code, B-2 General Business District, Letter A Permitted Uses, Number 22,
(22) Retail tobacco stores

The Technical Review Committee reviewed this application on July 3, 2025. The technical review committee wanted to provide information regarding the property. The structure at 3305 Main Street was constructed in 1945 and consists of 416 square feet per County Records. This was constructed prior to Moraine being incorporated as a City in 1965 and prior to the establishment of the Zoning Map, and Planning & Zoning Code. It also has always been a commercial use from our review and historical references.

However, we must abide by the Planning & Zoning Code of a B-2 Zoning District for the Land Use of 3305 Main Street for Tobacco Sales to take place at this property. There are also many other uses within the B-2 Zoning District that are listed in your packets for review.

On a side note:

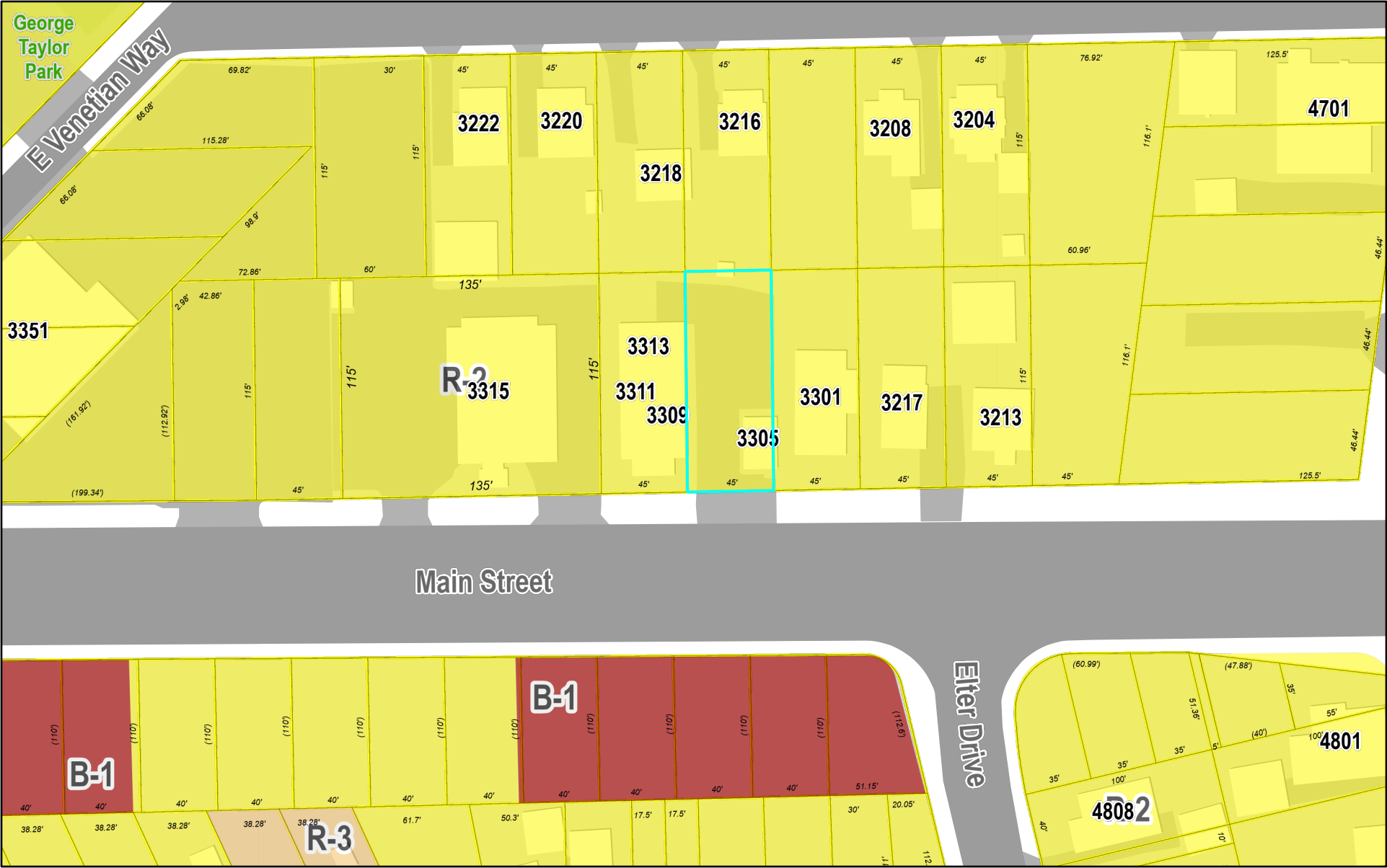
The current Certificate of Occupancy is Mercantile (M), which came from a 2011 Certificate of Occupancy that was approved as a pre-existing condition. The Certificate of Occupancy remains with the building and is still active unless a structural change is made or a new structure is erected on the property. Tobacco Sales are permitted under a Mercantile (M) Use Group from the Ohio Building Code.

Thank you,

A handwritten signature in black ink, appearing to read "Nick Sorice".

Nick Sorice
City Planner

City of Moraine



7/3/2025, 8:34:29 AM

6

Kettering Addresses Managed

Parks-3

Parcels

Zoning Districts

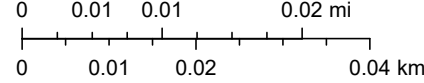
R-2 Single Family Residential

R-3 One & Two Family Residential

B-1 Neighborhood Business

Parcels

1:1,128



City of Kettering, Montgomery County, Ohio, City of Kettering GIS



LEGEND

Moraine City Boundary

Future Land Use

Commercial

Industrial

Institutional

Multi-Unit Residential

Neighborhood Commercial

Open Space

Open Water

ROW

Single-Unit Attached Residential

Single-Unit Detached Residential

Trail Oriented Development

Utilities

ALTERNATE FUTURE LAND USE - AREA ONE

City of Moraine Comprehensive Plan



CHAPTER 1191

Nonconforming Lots, Structures and Uses

1191.01 Nonconformance prior to effective date of Code.

1191.02 Nonconforming use of land.

1191.03 Nonconforming use of building.

CROSS REFERENCES

Board of Zoning Appeals - see CHTR. 7.4; P. & Z. Ch. 1125

Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

Nonconforming lot defined - see P. & Z. 1115.03(a)(229)

Nonconforming structure and use defined - see P. & Z. 1115.03

(a)(231), (232)

Signs for nonconforming uses - see P. & Z. 1189.21(e)

Issuance of zoning certificate for nonconforming uses - see P. & Z. 1193.02

1191.01 NONCONFORMANCE PRIOR TO EFFECTIVE DATE OF CODE.

Any lawful use, building or structure existing at the time of the enactment of the ordinance comprising this Zoning Code may be continued, even though such building or structure may not conform with the provisions of this Zoning Code for the district in which such building or structure is located.

(Ord. 1069-94. Passed 4-28-94.)

1191.02 NONCONFORMING USE OF LAND.

(a) No extension, substitution, relocation, enlargement or alteration shall be made on a tract, site or parcel of land where a nonconforming use is maintained, unless the extension, substitution, relocation, enlargement or alteration is in full compliance with all the provisions of this Zoning Code.

(b) The removal of earth for the purpose of enlarging or extending a nonconforming use, gravel pit or quarry; and the extension or enlargement of any nonconforming use, gravel pit, excavation or quarry; and the extension or enlargement of any nonconforming use, structure or building for the processing, treating or refining of gravel or other material deposits, when located in or within 200 feet of any R-2, R-3, R-4 or B-1 District, is hereby declared and determined to be detrimental to the health, morals, safety and general welfare of the City, and shall not be permitted.

(c) If a nonconforming use of land is discontinued for two (2) years or more, any further use thereof shall be in conformity with all the provisions of this Zoning Code.

(Ord. 1069-94. Passed 4-28-94.)

1191.03 NONCONFORMING USE OF BUILDING.

(a) Where no structural alterations are made in any building containing a nonconforming use, such use may be changed to one of a similar or higher classification, but no building in which a nonconforming use has been changed to a more restricted use shall be devoted to a less restricted use.

(b) The lawful use of a building at the time of the enactment of this Zoning Code, although the use of such building does not conform to the provisions of this Zoning Code, may be extended throughout the building provided no structural alterations are made except those required by law and provided it is permitted by the Board of Zoning Appeals.

(c) No non-conforming use may be re-established in any building where such nonconforming use has been discontinued for a period of two (2) years.

(Ord. 1069-94. Passed 4-28-94; Ord. 1587-05. Passed 7-14-05.)

CHAPTER 1137

R-2 Single-Family Residence District

1137.01 Purpose.

1137.02 Uses.

1137.03 Site development regulations; permitted uses only.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.01, 1181.04

Supplemental regulations - see P. & Z. Ch. 1185

1137.01 PURPOSE.

The R-2 Single-Family Residence District is provided to accommodate single family residential development of a moderately low density character within areas of similar development and within areas of similar physical character generally located within the peripheral areas of the City. (Ord. 1203-97. Passed 7-10-97.)

1137.02 USES.

(a) Permitted Uses.

- (1) Single-family dwellings;
- (2) Nursery schools and child care centers are permitted accessory uses when located not less than twenty (20) feet from any other lot in any R District; provided there is established and maintained in connection therewith, a completely fenced and screened play lot; and
- (3) All permitted and accessory uses as provided within the A-1 District, but not including animal and poultry husbandry on any lands used or platted for residential purposes. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)
- (2) Cemeteries. (Ord. 1802-11. Passed 5-26-11.)

1137.03 SITE DEVELOPMENT REGULATIONS; PERMITTED USES ONLY.

(a) Lot Requirements.

- (1) Minimum lot area
 - A. 1 and 1 1/2 stories 7,500 square feet
 - B. 2 and 2 1/2 stories 7,500 square feet
- (2) Minimum lot area per family
 - A. 1 and 1 1/2 stories 7,500 square feet
 - B. 2 and 2 1/2 stories 7,500 square feet
- (3) Minimum lot frontage
 - A. 1 and 1 1/2 stories 60 feet
 - B. 2 and 2 1/2 stories 60 feet

(b) Yard Requirements.

- (1) Minimum front yard depth
 - A. 1 and 1 1/2 stories 25 feet*
 - B. 2 and 2 1/2 stories 25 feet*
- (2) Minimum rear yard depth
 - A. 1 and 1 1/2 stories 40 feet
 - B. 2 and 2 1/2 stories 40 feet
- (3) Minimum side yard least width
 - A. 1 and 1 1/2 stories 8 feet
 - B. 2 and 2 1/2 stories 10 feet
- (4) Minimum side yard sum of least width
 - A. 1 and 1 1/2 stories 20 feet
 - B. 2 and 2 1/2 stories 25 feet

(Ord. 1203-97. Passed 7-10-97; Ord. 1587-05. Passed 7-14-05.)

(c) Structural Requirements.

- (1) Maximum building height 30 feet
- (2) Maximum 2 1/2 story structure

(d) Parking Requirements.

- (1) See Chapter 1187 for off-street parking and loading space requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

*The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan. (Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1151

B-1 Neighborhood Business District

1151.01 Purpose.

1151.02 Uses.

1151.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1151.01 PURPOSE.

The B-1 Neighborhood Business District is intended to provide for relatively small business and service establishments in suitable locations primarily to serve the daily staple needs of residents. (Ord. 1203-97. Passed 7-10-97.)

1151.02 USES.

(a) Permitted Uses.

- (1) Minor B-1 District which is entirely surrounded by R Districts and which district, including the streets, contains less than five acres.
 - A. Any use permitted and as regulated in the R-4 District;
 - B. Retail sales and services including any local convenience retail and for service uses including: grocery, fruit or vegetable store, meat market, drug store, shoe repair shop, hardware and paint stores, barber and beauty shops, dry cleaning and laundry pickup stations, laundromats;
 - C. Business and professional offices, supplying commodities or performing services primarily for residents of the neighborhood;
 - D. Restaurant, cafe, not including dancing or live entertainment;
 - E. Automobile service station, minor repair and storage garages; and
 - F. Commercial parking lots for passenger vehicles except as otherwise provided in the Zoning Code;
 - G. Accessory building incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.
- (2) Major B-1 District. The following uses are allowed, provided no such use shall be permitted in a minor B-1 District.
 - A. Any local retail business or service establishment such as an electrical appliance shop, plumbing and heating shop, printing shop, furniture shop, interior decorating shop, and upholstery shop including automobile, boat and like upholstery;
 - B. Theaters, not including drive-ins;
 - C. Hotel; and
 - D. Garage for general automobile repair; but not including major body and fender work, overall painting and steam cleaning;
 - E. Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1151.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirements.

- (1) Minimum lot area 5,000 square feet
- (2) Minimum lot frontage 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet

(3) Minimum side Yard width.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: None required except adjoining any R-District in which case, not less than 10 feet.

(c) Structural Requirements.

- (1) Maximum building height shall be forty (40) feet.
 - (d) Parking and Loading Requirements.
 - (1) See Chapter 1187 for off-street parking and loading requirements.
 - (e) Signs.
 - (1) See Chapter 1189 for size and location of permitted signs.
 - (f) Supplementary Regulations.
 - (1) All permitted businesses, services or processing shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and loading.
 - (2) Within a major B-1 District all principal permitted buildings shall be located at least fifty (50) feet from any lot in any R District.
 - (3) In any B-1 District fronting directly across the street from any R-2 or R-3 District, the parking and loading facilities shall be distant at least twenty- five (25) feet from the established right-of-way line, and the buildings or the structures at least seventy-five (75) feet from the established right of way.
 - (4) Goods shall consist primarily of new merchandise.
 - (5) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.
 - (g) See Chapter 1185 for additional provisions for commercial facilities.
 - (h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.
- *The front yard depth shall be measured from the established right-of-way line as shown on the Official Thoroughfare Plan.
- (Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1153

B-2 General Business District

1153.01 Purpose.

1153.02 Uses.

1153.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1153.01 PURPOSE.

The B-2 General Business District is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This District is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a neighborhood commercial district development.

(Ord. 1203-97. Passed 7-10-97.)

1153.02 USES.

(a) Permitted Uses.

- (1) All permitted uses as provided within the B-1 Neighborhood Business District.
- (2) Department stores;
- (3) Establishments engaged in the retail trade of: drugs, book and stationery stores, apparel stores, jewelry stores, optical goods stores, furniture, home furnishings, cameras-photo supplies, hardware, hobby shops, music, musical instruments, pet sales and supplies, radio and television sales and service, sporting goods, newsstands and similar retail activities, bakery shops, dry cleaning and laundry pick-up station, laundromats, etc.;
- (4) Office equipment and office supply stores;
- (5) Establishments engaged primarily in the fields of finance, insurance and real estate such as banks, credit agencies, investment firms, real estate and insurance offices;
- (6) Miscellaneous business services such as advertising, news syndicates, employment agencies, travel bureaus and ticket offices;
- (7) Engineering and architectural services, legal services, accounting, auditing and bookkeeping services;
- (8) Nonprofit, professional, service, charitable and labor organizations;
- (9) Business schools or private schools operated for a profit;
- (10) Theaters, not including drive-ins;
- (11) Restaurants, including drive-in or fast food;
- (12) Post office and governmental office buildings;
- (13) Automobile service stations;
- (14) Auto and truck rental; new and used car, truck, bicycle or motorcycle sales and services; boat and marine equipment sales, rental and service; trailer sales and rentals; tire sales and repair;
- (15) Cultural institutions including public libraries, public art galleries and public museums;
- (16) Bowling alleys, indoor skating rinks and similar recreational uses;
- (17) Building supplies, garden supplies; commercial greenhouses;
- (18) Commercial baseball fields; swimming pools; golf driving ranges, or similar open air recreational uses and facilities;
- (19) Carpenter, sheet metal and sign painting shops;
- (20) Medical and dental offices, clinics, health centers and hospitals;
- (21) Wholesale sales, warehouses and distribution firms; and

(Ord. 1203-97. Passed 7-10-97.)

- (22) Retail tobacco stores, provided that such stores are located in freestanding structures, and including:

A. Smoking establishments provided that:

1. The parcel on which a smoking establishment is to be located is more than 125 feet from any parcel in a residential district, and
2. Access to the smoking establishment is restricted to persons eighteen years of age or older.

- (23) Accessory buildings and uses incidental to the principal use and as regulated in the B-1 District, except of a type which is prohibited in the M-1 District as a principal use. (Ord. 1901-14. Passed 1-8-15.)

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117. (Ord. 1203-97. Passed 7-10-97.)

- (1) Sexually oriented businesses, as defined in Chapter 1115;

(Ord. 1538-04. Passed 7-22-04.)

- (2) Animal hospitals and/or indoor kennels;

(Ord. 1790-11. Passed 1-27-11.)

- (3) Body Shop;
- (4) Manufactured/mobile home parks;
- (5) Night clubs, discotheques, etc.;
- (6) Temporary and/or outdoor sales of plants and garden supplies; and
- (7) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not

exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as

1153.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirement.

- (1) Minimum lot area 10,000 square feet
- (2) Minimum lot frontage 80 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwelling: Same as permitted in R-4 District.
- B. Other Permitted Uses: 40 feet

(3) Minimum side yard width.

- A. Dwelling: Same as permitted in R-4 District.
- B. Other Permitted Uses:

None except adjacent to an R District in which case not less than 20 feet.

(c) Structural Requirements.

- (1) Maximum building height 40 feet (3 stories)

(d) Parking and Loading Requirements.

- (1) See Chapter 1187 for off-street parking and loading requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

(f) Supplementary Regulations.

- (1) A request to rezone land to B-2 General Business District shall be substantiated with evidence that:

- A. Such a use shall not conflict with the intended function of a major street to carry traffic; and
- B. That the capacity of the street(s) shall not be materially reduced by the additional commercial facilities.

Where necessary to achieve these conditions, the developer may be requested to provide special thoroughfare improvements such as dedication of right-of-way and/or easement.

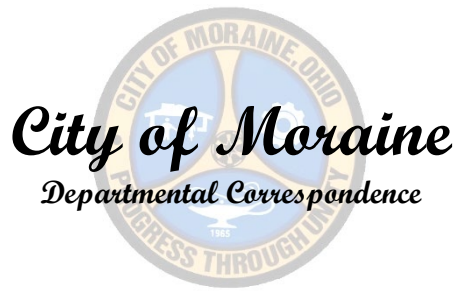
- (2) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies when approved as special uses, shall be stored within a completely enclosed building. Open storage may be permitted if located behind the principal structure and if visually screened from the street and adjacent properties by a landscaped screen, fence or wall as defined in Chapter 1185.

(g) See Chapter 1185 for additional provisions for commercial facilities.

(h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.

* The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan.

(Ord. 1203-97. Passed 7-10-97.)



TO: Mayor
City Council

FROM: Michael Davis, City Manager

DATE: October 7, 2025

SUBJECT: City Manager's Report

1) City Manager

- a) Met with a development consultant on September 24, 2025 to discuss a current business prospect and potential future collaborations.
- b) Attended the Dayton regional City Managers meeting on September 25, 2025, at Wright State University. A presentation was provided by the MPA program Director. A roundtable discussion also occurred.
- c) Met with Shearer's on September 29, 2025, to discuss the incentive reimbursement process and progress on internal construction.
- d) Met with Fuyao on October 2, 2025, to receive an update on activity.
- e) Continue to meet with the Finance Department over the 2026 budget.

2) Engineer

- a) Initial inspections have been conducted on the Main Street bridge over CSX as part of the Engineers Estimate project.
- b) Parking remains an ongoing issue on Fuyao Avenue. Fuyao is in the process of acquiring "No Parking" signs, which will be installed once the Ordinance is updated.
- c) Mrs. Alvarado reports she has begun researching tree boxes to replace the trees that were removed from the narrow greenspaces in the Marconi Avenue neighborhood.
- d) The replacement of the culvert on Pinnacle Road is set to begin on October 6, 2025.
- e) The city is collaborating with Capital Electric to replace the broken loop detectors at the intersections of Springboro Pike/Cobblegate Drive and Springboro Pike/Jomar Avenue with radar detectors. Also, several other intersections are being assessed for potential loop detector replacements.
- f) Quotes received for the safety study at the southern three-way intersection of Main Street and Pinnacle Road, which is expected to be completed by the end of this year.
- g) The Elbee Road Bridge Replacement Project received environmental clearance and is now moving forward with the right-of-way acquisition process.

3) Parks and Recreation

- a) Director Brent Shane stated he has spoken with five different companies about construction designs for the splash pad. There will be a request for supplemental funding to initiate in 2025.
- b) Three quotes for demolishing the former Splash Moraine buildings have been received. Mr. Shane will request supplemental funds at the Committee of the Whole meeting.
- c) Staff attended the Regional 3 Ohio's Parks and Recreation Association meeting in the City of Miamisburg. Miamisburg showcased three parks where they invested nearly \$33,000,000. Mr. Shane indicated that the improvements were very impressive and stated the city could achieve similar developments within the next few years.
- d) Halloween is just around the corner -
 - Boo Bash will be held at the Gerhardt Civic Center on Saturday, October 11, 2025, from 5:00 p.m. – 9:00 p.m.
 - The Movie Night at the Gerhardt Civic Center is scheduled for Saturday, October 11, 2025, starting at 7:00 p.m. during the Boo Bash event.
 - Beggar's Night is Friday, October 31, 2025, from 6:00 p.m. – 8:00 p.m.
 - The Community Halloween Party is from 8:00 p.m. – 10:00 p.m. at the Payne Recreation Center on Friday, October 31, 2025.
- e) Bubbling Cauldrons program registration was filled with 15 participants and 10 people on the waitlist. Next year, there will be an increase of clay programs due to the popularity.
- f) The NFL Flag Football season is at its halfway point. All three Moraine teams have played three games, and the season is going well.
- g) The Christmas movie has been rescheduled from Saturday, December 6, 2025, at 6:00 p.m. to Friday, December 5, 2025, at the Payne Recreation Center starting at 7:15 p.m. to coincide with the City Tree Lighting. New flyers will be distributed reflecting the updated time and date.

4) Police

- a) September 19: An argument between two friends at Fat Daddy's escalated, resulting in attempted robbery and abduction charges. The suspect was identified and subsequently arrested.

Search warrants were executed at the Red Horse Motel. Detectives are working on multiple cases.
- b) September 22: Officers assisted the West Carrollton Police Department with an assault investigation. The suspect was arrested and turned over to the West Carrollton Police Department.
- c) September 24: A disorderly individual at the Payne Recreation Center damaged another person's vehicle. The suspect had outstanding warrants and was taken into custody.

- d) September 25: A missing female from Indiana was located during a traffic stop. No suspicious activity detected. The Indiana Police Department were notified.
- e) September 30: An assault occurred at the Speedway on Alex Bell. The suspect was identified, and charges have been filed.
- f) There were 13 calls for service at Walmart, 12 calls at Red Roof, 14 calls at Circle K, and 60 calls for service on I-75.
- g) The Drug Take-Back Event is scheduled for October 25, 2025, from 10:00 a.m. to 2:00 p.m. at Payne Recreation Center
- h) Detectives are collaborating with federal prosecutors who are interested in adopting one of the City's cases.

5) Streets

- a) Superintendent Chris Dunn reports staff installed new crosswalk signals at Elter Drive.
- b) Rented RC Mower was used to clean up ditches and hillsides.
- c) Seasonal groundskeeping items were completed including road debris picked up, maintenance of the ballfields, Ellerton Cemetery and at City parks.
- d) The street sweeper was out, and mowing was accomplished Citywide.

Bi-Monthly Report

To: Michael Davis, City Manager
From: Traci Kuzminski, Fire Chief 
Date: October 1, 2025
Subject: Activity Report

The Fire Division responded to a total of 119 Incidents from September 14th- September 27th 2025.

EMS/ Fire & Rescue –

- Division Responded to 10 Motor Vehicle Incidents
- Division responded to 78 EMS Incidents
- Division responded to 6 Fire Alarm/Detector Activations
- Division Responded to 25 all other calls

Long-term projects/issues:

- New Medic ordered. Still Waiting
- Tornado Siren replacement complete.
- In house monitoring system ordered
- Received new Staff truck
- Order of new ladder E-One Metro Quint Fire Truck through Vogelpohl Fire Equipment.

Full time hiring/promotions:

- Full staff as of 8/26/25

Part time hiring:

- We have 5 part time personnel currently on the roster

Short term projects/issues:

- Beginning phase of Station 30 Bathroom remodel-Contract Signed-scheduled to start October 13th.
- Working on Annual Safety Fest and Boo Bash
- Departmental Mental Health Testing sessions

Number of Inspections/Re-Inspections:

- 42 Inspections

Meetings:

- Council Meeting / Committee of the Whole

Other:

- 2 car seat checks for safety
- 1 Carroll HS Ride along student
- 1 CPR Class taught, Kettering Early Childhood Education Center 9/25
- Live Fire training at Warren County Career Center-9/30-10/2/25.

MAYORS' COURT MONTHLY STATEMENT TO COUNCIL

Fines and Other Monies Collected or Received
Rev. Code Sec. 733.40

To the Council of The City of Moraine Ohio:

The following is a full statement of all fines, forfeitures, and costs in ordinance cases and all fees collected by me, or which have in any manner come to my hands, or which are due me as Mayor, Chief of Police or other officer of the city and any other fees and expenses which have been advanced out of the city treasury, and all monies received by me as Mayor for the use of the city and paid over by me to the Treasury of the city as required by law.

Prepared: September 9, 2025

BALANCING FOR MONTH OF: AUGUST 2025

BOND ACCOUNT

Balance retained in Bond Account Beginning:	8/1/2025	\$	1,054.00
Amount received and deposited - CASH		+	281.43
Amount received and deposited - SURETY		+	4,262.00
Less amount returned to Defendants		-	4,200.43
Less amount retained in Bond Account (end of month)		-	1,054.00
Additions, Subtractions or Changes, etc.		+/-	0.00
EQUALS BONDS FORFEITED		\$	343.00

MAYOR'S ACCOUNT

Fines & Court Costs

Amount received and deposited		\$	15,697.05
Monthly reimbursement to City for Kett "LEAF"		(-)	0.00
Additions, Subtractions or Changes, etc.	25D538 D POSTON REFUND	+/-	(80.00)
EQUALS GROSS REVENUE		\$	15,960.05

DISBURSEMENTS

Mo. Co. Booking Fees	Check #	4028	175.00
Police Dept Traffic School ACCT# 101-0600-40603	Check #	4029	55.00
IDAM-Ind Drvrs Alc Mntr (15%) - Kettering \$\$	Check #	4030	114.60

Computer Fund:

B4 12-13-18	Computer Fund (CF)	ACCT# 301-0800-40820	\$	-		
12-13-18	Mayor's Court CF	208-0800-40820		306.00		
& AFTER	Clerk of Court CF	209-0800-40820		205.00	Check #	4031
						511.00

Treasurer of State:

Victims of Crime	\$	819.00		
IDSF-Ind Def Support Fund (50%)		2,249.04		
CJDE - Crim Just Drug Enf Fund (35%)		267.40		
Expungements		30.00		
Child Restraint		-		
Seatbelt Fines		50.00		
Attorney General Reimbursement		30.00	Check #	paid on-line
			\$	3,445.44

City-General Fund: Acct# 101-0600-40601

ADTS - Admin T/School Fee	\$	15.00		
City Fines		11,644.01		
Miscellaneous Fees		-		
Parking Tickets		-		
Truck Fund Overweights		-		
Witness Fees		-		
Kettering Fees		-	Check #	4032
			\$	11,659.01

An Ordinance denying a Zoning District Change for City Lot Number 4988 and located at 6844 Germantown Pike within the City of Moraine that encompasses a proposed 1.5 acre lot in Exhibit A from Parcel ID Numbers J44204201 0034 and J44204201 0035 from R-2 (Single Family Residence District) To B-1 (Neighborhood Business District).

Department: Community Development

Request: Action Item

Item Background and Purpose:

Zoning District Change Request for the 6844 Germantown Pike Property and additional land totaling 1.5 acres. From R-2 to B-1

Attachments:

1. 2200-25 - Exhibit A
2. September 25 Staff Report
3. R-03-2025 Legal Notice
4. Scanned Application
5. 2025-07-31_RezoningExhibit CORRECTED ZONING
6. Property Owners
7. R-03-2025 Legal Notice to 200' Neighbors
8. CURRENT ZONING MAP
9. FUTURE LAND USE MAP
10. 6844 Germantown Pike, Miamisburg, OH to Dollar General - Google Maps
11. A4 Real Estate Group- PSA- Germantown Pike- Redacted FE 06122025
12. 6844 Germantown Pike, Miamisburg, OH to Dollar General - Google Maps 2
13. 6844 Germantown Pike, Miamisburg, OH to Dollar General - Google Maps 3
14. 6844 Germantown Pike, Miamisburg, OH to Dollar General - Google Maps 4
15. MCO B-1
16. 8. Miamisburg (Ellerton) - Zoning Presentation - 081825
17. Planning Commission Opposition Letters
18. Opposition Signatures from Mary Getter Regarding R-03-2025

RECORD OF ORDINANCES

Ordinance No. 2200-25

AN ORDINANCE DENYING A ZONING DISTRICT CHANGE FOR CITY LOT NUMBER 4988 AND LOCATED AT 6844 GERMANTOWN PIKE WITHIN THE CITY OF MORaine THAT ENCOMPASSES A PROPOSED 1.5 ACRE LOT IN EXHIBIT A FROM PARCEL ID NUMBERS J44204201 0034 AND J44204201 0035 FROM R-2 (SINGLE FAMILY RESIDENCE DISTRICT) TO B-1 (NEIGHBORHOOD BUSINESS DISTRICT).

WHEREAS, A4 Ellerton LLC and A4 Real Estate Group, with approval of Orpheus Garrison, owner of the property located at 6844 Germantown Pike, City Lot Number 4988, encompassing a proposed 1.5 acre lot in **Exhibit A** (Parcel ID Numbers J44204201 0034 and J44204201 0035) located within the City of Moraine, filed an application and request to re-zone said property from R-2 (Single Family Residence) to B-1 (Neighborhood Business District); and

WHEREAS, after public hearing by the Planning Commission on August 19, 2025, notice of which was given as required by law, said request to re-zone the aforementioned property from R-2 (Single Family Residence) to B-1 (Neighborhood Business District) was recommended for denial by the Planning Commission; and

WHEREAS, a public hearing by City Council on said request occurred on September 25, 2025, notice of which was given as required by law, and

WHEREAS, this Ordinance has received two separate readings on October 9, 2025 and October 23, 2025.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

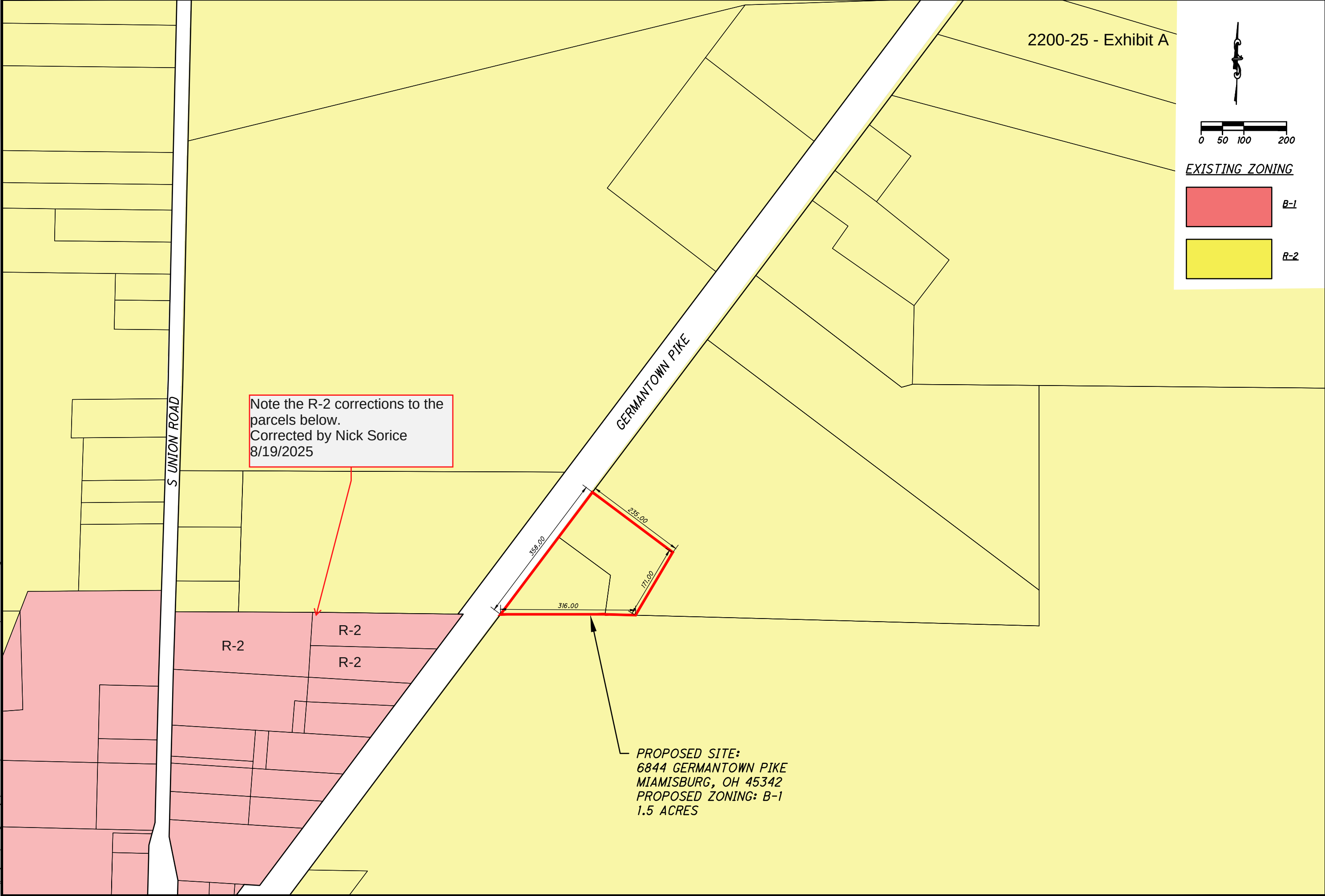
SECTION 1: That, in consideration of the applicable provisions of the City’s Comprehensive Land Use Plan, as well as the applicable provisions of Moraine Codified Ordinance Chapter 1127, including Section 1127.01 which states, in relevant part, “Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may, after recommendation thereon by the Planning Commission, and subject to the procedure provided in this section, amend, supplement or change the regulation, district boundaries or classification of property, now or hereafter established by this Zoning Code, or amendments thereto....”; and in further consideration of the applicable provisions of Moraine Codified Ordinance Chapter 1137, including Section 1137.01 which states, in relevant part, “The R-2 Single-Family Residence District is provided to accommodate single family residential development of a moderately low density character within areas of similar development and within areas of similar physical character generally located within the peripheral areas of the City.”; and in further consideration of the applicable provisions of Moraine Codified Ordinance Chapter 1151, including Section 1151.01 which states, in relevant part, “The B-1 Neighborhood Business District is intended to provide for relatively small business and service establishments in suitable locations primarily to serve the daily staple needs of residents.”; the subject request for re-zoning from R-2 (Single Family Residence) to B-1 (Neighborhood Business District) for property located at 6844 Germantown Pike, City Lot Number 4988, encompassing a proposed 1.5 acre lot in **Exhibit A** (Parcel ID Numbers J44204201 0034 and J44204201 0035) located within the City of Moraine, is hereby denied.

SECTION 2: That any Ordinance in conflict with this Ordinance is hereby repealed.

SECTION 3: That this Ordinance shall take effect and be in force thirty (30) days

RECORD OF ORDINANCES		
	Ordinance No. 2200-25	
after its second reading and adoption. <u>SECTION 4:</u> The Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager, City Planner, and Building and Zoning Inspector.		

Z:\project\Montgomery\Moraine\MOT-MOR-2503DollarGeneralSite\Prelim Lot.dwg 31-Jul-25 8:58 AM





Choice One
Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com

DOLLAR GENERAL
CITY OF MORaine
REZONING EXHIBIT

REVISIONS:

FILE NAME
EXHIBIT

DRAWN BY
JAC

CHECKED BY

PROJECT No.
MOTMOR2503

DATE
7-25-2025

SHEET NUMBER
1 OF 1



Technical Review Committee

Michael Davis, City Manager
Nick Sorice, City Planner
Doug Hatcher, Fire Inspector
Lauren Alvarado, City Engineer
Brent Carpenter, Building & Zoning Administrator
Beth Waters, Community Development Secretary

Staff Report

R-03-2025, TA-02-2025, TA-03-2025, TA-04-2025, TA-06-2025, TA-07-2025, TA-08-2025

R-03-2025

The developer, A4 Real Estate Group, operated by Josh Allen, requests for a section of land encompassing 6844 Germantown Pike and additional land, for a total of 1.5 acres, for a Zoning District Change of R-2 to B-1. As shown on the Rezoning Exhibit, the boundaries of land requested are shown. If this were to be approved, a subdivision case would need to follow for proper lot lines and ownership. At 6844 Germantown Pike, there is currently a vacant dwelling that has had numerous property concerns and is also presently a hazard for the neighbors as individuals have been reported breaking into the structure in addition to overgrowth issues surrounding the property. On the Rezoning Exhibit, there are B-1 districts to the south-west of Germantown Pike, as well as additional B-1 districts on S. Union Road which is where Ellerton Cemetery and the 2 church properties currently are. Looking at the Comprehensive Plan for Future Land Use at that parcel, it indicates it as a Single Family Detached Dwelling or in Moraine's Zoning Code, a R-2 District. The Community Development Department has received numerous phone calls, emails, and letters which were read at the August 19, 2025 Planning Commission Meeting, opposing the Zoning District Change. I also included the distances of Dollar Generals to this location in your packet for review. This would be the only Dollar General within the City Limits of Moraine. As a result of the August 19, 2025 Planning Commission Meeting, the Planning Commission members unanimously recommended for the case to be denied.

TA-02-2025

On TA-02-2025, this is for MCO section 521.07 titled "Fences" in which clarity is needed for fence requirements. The Ohio Building Code requires any fence over 6 feet in height to have a building permit. This also clarifies that spiral barbed wire is not permitted on any fence in any district of the City of Moraine. 3 Strand barbed wire maximum is still permitted in industrial permits. Anywhere else will require a variance through the BZA. If a business that currently has barbed wire fencing that has been damaged and needs repair, is still permitted to proceed with a repair without a variance. This section along with the other sections highlighting fences states that fences cannot display rust or damage.

TA-03-2025

TA-03-2025 refers to MCO section 1181.04 titled “Standards for Accessory Buildings and Uses in Residential and Agricultural Districts”. This is to touch up again on the fencing ordinance changes we are trying to make uniform throughout the MCO. Barbed wire and electrical fencing are not permitted in residential or agricultural zoned properties. However, sharp pointed and barbed wire fencing is permitted in agricultural districts only for the use of keeping animals enclosed in an area. Battery-charged fencing is permitted in non-residential districts and agricultural districts upon the issuance of a Zoning Permit and shall comply with ORC 3781.1011. In this section, I wanted to highlight that the addition of corner lots, double frontage lots, and reverse corner lots and their fencing requirements are added as regulations, as they were not in the code prior (Examples of these style lots are in the packets). This code addition helps provide authority and specifications for these style lots and their fence requirements as the fence will have to be either 8 feet away the street-side lot line, or aligned with the house, if the house is built closer than 8 feet to the side lot line, as it is common in the older neighborhoods, aligning with the house brings a cleaner look and prevents site impairments at ROW intersections.

TA-04-2025

TA-04-2025 refers to MCO section 1181.05 titled “Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts”. This is to bring provisions to Business Districts and Industrial Districts. With several additions such as the ORC 3781.1011 battery charged fencing being permitted in non-residential districts with a Zoning Permit, Height Requirements of fencing in Business and Industrial Districts (B1 and B2 districts to not exceed 6 feet in height for side and rear yards, and not 4 feet in height for front yards), and an Industrial Fencing section stating that Zoning Districts M1 and M2 shall have fence height proposals approved by the Community Development Department prior to any building or zoning permits. We also added the set-back requirements along ROW’s and sidewalks in Business and Industrial Districts to be approved by the Community Development Department to ensure proper safety and to not have site impairment (especially at corners and intersections).

TA-06-2025

TA-06-2025 is a text amendment that will bring a whole new section to the MCO, titled “Mobile Food Vendors” as we do not have anything in our ordinances for food trucks which as you already know, are popular in Moraine. In order to operate a food truck, you must get a peddlers/solicitors permit, whereas this will create a food truck permit for Moraine. This is a lengthy in-depth section that I wrote with the help of nearby jurisdictions and research of common regulations with food trucks. This also outlines the overall provisions, fees, tax requirements, penalties, and the overall safety of food trucks. If you have any questions regarding this section, please feel free to ask any questions as this is the largest text amendment/addition of today’s meeting.

TA-07-2025

TA-07-2025 refers to MCO section 1412.02 titled “Parking”. This text amendment is for the introduction of allowing a gravel pad in the side and/or rear yard only for the purpose of parking only one (1) vehicle, one (1) recreational vehicle, and one (1) utility trailer, along with the provisions for a Zoning Permit to be issued. This section also prohibits new gravel driveway installation or driveway additions with gravel. Which ends up damaging the roads further and risks more trip hazards in neighborhoods, as well as more cracked windshields. In the MCO, businesses cannot have parking lots that are gravel, they must be concrete or asphalt. This text amendment and section does not apply to permitted agricultural uses. This is to help especially

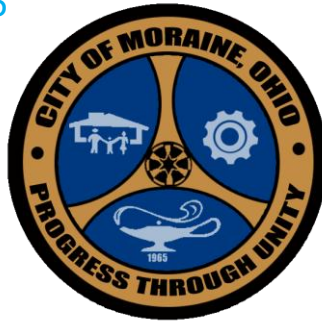
with areas of limited parking on the street and driveway to have the ability to have a properly installed gravel pad for the types of vehicles I listed. As shown on the text amendment, you will see that a weed barrier must be installed along with the perimeter edging of wood, block, or cement. This is simply to add an option as these have become popular in recent years after researching ways for residents to not park on grass and have an option besides the cost of a concrete pad. It is very DIY to complete this type of project, which is what we are aiming at for ease of installation.

TA-08-2025

TA-08-2025 refers to MCO section 505.08 titled “Cruelty to Animals Generally”. The text amendment addition is to include all animals to this list and businesses that houses animals. As these establishments are to comply to proper care and nutrients to animals, including amphibians, birds, fish, mammals, and reptiles. This gives the ability for the City of Moraine to investigate any wrongdoing as we have had an incident in the past where our hands were tied from further investigation due to our ordinances. This helps to ensure the safety of all animals within the City of Moraine, especially businesses, such as pet stores.



Nick Sorice
City Planner



**R-03-2025
LEGAL NOTICE**

An application for a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127 was submitted through the Community Development Department.

A Planning Commission Meeting for a Zoning District Change will be held on Tuesday, August 19, 2025 at 6 p.m.

The agenda for this Zoning District Change is a request submitted by Josh Allen of the A4 Real Estate Group for the premises located at 6844 Germantown Pike as well as additional land to encompass a 1.5 acre lot. 6844 Germantown Pike is City Lot Number 4988. A Rezoning Map of the boundaries is located in the Community Development Office.

Josh Allen of the A4 Real Estate Group requests for a Zoning District Change from R-2 (Single-Family Residential District) to B-1 (Neighborhood Business District).

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 pm at the Payne Recreation Center: 3800 Main St. Moraine, OH 45439.

Additional information regarding this proposal may be obtained by visiting the Community Development Department or by contacting Nick Sorice, City Planner, at 937-535-1037.



City of Moraine Planning Commission

Application for Zoning District Change

Revised 1/2006

Office Use (This Section only)

Receipt: 7034

Date Received: 07/30/2025 Application No.: R-03 - 2025 Fee: \$200

Proposed Zoning District: B-1 PUD Application? N/A PUD Spec. Site Plan? N/A

Location Information - General

City Lot Number(s): J44204201 0035 and J44204201 0034

Total Area: 1.5 acres Subdivision: _____

Street: Germantown Pike Sect: 27 Town: 3 Range: 5

Applicant(s) – Please include additional owners or applicants on back of application

Owner: A4 Ellerton LLC

Address: _____ Phone: _____

Developer (if other): A4 Real Estate Group

Address: _____ Phone: 765-215-1444

Zoning Data

Present Use: Residential and agriculture

Present Zoning Dist.: R-2 Proposed Zoning Change: B-1

Proposed Use(s): Commercial business

Supporting Information

Your Application must include the following information. This information should be provided as an attachment to this application at the time of its filing. Failure to provide such information may delay the processing of your application.

- Vicinity Map, showing property lines, streets, existing and proposed zoning
- List of owners for all property within 200 feet of any property included in this application. This includes properties immediately contiguous, across any streets, or properties that are non-adjacent but within the 200 foot radius.
- If applying for PUD approval, include all materials and information required by MCO Chapters 1155.05(c) and/or 1155.06(d), as applicable.

Applicant Signature

7-30-2025

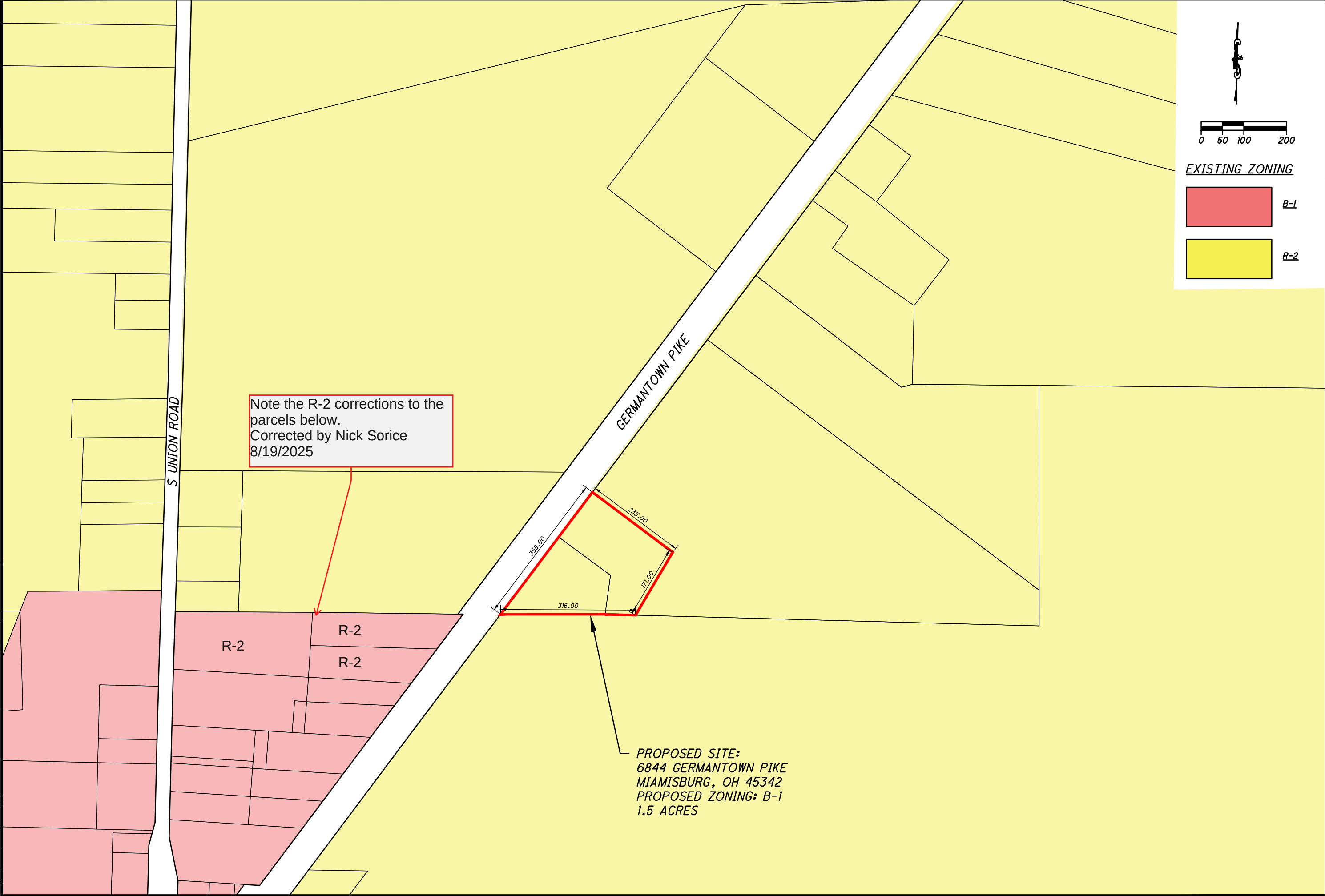
Date

www.ci.moraine.oh.us

Telephone 937.535.1000

Fax 937.535.1284

Z:\project\Montgomery\Moraine\MOT-MOR-2503DollarGeneralSite\Prelim Lot.dwg 31-Jul-25 8:58 AM





Choice One
Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com

DOLLAR GENERAL
CITY OF MORaine
REZONING EXHIBIT

REVISIONS:

FILE NAME
EXHIBIT

DRAWN BY
JAC

CHECKED BY

PROJECT No.
MOTMOR2503

DATE
7-25-2025

SHEET NUMBER
1 OF 1

BOEHRINGER JONATHON K AND RYAN K
4417 S UNION RD
MIAMISBURG, OH 45342
J44228227 0003

HAMILTON JEFFREY
6869 GERMANTOWN PIKE
MIAMISBURG, OH 45342
J44228227 0004

BRETT SCOTT
1318 E DOROTHY LN
KETTERING, OH 45419
J44226406 0024

SHIELDS MARY LIANE
6891 GERMANTOWN PIKE
MIAMISBURG, OH 45342
J44226406 0005

GETTER MARY L S
6891 GERMANTOWN PKWY
MIAMISBURG, OH 45342
J44226406 0006

GARRISON ORPHEUS L JR
5571 SHEPHARD RD
MIAMISBURG, OH 45342
J44204201 0036



**R-03-2025
LEGAL NOTICE**

Dear Property Owner,

As a property owner located within 200 feet of a property whose representative is requesting a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127, the City is notifying you of a public hearing where the case will be heard. You are invited to attend or send someone as your representative. Below is the description of the case and the time and location of the public hearing.

An application for a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127 was submitted through the Community Development Department.

A Planning Commission Meeting for a Zoning District Change will be held on Tuesday, August 19, 2025 at 6 p.m.

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Josh Allen of the A4 Real Estate Group requests for a Zoning District Change from R-2 (Single-Family Residential District) to B-1 (Neighborhood Business District).

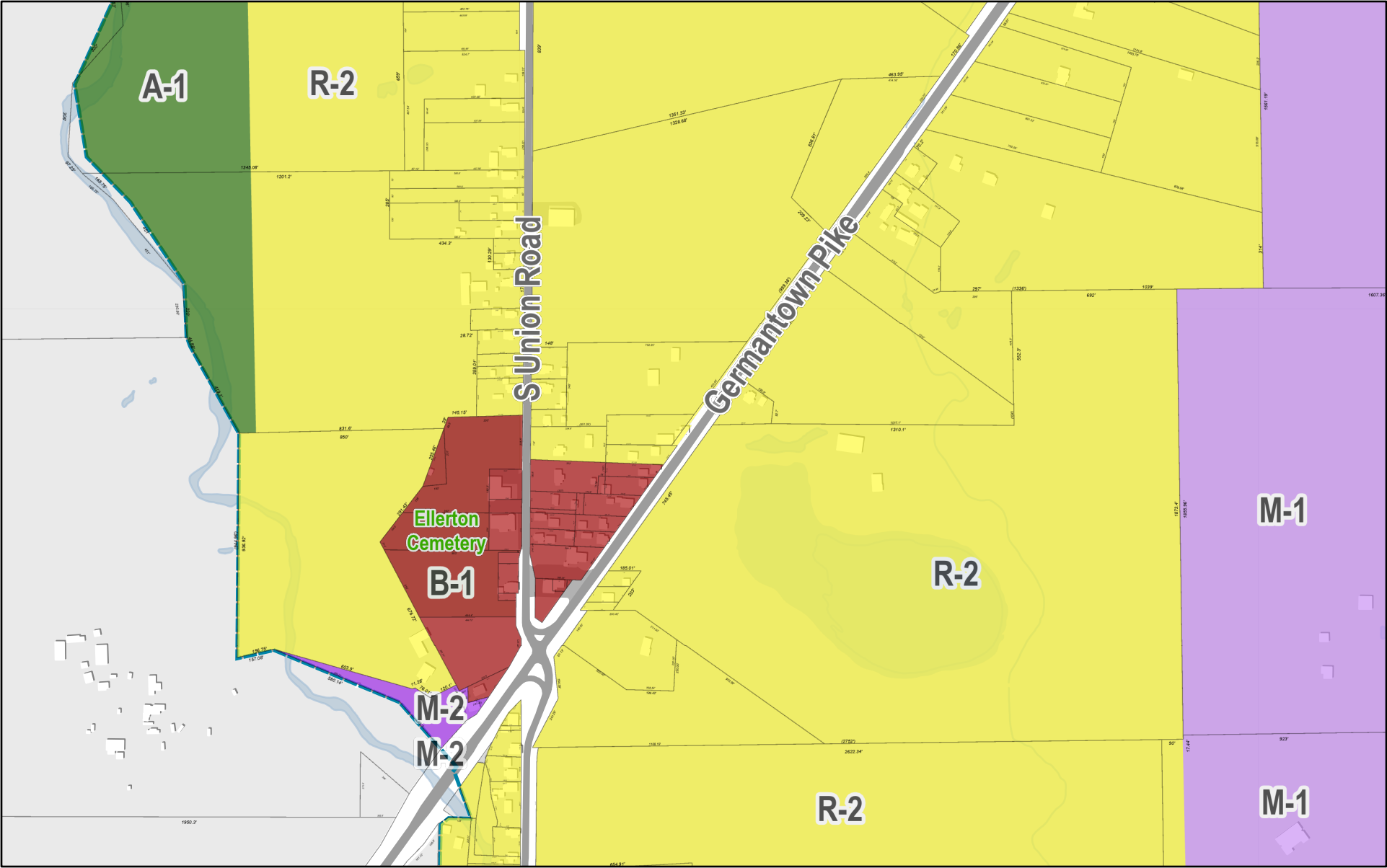
Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 pm at the Payne Recreation Center: 3800 Main St. Moraine, OH 45439.

Additional information regarding this proposal may be obtained by visiting the Community Development Department or by contacting Nick Sorice, City Planner, at 937-535-1037.

A handwritten signature in black ink that reads "Nick Sorice".

Nick Sorice
City Planner
City of Moraine

City of Moraine



8/13/2025, 12:39:27 PM

- 3

Parks-3

Parcels
- A-1

R-2

Agricultural District

Single Family Residential
- B-1

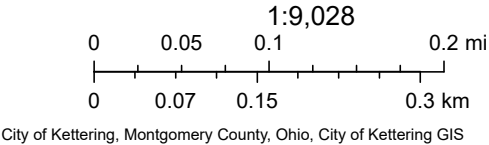
M-1

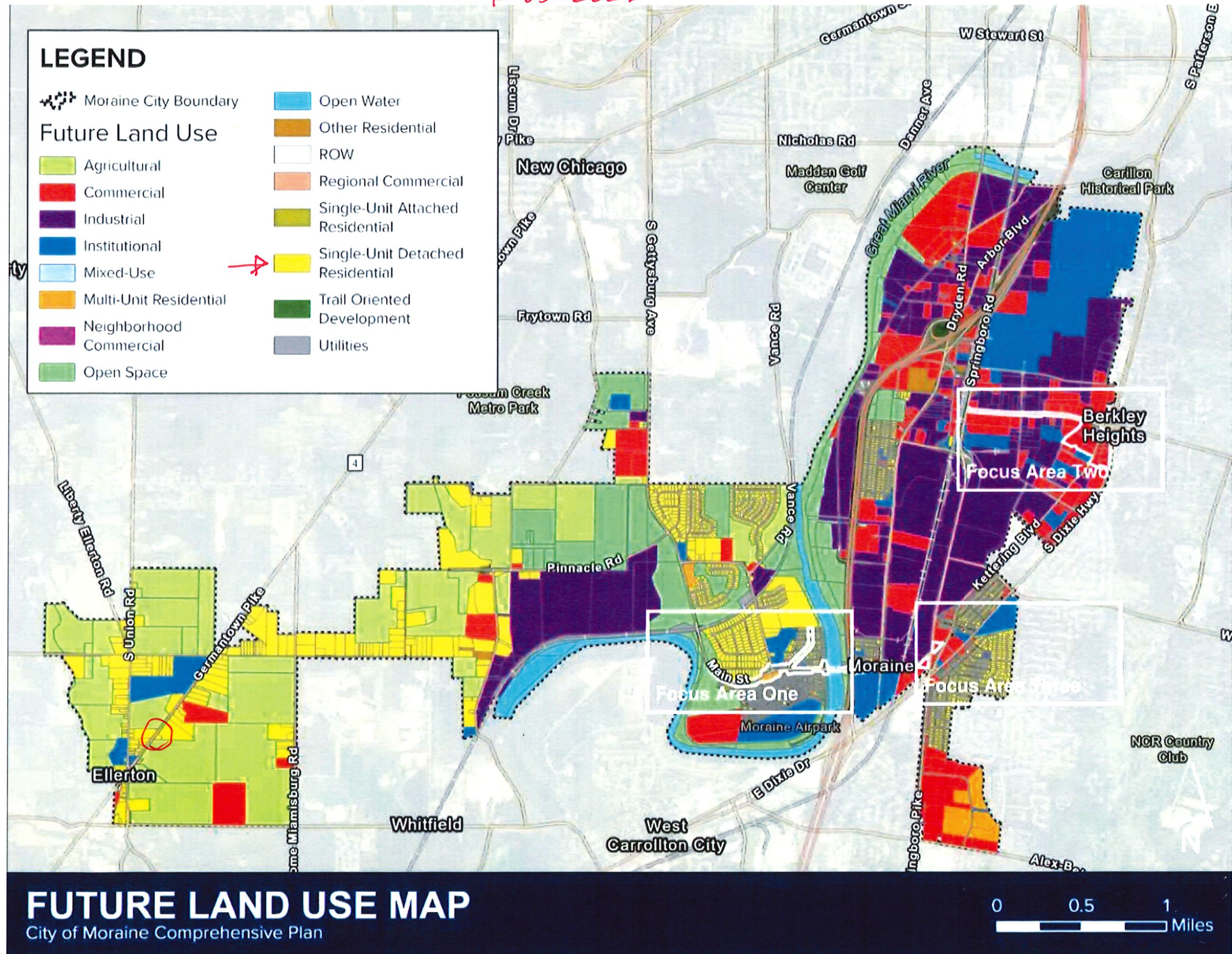
M-2

Neighborhood Business

Light Industrial

General Industrial

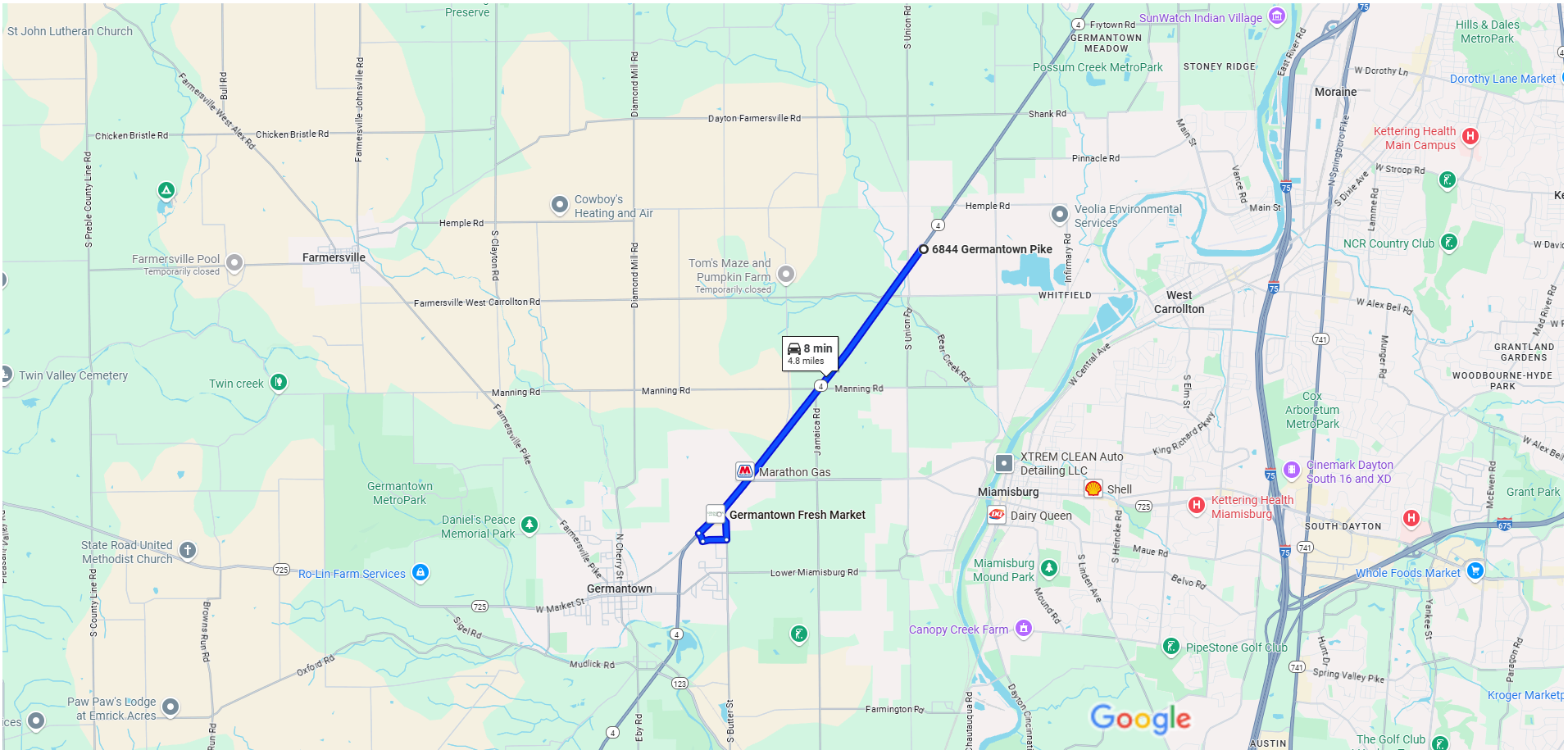






6844 Germantown Pike, Miamisburg, OH 45342 to Dollar General,
2393 Dayton Germantown Pike, Germantown, OH 45327

Drive 4.8 miles, 8 min



Map data ©2025 Google 1 mi



via OH-4 S

8 min

Fastest route, the usual traffic

4.8 miles

Explore nearby Dollar General

REAL ESTATE PURCHASE CONTRACT

THIS REAL ESTATE PURCHASE CONTRACT (the “**Contract**”) is made and entered into by and between Orpheus L. Garrison, Jr. (“**Seller**”) and A4 ACQUISITIONS, LLC, an Ohio limited liability company, its successors and/or assigns (“**Buyer**”). The Effective Date shall be the date that is five (5) days following the date that this Contract is last executed by either of Buyer or Seller.

For and in consideration of Ten Dollars (\$10.00), the agreements made herein, and other good and valuable considerations, the receipt and legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Property.** Seller hereby agrees to sell and Buyer hereby agrees to purchase, upon and subject to the terms and conditions herein set forth, that certain tract or parcel of land being a portion of APN#J442042010035 and J442042010034, Legal Description [To Be Inserted] located along Germantown Pike, Miamisburg, Ohio 45342 (commonly known as 6844 Germantown Pike, Miamisburg, Ohio 45342 in Moraine County, Ohio, along with a small portion of 0.63 more or less acres of immediate adjacent land identified by Parcel No. J44204201 0034 which in total being 0.87 more or less acres of contiguous land (the “**Property**”), being an approximate 1.50 acres, which is further described on **Exhibit "A"** attached hereto and incorporated herein.

2. **Earnest Money.** Two Thousand Dollars (\$2,000.00), to be deposited by Buyer with Safe Title Agency, Inc., Attn: Becky Schweitzer, 312 Elm Street, Suite 2200, Cincinnati, OH 45202 (“**Escrow Agent**” or “**Title Company**”) within five (5) business days after the Effective Date and paid in accordance with the terms and provisions of this Contract (the above described deposit together with any Extension Fee, if applicable (as used in this contract “**Extension Fee**” shall mean the Inspection Period Extension Fee, the Closing Extension Fee, as defined herein, or both, as applicable) shall be referred to collectively as the “**Earnest Money**”). If Buyer terminates this Contract before the end of the Inspection Period by providing notice to Seller, all Earnest Money, except for \$100.00 (the “**Independent Consideration**”), shall be returned to Buyer. If Buyer terminates this Contract after the end of the Inspection Period, all Earnest Money shall be sent to Seller, unless Buyer’s termination is due to Seller’s default under this Contract and/or pursuant to other applicable terms of this Contract, in which case all Earnest Money shall be returned to Buyer. If deposited in an interest-bearing account, all interest earned on the Earnest Money shall be the property of Buyer and shall be applied to the Purchase Price at Closing (as defined below).

3. **Parcel Map Revision.** Intentionally Left Blank

4. **Purchase Price.** [REDACTED]

5. **Closing.** The sale and purchase of the Property shall be consummated at a closing (the “**Closing**”) to be held at the offices of the Title Company and may be closed as a “mail away” if satisfactory to Seller and Buyer. The Closing shall be on or before thirty (30) days after the expiration of the Inspection Period, including any agreed upon extensions, and the completion of the outlined Conditions Precedent (the “**Closing Date**”). Buyer, at Buyer’s option, may extend the Closing Date for an additional fifteen (15) days (each a “**Closing Date Extension**” and, collectively, the “**Closing Date Extensions**”) by (a) providing written notice to Seller of Buyer’s election to extend the Closing Date on or before the then applicable Closing Date, and (b) by paying a \$500 extension fee (the “**Closing Extension Fee**”) to Escrow Agent on or before the then applicable Closing Date. The Closing Extension Fee shall be applicable to the Purchase Price at Closing.

6. **Obligations at Closing.** At Closing, Seller shall deliver to Buyer, or Buyer’s designee, a warranty deed conveying to Buyer or its designee good and marketable title in fee simple to the Property, subject only to the Permitted Exceptions (as defined below), and all other documents required by the Title Company for closing, pay for Seller’s attorney’s fees, one-half of any escrow fee, costs of recording the deed, state or local conveyance tax and/or documentary transfer tax (if any), sales tax (if any), its portion of prorated property taxes, the base cost of the ALTA Owner’s Policy of Title Insurance, and all other costs incurred by Seller or required to be paid by Seller pursuant to any other provision of this Contract, and surrender the Property to Buyer. At Closing, Buyer shall pay the Purchase Price, as adjusted, pay for Buyer’s attorney’s fees, one-half of any escrow fee, any endorsements or additional

coverages to the title policy, an updated survey, any costs associated with financing the purchase of the Property, and all other costs incurred by Buyer or required to be paid by Buyer pursuant to any other provision of this Contract. All other costs will be allocated between the parties as customary in the county where the Property is located.

At Closing, Seller shall give Buyer a credit for all "roll back" taxes, if any, for the period prior to Closing attributable to land use changes or changes in ownership resulting after the sale of the Property pursuant to this Contract. Such credit shall be estimated by the County officials where the Property is situated and shall be final at Closing. The provisions of this Paragraph shall survive the Closing.

7. Inspection Period. Buyer's agents, employees and independent contractors shall have two hundred forty (240) days from the Effective Date (such period, as may be extended from time to time, referred to herein as the "**Inspection Period**") in which to conduct, at Buyer's sole expense, such physical, environmental, engineering and feasibility reports, inspections, examinations, tests and studies, including without limitation soil borings and other geological, engineering, or landscaping tests or studies as Buyer deems appropriate in Buyer's sole discretion. Buyer shall fully repair any damage to the Property caused by any such inspections, tests, or other activities by Buyer or its agents, employees, or independent contractors so that the Property is fully restored to its pre-inspection condition. Seller shall provide Buyer copies of any and all materials pertaining to the Property in its possession or within its control including surveys, environmental reports, and title within ten (10) days after the Effective Date.

Buyer shall have the right to extend the Inspection Period for two (2) thirty (30) day extensions by (a) providing written notice to Seller of Buyer's election to extend the Inspection Period on or before the date of the expiration of the Inspection Period and (b) by paying a \$500.00 extension fee (the "**Inspection Period Extension Fee**"), for each extension, to the Escrow Agent. The Inspection Period Extension Fees shall be applied to the Purchase Price at Closing.

8. Conditions Precedent. Notwithstanding the foregoing Inspection Period, in no event shall Buyer be obligated to consummate this transaction unless each of the following contingencies (the "**Conditions Precedent**") has been completed to Buyer's satisfaction prior to the Closing Date (as extended):

- (i) Approval of Buyer's intended use by all applicable governmental authorities;
- (ii) Buyer executing a lease with Tenant (or its affiliate) (the "**Lease**"); and
- (iii) Buyer's receipt of written approval from Tenant (or its affiliate) of Buyer's due diligence pursuant to the Lease; and
- (iv) Buyer's receipt of building permit for its improvements to the Property

If Buyer is unable to satisfy (or waive in writing) any of the above Conditions Precedent by the Closing Date, then Buyer may terminate this Contract and, notwithstanding any terms of this Contract to the contrary, receive the Earnest Money (except for the Independent Consideration). Seller and Buyer each agree to cooperate and use commercially reasonable good faith efforts to obtain all approvals required by the applicable governmental authorities for Buyer's intended use of the Property that may be reasonably requested by Buyer, including timely preparation and signing of filings, applications, requests, and notices related thereto.

9. Survey and Title. Buyer will order a title insurance commitment ("**Title Commitment**") to be issued by the Title Company. Within ten (10) days after the Effective Date, Seller shall provide Buyer with copies of any surveys of the Property in its possession or control. Buyer shall be responsible for obtaining an updated survey of the Property (the "**Survey**"). Buyer will cause copies of the Title Commitment, all documents of record which are listed as exceptions in the Title Commitment and the Survey (collectively, the "**Title Materials**") to be delivered to Seller. Upon receipt of notice of any objections to the Title Materials (the "**Objections**"), which Buyer shall deliver to Seller in writing prior to the expiration of the Inspection Period, Seller shall have fifteen (15) days after receipt of such notice to satisfy or cure such Objections to Buyer's satisfaction. If Seller fails or declines to satisfy the same within such period, the Buyer, at Buyer's option, which option may be exercised by Buyer at any time prior to the Closing Date, may terminate the Contract and all Earnest Money shall be returned to Buyer. Buyer shall be deemed to have agreed to accept title subject to all matters reflected in the Title Commitment and to the state of facts shown on the Survey,

other than Objections that have been timely given and provided that, in no event shall Buyer be deemed to have agreed to accept title subject to (i) monetary liens, encumbrances or security interests against Seller and/or the Property, (ii) encumbrances that have been voluntarily placed against the Property by Seller after the Effective Date without Buyer's prior written consent and that will not otherwise be satisfied on or before the Closing, or (iii) exceptions that can be removed from the Title Commitment by Seller's delivery of a customary owner's title affidavit or gap indemnity (all of the foregoing hereinafter collectively referred to as the "**Seller's Required Removal Items**"). In addition to the foregoing and notwithstanding anything contained herein to the contrary, in the event the Property is subject to reservation(s) or grant(s) of oil, gas, or other mineral rights, it shall be Seller's obligation to execute or obtain releases of such rights or waivers of surface rights satisfactory to Buyer and the Title Company, which obligation shall be part of Seller's Required Removal Items. All title matters and exceptions set forth in the Title Commitment and the state of facts shown on the Survey which are not Objections, or which are thereafter deemed to be accepted or waived in writing by Buyer as hereinafter provided, other than the Seller's Required Removal Items, are hereafter referred to as the "Permitted Exceptions."

10. Commissions. Seller and Buyer mutually represent and warrant to each other that they have not employed or dealt with any other real estate agent or broker relative to the sale and purchase of the Property, other than Edge Real Estate Group, whose commission shall be paid by Buyer at Closing pursuant to a separate agreement. Each party hereby agrees to indemnify and hold harmless the other from and against any liability (including costs and reasonable attorneys' fees) incurred in the defense thereof to any other agents or brokers with whom such party may have dealt.

11. Representations and Warranties and Covenants of Seller. Seller warrants, represents and covenants to Buyer that (i) current use of the Property or improvements located on the property conform to applicable Federal, State or municipal laws, ordinances, codes or regulations, zoning and permitted uses; (ii) there are no actions, suits or proceedings pending or threatened against, by or affecting Seller or the Property; (iii) Seller has the authority to convey the Property to Buyer without the joinder of any other person or entity; (iv) other than as disclosed in writing to Buyer, there are no environmental issues, damages, or hazards on the Property, (v) if Seller is an entity then that entity is in good standing; (vi) this Contract does not violate any other contracts or cause a default under any other contracts; (vii) Seller is conveying the Property to Buyer with good and marketable title; (viii) on the Closing Date, Seller will not be indebted to any contractor, laborer, mechanic, materialmen, architect or engineer for work, labor or services performed or rendered, or for materials supplied or furnished, in connection with the Property for which any person could claim a lien against the Property; (ix) the Property will be delivered to Buyer at Closing free and clear from any leases, contracts, and tenants in possession; and (x) Seller shall have vacated the Property before the Closing Date. Each representation and warranty of Seller contained in this Contract shall be true and accurate as of the date hereof and shall be deemed to have been made again at and as of Closing and shall be then true and accurate in all material respects.

12. Damage and Condemnation. All risk of loss to the Property will remain upon Seller before the Closing. If, before the Closing, the Property is damaged or destroyed by fire or other casualty to a Material Extent (defined below), then Buyer may either terminate this Contract by delivering a written termination notice to Seller within ten (10) business days after the date the casualty occurred (and in any event before the Closing), in which case the Earnest Money will be returned to Buyer. If the Property is damaged by fire or other casualty to less than a Material Extent, the parties shall proceed to the Closing as provided in this Contract. If the transaction is to proceed to Closing, despite any damage or destruction, there will be no reduction in the Purchase Price and Seller shall do one of the following: (1) fully repair the damage before the Closing, at Seller's expense and to the satisfaction of Buyer; (2) give a credit to Buyer at the Closing for the entire cost of repairing the Property; or (3) assign to Buyer all of Seller's right and interest in any insurance proceeds resulting from the damage or destruction, plus give a credit to Buyer at the Closing in an amount equal to any deductible or other shortfall. The term "**Material Extent**" means damage or destruction where the cost of repair exceeds ten percent (10%) of the Purchase Price. If the extent of damage or the amount of insurance proceeds to be made available cannot be determined before the Closing Date, or the repairs cannot be completed before the Closing Date, either party may postpone the Closing Date by delivering a written notice to the other party specifying an extended Closing Date that is not more than thirty (30) days after the previously scheduled Closing Date.

If condemnation proceedings are commenced before Closing against any portion of the Property, then Seller shall immediately notify Buyer in writing of the condemnation proceedings, and Buyer may terminate this Contract by delivering a written notice to Seller within ten (10) business days after Buyer receives the notice (and in any event before Closing), in which case the Earnest Money will be returned to Buyer. If this Contract is not terminated, then any condemnation award will (a) if paid to Seller before the Closing Date, belong to Seller and the Purchase Price will be reduced by the same amount, or (b) if not paid to Seller before the Closing Date, shall be assigned at Closing and belong to Buyer and the Purchase Price will not be reduced.

13. Default. If Buyer defaults and such default continues for seven (7) days after written notice is delivered to Buyer, then Seller may terminate this Contract by written notice to Buyer, whereupon the Earnest Money shall be paid to Seller as full and complete liquidated damages for the default of Buyer, in which event neither party shall have any further rights, obligations, or liabilities under this Contract. The parties acknowledge and agree that it is difficult or impossible to determine the amount of damages that may occur as a result of Buyer's default. As such, the parties agree that the amount(s) contemplated herein represent a reasonable estimate of fair compensation for the losses that may be reasonably anticipated for Buyer's default. If Seller defaults and such default continues for seven (7) days after written notice is delivered to Seller, or three (3) days after written notice is delivered to Seller in the event Seller fails to close on the Closing Date, then Buyer may avail itself of the remedy of specific performance or terminate this Contract by written notice to Seller, whereupon the Earnest Money shall be refunded to Buyer for such default and Seller shall reimburse Buyer for all out-of-pocket expenses, including, but not limited to, consultant fees, attorneys' fees, permitting fees, and any lost revenue due to Seller's default.

14. Assignment. Buyer may at any time assign or transfer its interest in this Contract, with prior notice to Seller. This Contract shall be binding upon and enforceable against, and shall inure to the benefit of, the parties and their respective legal representatives, successors and assigns. Seller may not assign or transfer its interest in this Contract, without the prior written consent of Buyer.

15. Applicable Law. This Contract shall be governed by and construed and enforced in accordance with the laws of the state in which the Property is located.

16. Miscellaneous. Time shall be of essence in the performance of the terms and conditions of this Contract. In the event any time period specified in this Contract expires on a Saturday, Sunday or bank holiday on which national banks are closed for business, then the time period shall be extended so as to expire on the next business day immediately succeeding such Saturday, Sunday or bank holiday. For purposes of this Contract, business days shall be Monday through Friday, excluding any recognizable state or Federal holidays. All captions, headings, paragraph and subparagraph numbers and letters and other reference numbers or letters are solely for the purpose of facilitating reference to this Contract and shall not supplement, limit or otherwise vary in any respect the text of this Contract. All references to particular paragraphs and subparagraphs by number refer to the paragraph or subparagraph so numbered in this Contract. This Contract supersedes all prior discussions and agreements between Seller and Buyer with respect to the purchase and sale of the Property. This Contract contains the sole and entire understanding between Seller and Buyer with respect to the transactions contemplated by this Contract, and all promise, inducements, offers, solicitations, agreements, representations and warranties heretofore made between the parties are merged into this Contract. This Contract shall not be modified or amended in any respect unless by a written Contract executed by or on behalf of the parties to this Contract in the same manner as this Contract is executed. This Contract may be executed in multiple counterparts, each of which shall be deemed an original and all of which, collectively, shall be one and the same instrument. In addition, this Contract may be transmitted between the parties via facsimile or electronic transmission, and signatures transmitted by facsimile or electronic transmission shall be deemed originals and shall be binding upon the parties. Seller agrees that the terms of this Contract shall be deemed confidential in nature and shall not be disclosed to any third parties by Seller without the prior written consent of Buyer. Words used herein in the singular, where the context so permits, shall be deemed to include the plural and vice versa. The definitions of words in the singular herein shall apply to such words when used in the plural where the context so permits and vice versa. Words of any gender used in this Contract shall be held and construed to include any other gender.

17. If Seller owns any property immediately adjacent to the Property on the Effective Date and/or on the Closing Date, then, in addition to the above, and for no additional consideration:

A. At Closing, Seller shall grant to Buyer and record at Closing a temporary ten foot (10') grading and slope easement along the shared property line between the Property and Seller's adjacent property.

B. Seller covenants and agrees to record at Closing in the public records, the following use restriction, through final deed or easement, which restriction shall run in perpetuity and burden Seller's adjacent property: "Seller, its successors and/or assigns, covenants and agrees not to lease, rent, occupy, or allow to be leased, rented or occupied, any part of Seller's adjacent property for the purpose of conducting business as or for use as a Family Dollar Store, Bill's Dollar Store, Dollar Tree, Dollar Zone, Variety Wholesale, Dollar Express, Ninety-Nine Cents Only, Deals, Bonus Dollar, Maxway, Super Ten, Planet Dollar, Big Lots, Walgreens, CVS, Rite Aid, or any Wal-Mart concept including but not limited to Super Wal-Mart, Wal-Mart, Wal-Mart Neighborhood Market, or Walmart Express."

C. [Intentionally Deleted]

D. Buyer and Seller shall agree on the form and substance of the above agreements prior to Closing and shall execute and record in the public records prior to or at Closing.

18. Attorneys' Fees. In the event of any litigation arising out of this Contract, the party prevailing in obtaining the relief sought, in addition to all other sums that it may be entitled to recover, shall be entitled to recover from the other party its reasonable attorneys' fees and expenses incurred as a result of a litigation. This Contract shall be governed, construed and enforced in accordance with the laws of the state in which the Property is located.

19. Notice. All notices shall be in writing, and shall be deemed to have been duly given at the time and on the date when personally delivered, transmitted via facsimile transmission or electronic transmission, or upon being deposited with a nationally recognized commercial courier for next day delivery or with USPS for next day or two day delivery, to the addresses below or to the attorney representing any party to be notified. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be in receipt of such communication. By giving prior notice to all other parties, any party may designate a different address for receiving notices.

Buyer:

A4 Acquisitions, LLC

Attn: Josh Allen

[REDACTED]

Phone: 765-215-1444

Email: josh@a4regroup.com

Seller:

Orpheus L. Garrison, Jr.

5571 SHEPHARD RD

MIAMISBURG OH 45342

Phone: (937) 672-6949

Fax: _____

Email: olgarrison@aol.com

With a copy to:

RKPT, Inc.

Attn: Michael R. Yeazell

312 Elm Street, Suite 2200

Cincinnati, OH 45202

Phone: 513-731-3330

Email: myeazell@rkpt.com

With a copy to:

Phone: () -

Fax: _____

Email: _____

20. Like-Kind Exchange. At no cost or liability to Seller, Seller agrees to reasonably cooperate with Buyer by executing such documents or taking such action as Buyer reasonably requests in connection with any tax deferred exchange pursuant to Section 1031 of the Tax Code, provided that (i) the transaction contemplated by this Contract shall not be conditioned upon completion of such exchange; (ii) Seller shall not be required to take title to any real property in connection with any such exchange; (iii) Seller shall not incur any liability by reason of any such exchange; and (iv) Buyer shall not be relieved of any of its obligations under this Contract as a result of any such exchange.

21. Earnest Money Deposit. The Earnest Money shall be held by the Escrow Agent in a federally insured, non-interest bearing account. Escrow Agent joins in the execution of this Contract for the purpose of agreeing to serve as the Escrow Agent under this Contract and to abide by the terms and conditions of this Contract with respect to Escrow Agent and applicable law. In the event that Seller and Purchaser (each a “Party” and collectively, the “Parties”) agree that a Closing is to occur, the Parties shall provide joint written notice of the anticipated date of Closing to Escrow Agent at least three (3) business days prior to such date, together with instructions for disbursement of the Earnest Money (the “Closing Notice”), in which case Escrow Agent shall, without liability to either of the Parties under this Contract, release the Earnest Money as set forth in the Closing Notice. In the event that either Party believes that it is entitled to the release of the Earnest Money (or any portion thereof) from the Escrow Agent, the Party requesting the release of the Earnest Money (or any portion thereof) (the “Requesting Party”) shall provide written notice to the Escrow Agent and to the other Party (the “Non Requesting Party”) containing the request for the Earnest Money (or any portion thereof) and the basis therefor (the “Earnest Money Release Notice”). If the Non Requesting Party does not provide written notice to the Escrow Agent and the Requesting Party objecting to the Earnest Money Release Notice (the “Earnest Money Release Objection Notice”) within five (5) days after the date the Earnest Money Release Notice was provided to the Escrow Agent and the Non Requesting Party (the “Earnest Money Release Objection Deadline”), then the Escrow Agent shall, without liability to either of the Parties under this Contract, release the Earnest Money as set forth in the Earnest Money Release Notice. If the Non Requesting Party timely provides the Earnest Money Release Objection Notice, the Escrow Agent shall not disburse the Earnest Money (or any portion thereof) until the Escrow Agent has received joint written instructions from the Parties directing its disposition (the “Joint Written Disposition Instructions”) or a final, nonappealable judgment or order from the Hamilton County, Ohio Court of Common Pleas (the “Court Order”) directing the disposition of the Earnest Money, in which case the Escrow Agent shall abide by the Joint Written Disposition Instructions or Court Order, as applicable, without liability to the Parties. In the event of a dispute regarding the Earnest Money (or any portion thereof), the Escrow Agent may deposit the Earnest Money with the Court in an interpleader action, in which case, upon such deposit and acceptance by the Court, the Escrow Agent shall be released of any further liabilities or obligations under this Contract with respect to the Earnest Money so deposited with and accepted by the Court in such interpleader action. Escrow Agent shall, in good faith, carry out its duties and obligations as escrow agent under this Contract, but shall not have any liability to either of the Parties under this Contract with respect to its duties, acts or omissions as escrow agent, except in the case of Escrow Agent’s express breach of any provision of this Contract applicable to Escrow Agent, willful misconduct or gross negligence. In the event of a conflict between this paragraph and any other provision of this Contract, the provisions of this paragraph shall control the resolution of such conflict. Escrow Agent shall not be required to verify the authenticity of notices provided to it and the signatures thereon and may, in good faith, rely on the authenticity of any notices provided to it. The provisions of this paragraph shall survive the termination of this Contract.

22. Force Majeure. Seller and Buyer shall be excused for the period of any delay and shall not be deemed in default with respect to the performance or satisfaction of any term, covenant, agreement, condition or precondition set forth in the Contract when prevented from performing or satisfying such term, covenant, agreement, condition or precondition due to a cause or causes beyond such party’s (the “Performing Party’s”) reasonable control or which are otherwise illegal, inadvisable, impossible, or commercially impracticable to perform or satisfy (each, a “Force Majeure Event”), which shall include, without limitation, (i) fire, flood, sinkhole, earthquake, hurricane, tornado, disease, contagion, pandemic, epidemic, other recognized health threats as determined by either the World Health Organization, the Centers for Disease Control, or local government authority or health agencies (including, but not limited to, the health threats of COVID-19, H1N1, or similar infectious diseases), or other act of God; (ii) riots,

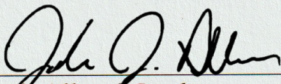
civil commotion, protests, demonstrations, vandalism or other malicious other acts outside of the Performing Party's reasonable control; (iii) acts of government including, but not limited to, regulations and advisories; (iv) acts or threat of terrorism, war, military action or civil unrest; or (v) any other cause(s) not within the Performing Party's reasonable control or which are otherwise illegal, inadvisable, impossible, or commercially impracticable to perform or satisfy.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed and sealed this Real Estate Purchase Contract, to be effective as of the Effective Date.

BUYER:

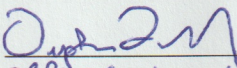
A4 Acquisitions, LLC,
An Ohio limited liability company

By: 
Josh Allen, Member

Date: 06/12/2025

SELLER:

Orpheus L. Garrison, Jr.
an Individual

By: 
Name: ORPHEUS L. GARRISON JR

Date: 6 JUNE 2025

The undersigned joins in this Contract as Escrow Agent for the purpose of agreeing to its obligations hereunder as Escrow Agent.

ESCROW AGENT:

By: _____

Printed Name: _____

Title: _____

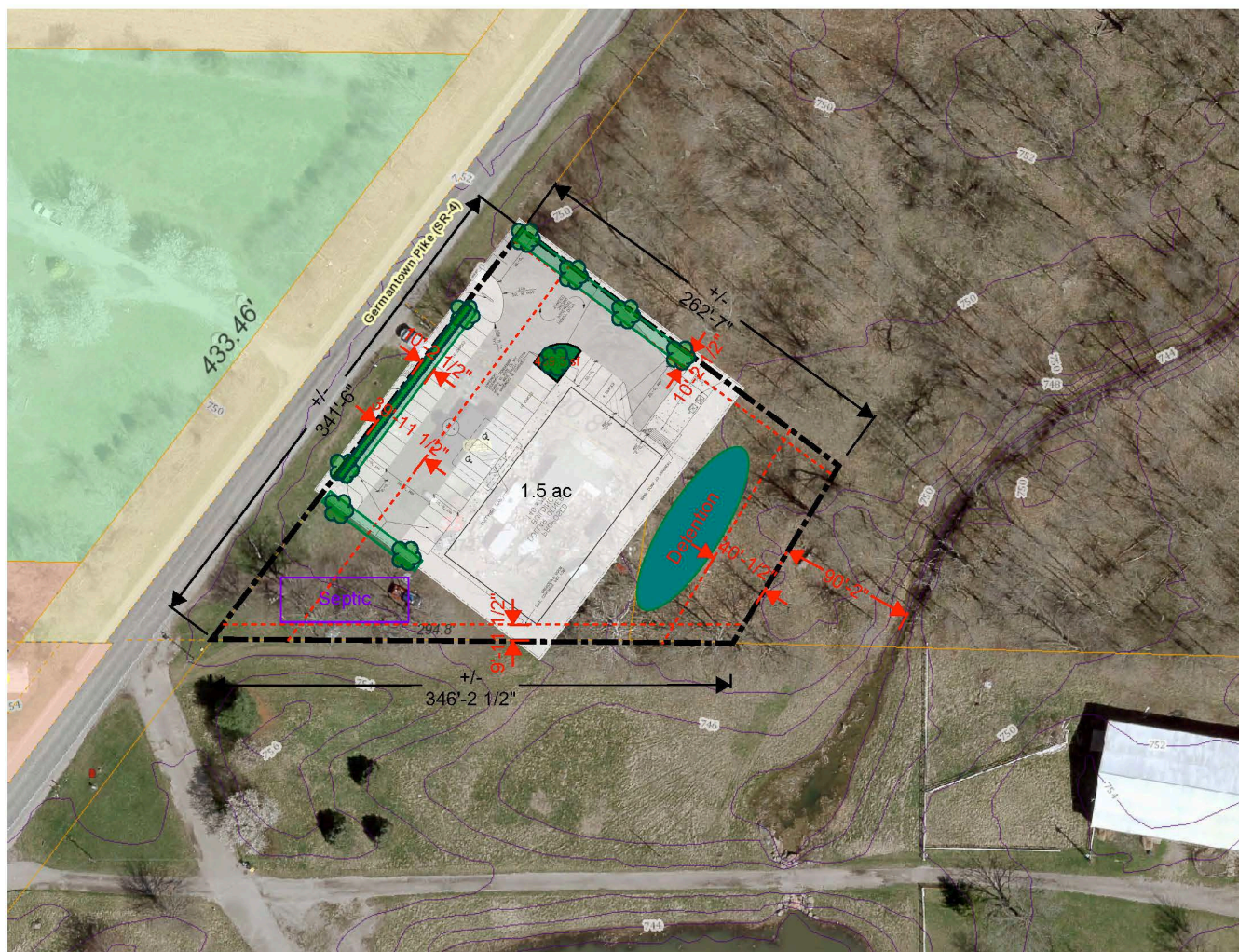
Date: _____

EXHIBIT A

LEGAL DESCRIPTION

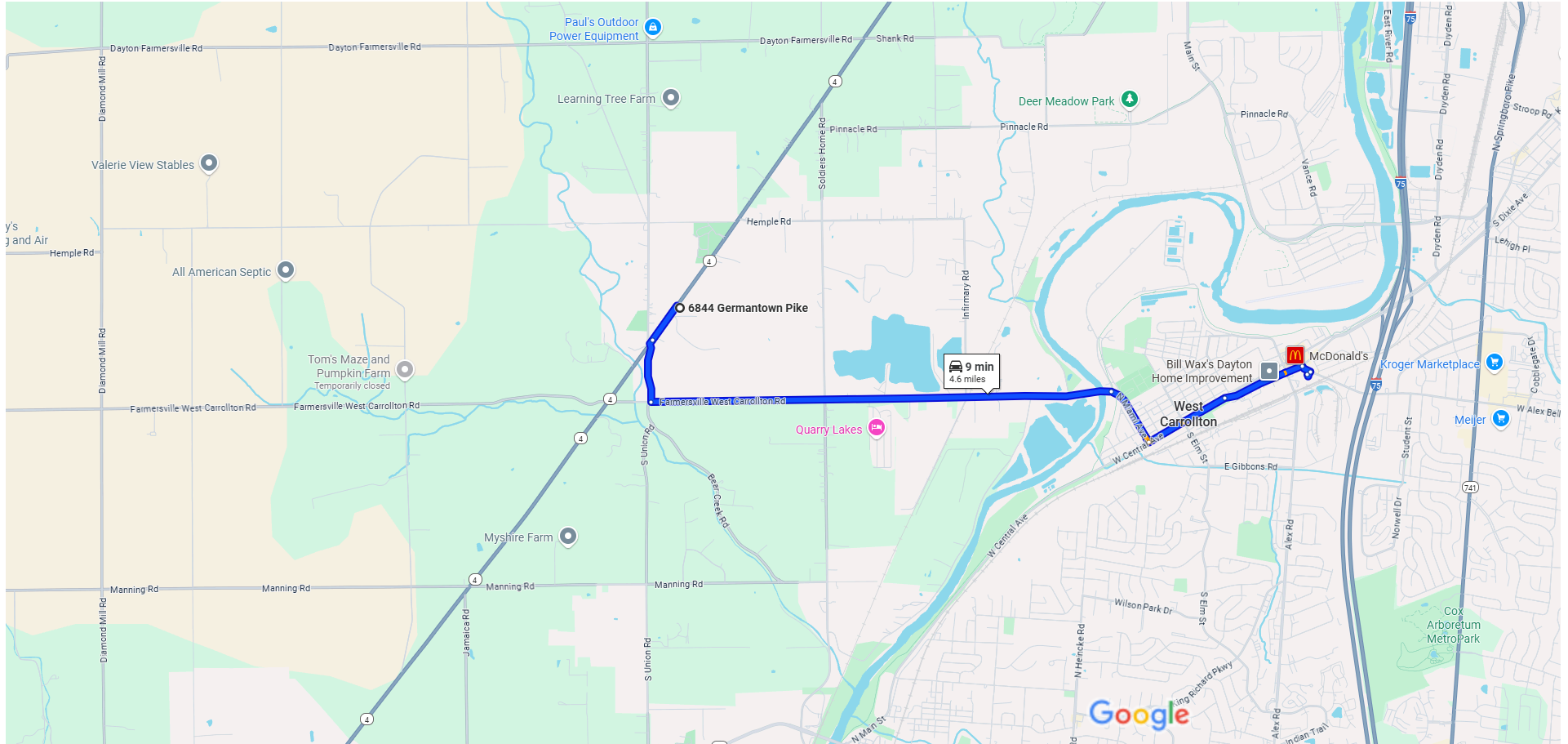
APN# J442042010035 and J442042010034, Legal Description [To Be Inserted]

Not to Scale – Approximation of Site Location





6844 Germantown Pike, Miamisburg, OH 45342 to Dollar General, 25 W Alex Bell Rd, West Carrollton, OH 45449 Drive 4.6 miles, 9 min



Map data ©2025 Google 2000 ft



via Farmersville West Carrollton Rd

9 min

4.6 miles

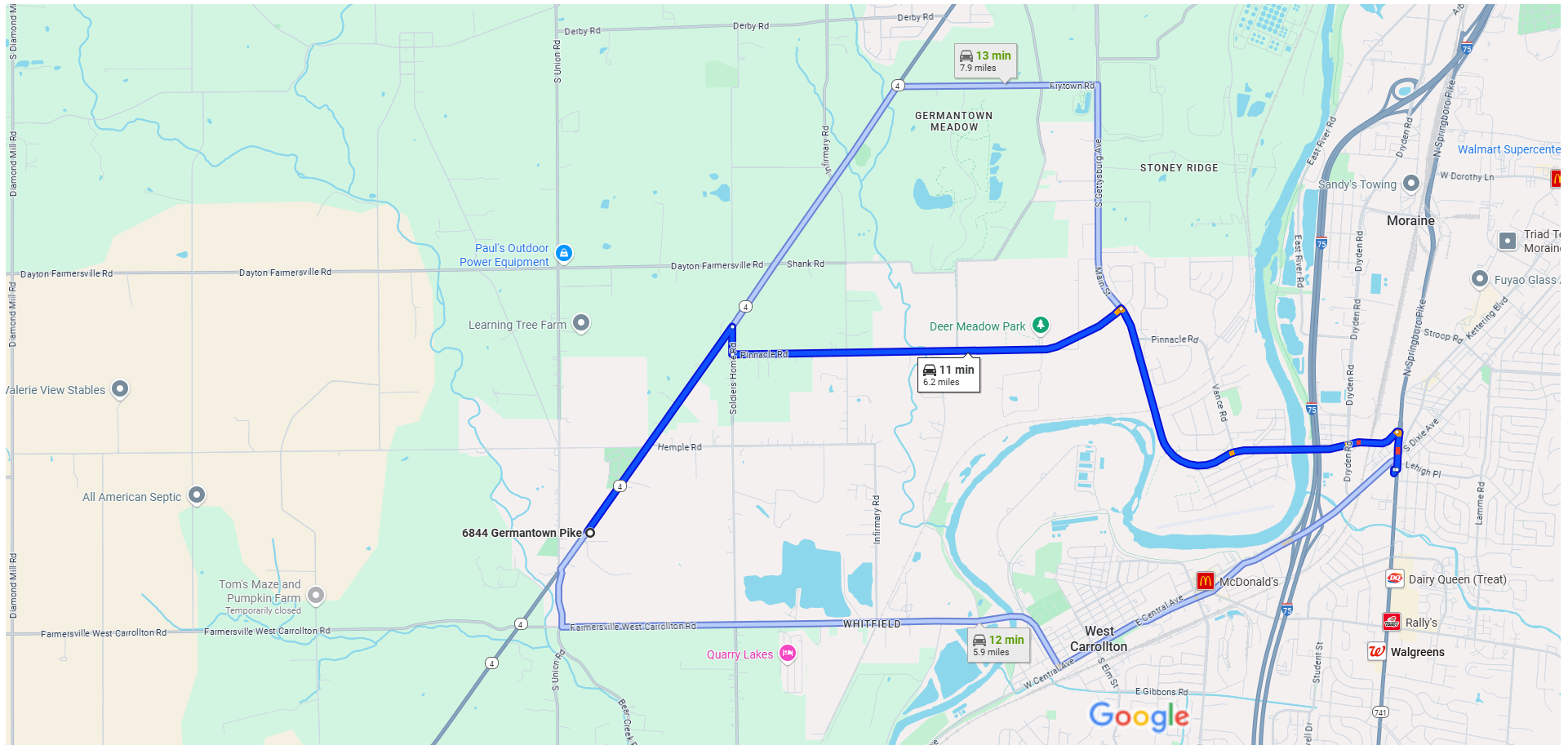
Fastest route, the usual traffic

Explore nearby Dollar General



6844 Germantown Pike, Miamisburg, OH 45342 to Dollar General,
4963 N Springboro Pike, West Carrollton, OH 45449

Drive 6.2 miles, 11 min



Map data ©2025 Google 2000 ft



via Pinnacle Rd and Main St

11 min

Fastest route, the usual traffic

6.2 miles



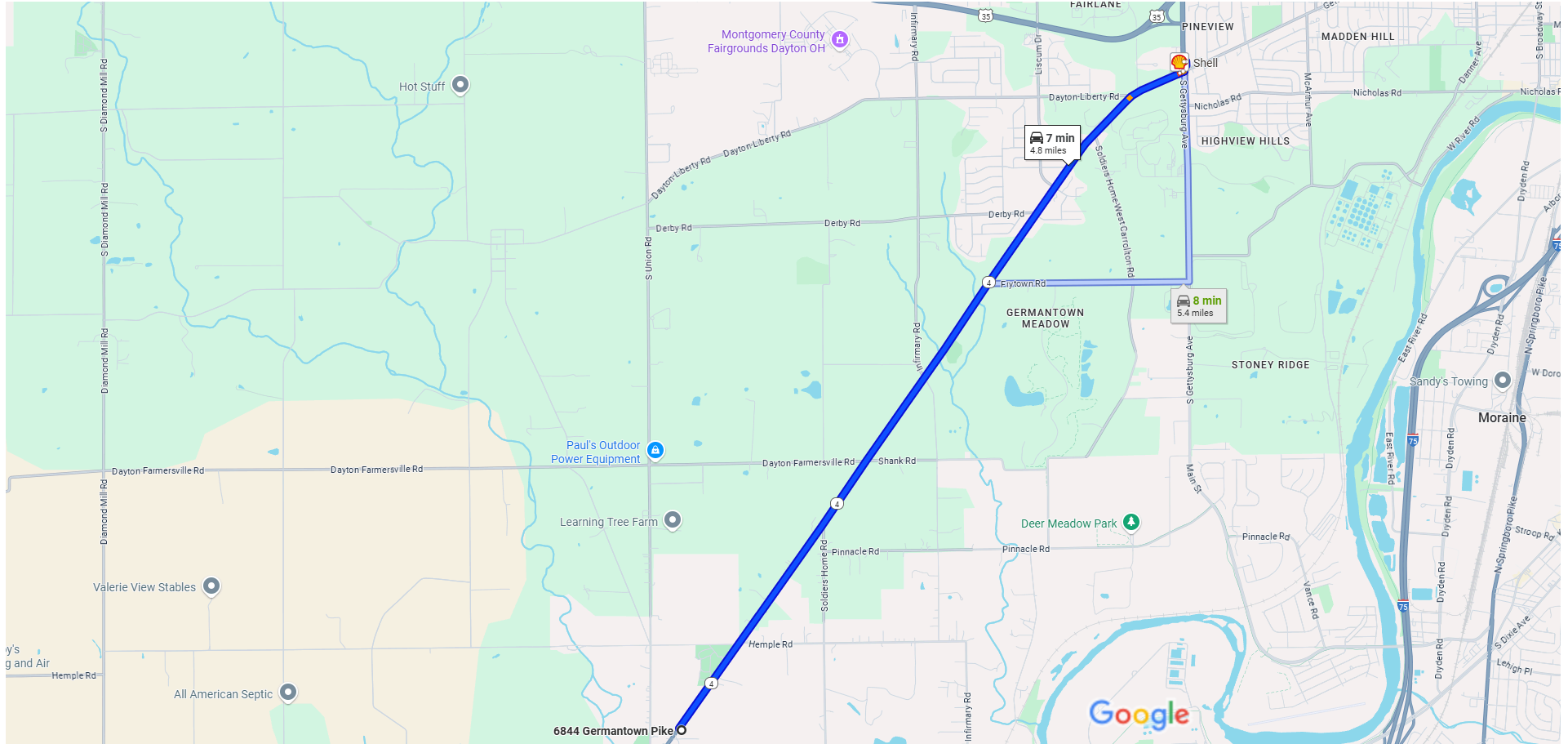
via Farmersville West Carrollton Rd

12 min

5.9 miles



6844 Germantown Pike, Miamisburg, OH 45342 to Dollar General, 888 S Gettysburg Ave, Dayton, OH 45417 Drive 4.8 miles, 7 min



Map data ©2025 Google 2000 ft



via OH-4 N

7 min

Fastest route, the usual traffic

4.8 miles



via OH-4 N/Germantown Pike

8 min

5.4 miles

CHAPTER 1151

B-1 Neighborhood Business District

1151.01 Purpose.

1151.02 Uses.

1151.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1151.01 PURPOSE.

The B-1 Neighborhood Business District is intended to provide for relatively small business and service establishments in suitable locations primarily to serve the daily staple needs of residents. (Ord. 1203-97. Passed 7-10-97.)

1151.02 USES.

(a) Permitted Uses.

- (1) Minor B-1 District which is entirely surrounded by R Districts and which district, including the streets, contains less than five acres.
 - A. Any use permitted and as regulated in the R-4 District;
 - B. Retail sales and services including any local convenience retail and for service uses including: grocery, fruit or vegetable store, meat market, drug store, shoe repair shop, hardware and paint stores, barber and beauty shops, dry cleaning and laundry pickup stations, laundromats;
 - C. Business and professional offices, supplying commodities or performing services primarily for residents of the neighborhood;
 - D. Restaurant, cafe, not including dancing or live entertainment;
 - E. Automobile service station, minor repair and storage garages; and
 - F. Commercial parking lots for passenger vehicles except as otherwise provided in the Zoning Code;
 - G. Accessory building incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.
- (2) Major B-1 District. The following uses are allowed, provided no such use shall be permitted in a minor B-1 District.
 - A. Any local retail business or service establishment such as an electrical appliance shop, plumbing and heating shop, printing shop, furniture shop, interior decorating shop, and upholstery shop including automobile, boat and like upholstery;
 - B. Theaters, not including drive-ins;
 - C. Hotel; and
 - D. Garage for general automobile repair; but not including major body and fender work, overall painting and steam cleaning;
 - E. Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1151.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirements.

- (1) Minimum lot area 5,000 square feet
- (2) Minimum lot frontage 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet

(3) Minimum side Yard width.

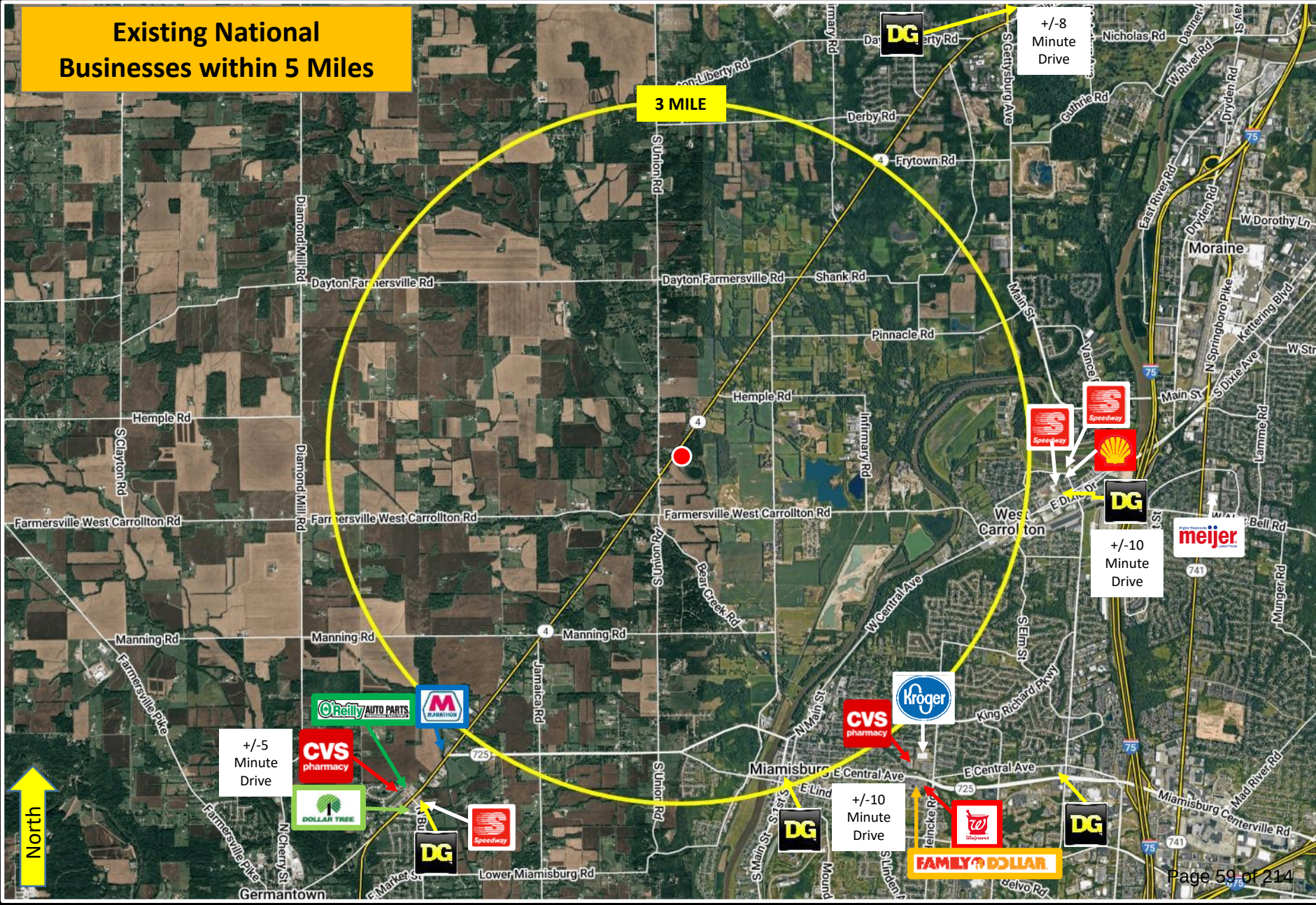
- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: None required except adjoining any R-District in which case, not less than 10 feet.

(c) Structural Requirements.

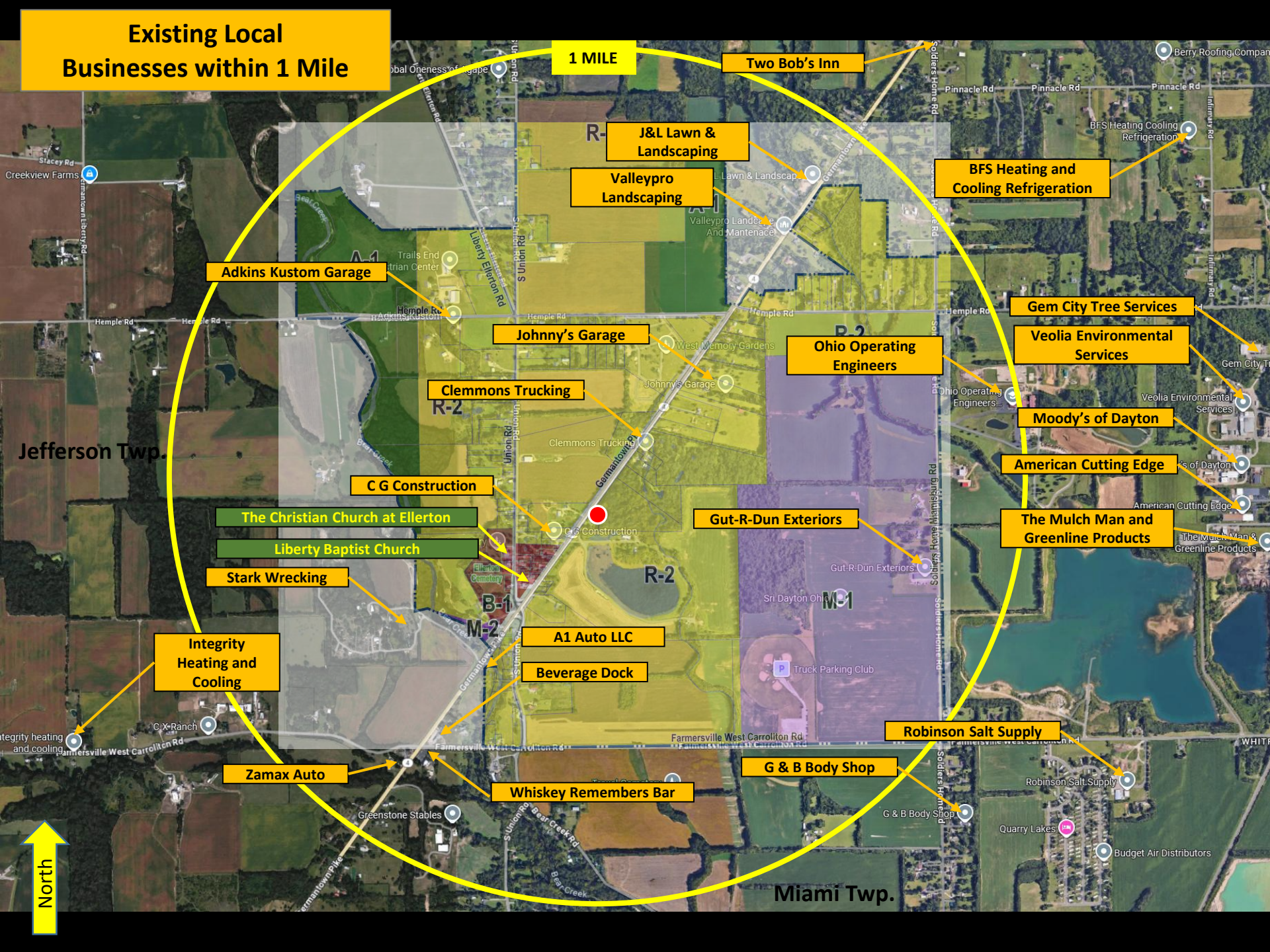
- (1) Maximum building height shall be forty (40) feet.
 - (d) Parking and Loading Requirements.
 - (1) See Chapter 1187 for off-street parking and loading requirements.
 - (e) Signs.
 - (1) See Chapter 1189 for size and location of permitted signs.
 - (f) Supplementary Regulations.
 - (1) All permitted businesses, services or processing shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and loading.
 - (2) Within a major B-1 District all principal permitted buildings shall be located at least fifty (50) feet from any lot in any R District.
 - (3) In any B-1 District fronting directly across the street from any R-2 or R-3 District, the parking and loading facilities shall be distant at least twenty- five (25) feet from the established right-of-way line, and the buildings or the structures at least seventy-five (75) feet from the established right of way.
 - (4) Goods shall consist primarily of new merchandise.
 - (5) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.
 - (g) See Chapter 1185 for additional provisions for commercial facilities.
 - (h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.
- *The front yard depth shall be measured from the established right-of-way line as shown on the Official Thoroughfare Plan.
- (Ord. 1203-97. Passed 7-10-97.)

**6844 Germantown Pike
Miamisburg, OH 45342**

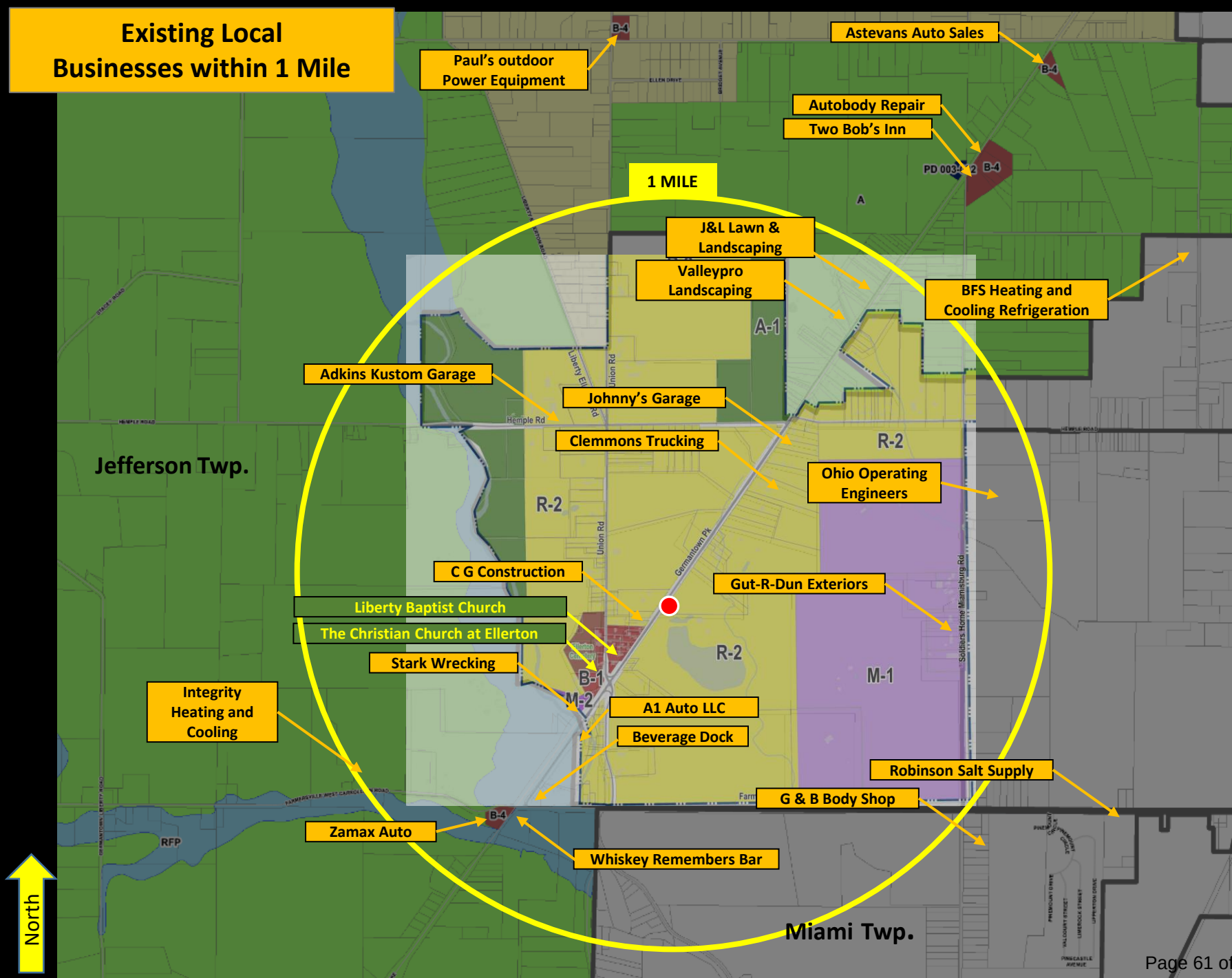
Existing National Businesses within 5 Miles



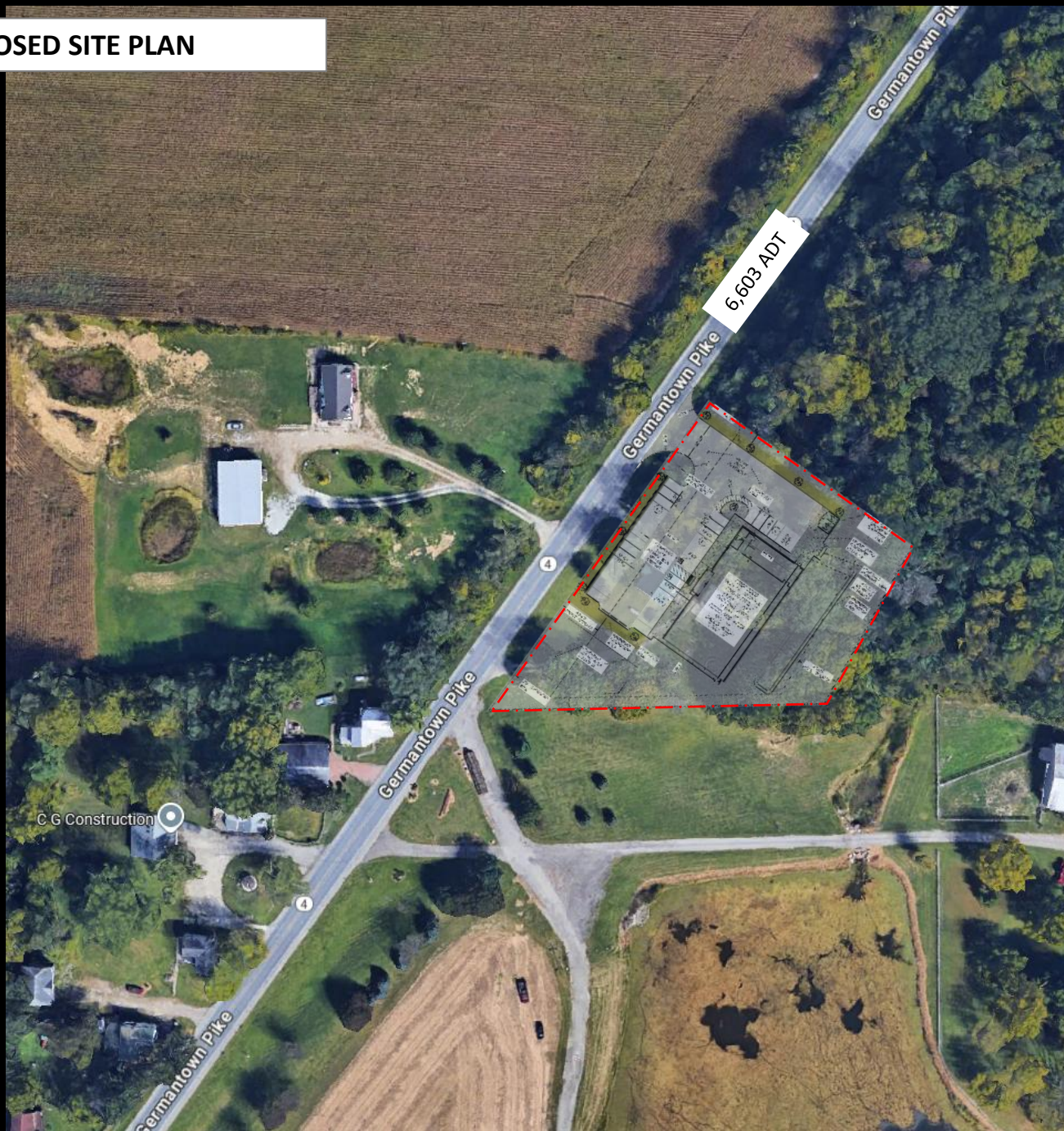
Existing Local Businesses within 1 Mile



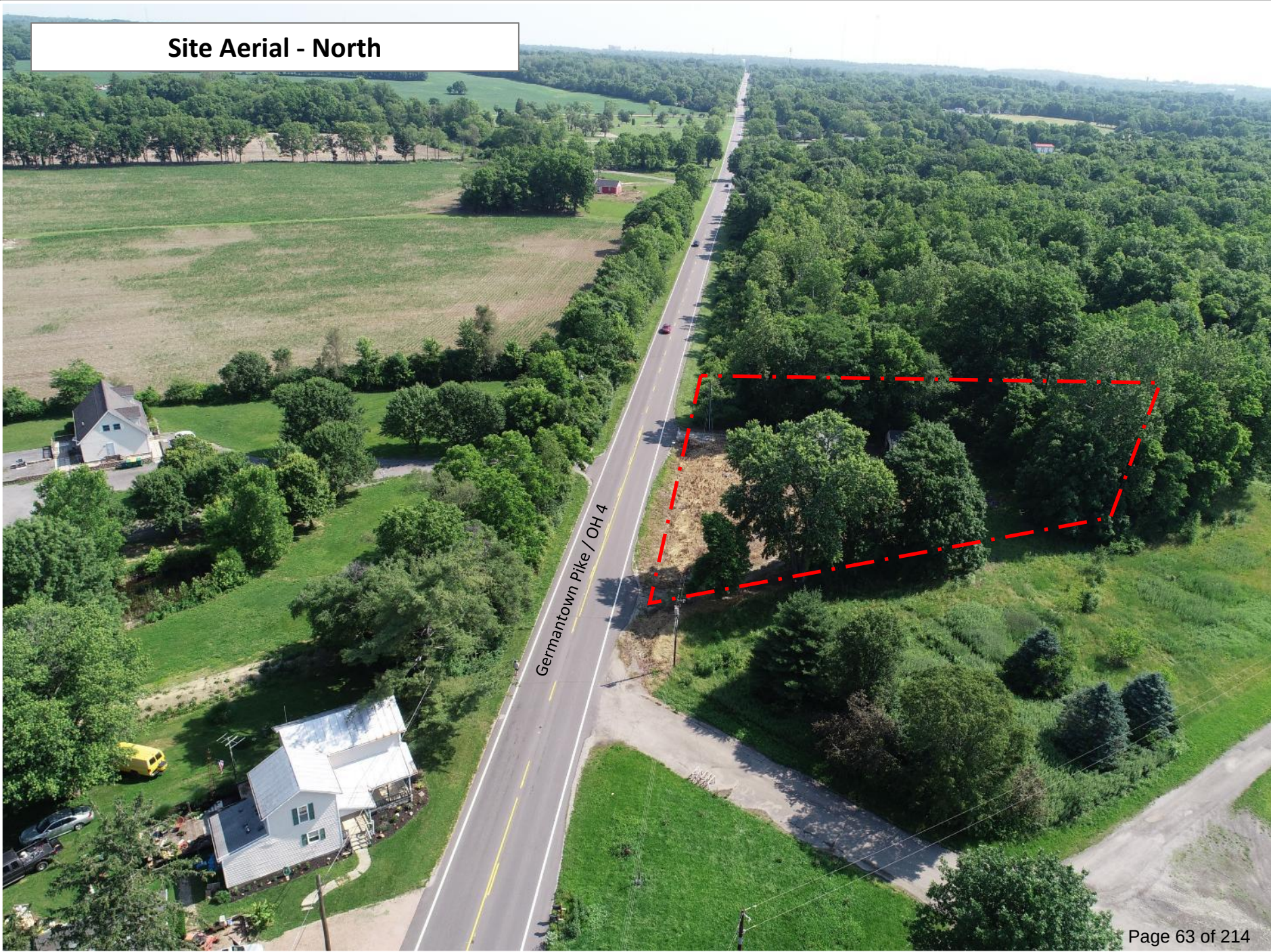
Existing Local Businesses within 1 Mile



PROPOSED SITE PLAN



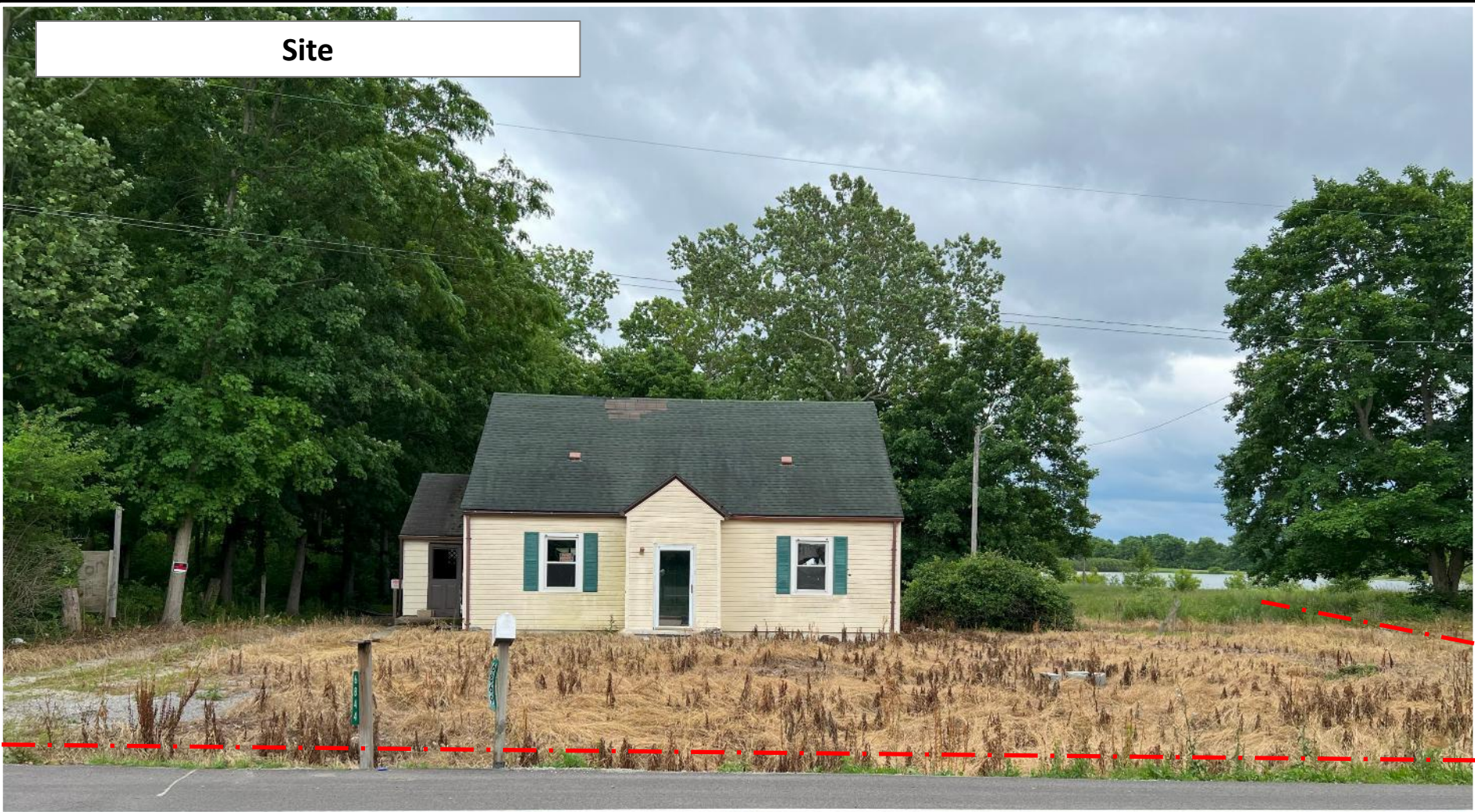
Site Aerial - North



Site Aerial - South



Site



Germantown Pike / OH 4

50 MPH
6,603 ADT
Page 65 of 214

Across Site

Germantown Pike / OH 4

50 MPH
6,603 ADT

Traffic – Northbound

Germantown Pike / OH 4

50 MPH
6,603 ADT

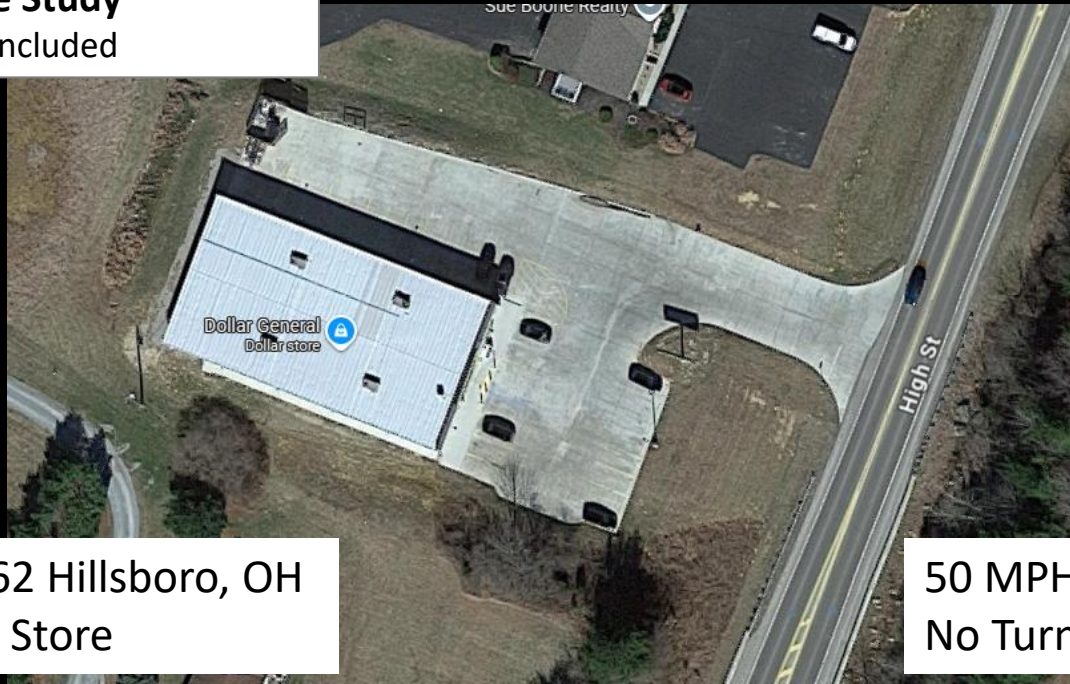
Traffic – Southbound

Germantown Pike / OH 4

50 MPH
6,603 ADT

Traffic Case Study

Full Report included



397 US-62 Hillsboro, OH
9,100 SF Store

50 MPH 6,716 ADT
No Turn Lane Required



12388 US-50 Hillsboro, OH
10,640 SF Store

45 MPH 3,334 ADT
No Turn Lane Required

Opposition to Proposed Zoning Change from Single-Family Residential District to Neighborhood Business District

From Lauren Isaacs <lauren@benefitattorneys.com>

Date Mon 8/18/2025 8:22 PM

To Nicholas Sorice <Nsorice@moraineoh.org>

Hi Nick,

Please see our letter below to the Planning Commission. I hope that although we are not residence of Moraine, it will still be presented as we live in a neighboring community that will be affected by this change. Thank you,

Lauren Isaacs

TO: City of Moraine Planning and Zoning Commission

Re: Opposition to Proposed Zoning Change from Single-Family Residential District to Neighborhood Business District

6844 Germantown Pike, City Lot Number 4988

Dear Members of the Planning and Zoning Commission,

I am writing as a resident of neighboring community, Jefferson Township, to respectfully express my opposition to the proposed zoning change from Single-Family Residential District to Neighborhood Business District at 6844 Germantown Pike, City Lot Number 4988 to allow for the development of a Dollar General store. Although we do not live in Moraine, our communities are very close in proximity and we will be affected.

Our community is rural, quiet, and residential by nature. Allowing a commercial business of this type would significantly disrupt the character of the area and negatively impact the quality of life for nearby residents. My concerns include:

1. **Traffic and Safety** – Increased traffic from delivery trucks and shoppers would create safety hazards on roads not designed for high-volume or commercial traffic. This is particularly concerning for children, school buses, and agricultural vehicles that regularly use these roads.
2. **Property Values** – The presence of a discount retail chain in close proximity to homes has been shown to reduce residential property values, which is unfair to long-term homeowners who have invested in this community.
3. **Community Character** – This is a rural residential area, not a commercial corridor. A Dollar General store would alter the landscape and erode the small-town, agricultural character that residents value.
4. **Local Economy** – Rather than supporting small, locally owned businesses, a chain store funnels money out of the community. Our town benefits when residents support local businesses that reinvest here.

5. **Overly Saturated Population of Dollar General Stores** – There are already multiple Dollar General stores already located within 10 minutes of the proposed location:

- 3.9 Miles – Miamisburg, Linden Ave.
- 4.8 Miles – Dayton, Gettysburg Avenue
- 5.4 Miles – Dayton, W. Third Street
- 4.8 Miles – Germantown, Germantown Pike
- 10 Miles – New Lebanon, W. Main Street

These stores are in addition to Dollar Trees and Family Dollars.

6. **Dollar General Reputation** – All of the following issues have been associated with Dollar General:

- Deceptive pricing
- Targeting vulnerable communities
- Limited access to healthy foods for residents
- Environmental concerns
- Increased crime
- Low wages
- Workplace safety issues
- Product quality

Most of us who have chosen to live in these rural areas, do so because we enjoy and appreciate nature, agriculture and want to avoid seeing and living by such eyesores such as Dollar General Stores.

For these reasons, I strongly urge the Commission to research each of these issues and **deny the zoning change request**. Preserving the residential and rural integrity of our community is vital to maintaining the safety, value, and character of our neighborhoods.

Thank you for your time and thoughtful consideration of the concerns of local residents and those of neighboring communities. I appreciate your commitment to protecting the long-term interests of our community.

Respectfully,

Lenval and Lauren Isaacs
2491 Liberty Ellerton Road
Dayton, OH 45417

Aimee & Gary Tremaine
3782 Liberty Ellerton Rd
Dayton Ohio 45417
August 13, 2025

To:
City of Moraine Ohio Council or Planning & Zoning Commission
4200 Dryden Road
Moraine, Ohio 45439

Subject: Opposition to Proposed Dollar General Store at 6844 Germantown Pike

Dear Council Members/Commission Members,

I am writing to formally express my opposition to the proposed development of a Dollar General store on the property located at [exact address or parcel number], which is currently zoned for residential use.

Our community chose this area for its rural character, open spaces, and quiet environment. Allowing a commercial retail store—particularly one of this size and type—would significantly alter the nature of our neighborhood. The addition of such a store would likely lead to:

1 **Increased Traffic and Safety Concerns:** Rural roads are not designed to accommodate the high volume of delivery trucks and additional daily traffic that a Dollar General store would generate. This poses safety risks, especially for children, pedestrians, cyclists, and local wildlife.

2 **Negative Impact on Property Values:** Studies have shown that the introduction of chain discount stores into rural residential areas can lower nearby property values, making it harder for residents to protect their investment.

3 **Erosion of Rural Character:** The peaceful, low-density nature of our community would be disrupted by extended business hours, bright signage, and noise from deliveries and customers.

4 **Precedent for Further Commercial Development:** Rezoning for this project could open the door for additional commercial enterprises, fundamentally changing the identity and desirability of our neighborhood.

There are more appropriate commercially zoned areas within the city limits that could accommodate such a store without compromising the character and safety of a residential neighborhood. I urge you to protect our community by denying any rezoning requests or special use permits for this project.

Thank you for your consideration and for your commitment to maintaining the integrity of our city's zoning and land-use policies.

Proposed zoning change

From Jon Boehringer <jonb108@gmail.com>
Date Tue 8/19/2025 1:12 PM
To Nicholas Sorice <Nsorice@moraineoh.org>

 1 attachment (1 MB)
Screenshot (1).png;

My name is Jon Boehringer and I live at 4323 South Union Road. I believe that the proposed zoning change is not only unnecessary but will be harmful to the city and the immediate community. I have attached a map and on the map there is a fairly hazardous intersection. Placing businesses in this area will create even more of a bottleneck and potential crashing hazard. Also in the event that the developer is considering a dollar general in the area. There are currently 4 of these stores approximately 10 minutes in either direction. Which will most likely cause this store to fail or attract a criminal element into our community. In the event the store fails, then we have another derelict building sitting in our community. Furthermore this is mostly an agricultural area. The increase in traffic congestion mixed with large, extra wide farm machinery is a recipe for disaster. Last but not least there is a cemetery located at the end of the block so the added congestion of a funeral procession. Thank you for your time.

I, Sheryl Measel, residing at
6754 Coermantawh Pike, miamisburg OH

oppose the proposed rezoning of Parcel J44204201 0035 and any
portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of
any business in this location, currently and specifically the Dollar
General store which is the basis for the rezoning request.

Signature Sheryl Measel

Date 8-13-25

Phone 937-239-2335

I, William A. Barbee Jr., residing at

4619 S. Union Rd, Miamisburg, Ohio,

oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Signature William A. Barbee Jr.

Date 8/14/2028

Phone _____

I, Scott H Lucids, residing at
6754 RT 4

oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Signature Scott Lucids

Date 8-14-2025

Phone 937-581-2178

I, Ronnie Sallee, residing at
4091 S. Union Rd

oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Signature Ronnie Sallee

Date 8/16/25

Phone 937-231-9958

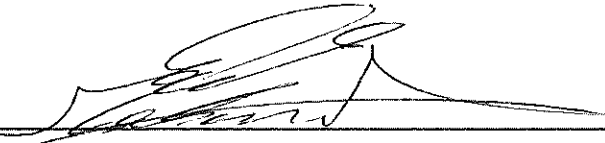
I, Mahmoud Hindi (Steve Hindi),

Residing at 3705 Trail on end 3507 Clearview,

Oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Oppose the rezoning of 6844 Germantown Pike, Miamisburg OH 45342 from residential (R-2) to Business (B-1). I'm not in favor of a Dollar General to locate at this address.

Signature



Date

8-18-25-

Phone

937-750-6694

I, MARTHA STAMPER,
Residing at 6415 GERMANTOWN PK DAYTON OHIO 45417,

Oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Oppose the rezoning of 6844 Germantown Pike, Miamisburg OH 45342 from residential (R-2) to Business (B-1). I'm not in favor of a Dollar General to locate at this address.

Signature Martha Stamper
Date 8-19-62

Phone 937-238-8993

I, HAROLD BAYSMAN,

Residing at 6415 GERMANTOWN PIKE DAYTON OH 45417,

Oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Oppose the rezoning of 6844 Germantown Pike, Miamisburg OH 45342 from residential (R-2) to Business (B-1). I'm not in favor of a Dollar General to locate at this address.

Signature Harold Baysman

Date 8-19-62

Phone 1-937-8142083

^{we} I, Randall & Donna Jones, residing at
4053 S. Union Rd. Miamisburg Ohio 45342,
oppose the proposed rezoning of Parcel J44204201 0035 and any
portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of
any business in this location, currently and specifically the Dollar
General store which is the basis for the rezoning request.

Signature Randall L. Jones Donna Jones

Date 8/18/2025

Phone 937-869-0450
937-869-0361

I, Linda Liffin,
Residing at 6710 Germantown Pike Miamisburg, OH

Oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Oppose the rezoning of 6844 Germantown Pike, Miamisburg OH 45342 from residential (R-2) to Business (B-1). I'm not in favor of a Dollar General to locate at this address.

Signature

Linda Liffin

Date

8/19/25

Phone

514-377-7495

I, Dan Luffin,

Residing at 6710 Germantown Pike,

Oppose the proposed rezoning of Parcel J44204201 0035 and any portion of Parcel J44204201 0034 from R-2 to B-1. I am not in favor of any business in this location, currently and specifically the Dollar General store which is the basis for the rezoning request.

Oppose the rezoning of 6844 Germantown Pike, Miamisburg OH 45342 from residential (R-2) to Business (B-1). I'm not in favor of a Dollar General to locate at this address.

Signature Dan Luffin

Date 8-19-2025

Phone 574-377-7494

An Ordinance to amend Moraine Codified Ordinance Section 521.07 entitled “Fences.”

Department: Community Development

Request: Action Item

Item Background and Purpose:

Amendment on provisions of fencing, including barbed wire, zoning vs building permit, and additional supplementation for authority of fence construction.

Attachments:

1. Exhibit A - 2201-25
2. TA-02-2025 Legal Notice
3. Planning & Council - MCO 521.07 3-27-25

RECORD OF ORDINANCES

Ordinance No. 2201-25

AN ORDINANCE TO AMEND MORaine CODIFIED ORDINANCE SECTION 521.07 ENTITLED “FENCES.”

WHEREAS, the Planning Director and City Council discussed proposed amendment(s) to Moraine Codified Ordinance Section 521.07 (“Fences”) at the September 25, 2025, Committee of the Whole Meeting; and

WHEREAS, upon recommendation of City staff, the amendment(s) to Section 521.07 of the Moraine Codified Ordinances appended hereto as **Exhibit A** and incorporated herein by reference is hereby approved for enactment, Council having determined said amendment(s) to be for the betterment of the health, safety, and welfare of the City and its inhabitants, and will, *inter alia*, serve to better clarify fencing regulations therein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

That Moraine Codified Ordinance Section 521.07 is hereby amended as delineated on the attached **Exhibit A** by adding the language in **boldtype** and deleting the language in ~~striketrough~~.
- SECTION 2:

That the remaining provisions of MCO Section 521.07 not amended hereby shall remain unchanged and in full force and effect.
- SECTION 3:

That this Ordinance shall become effective 30 days after its second reading and adoption by Council.
- SECTION 4:

That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and Chief of Police.

521.07 FENCES

- (a) All fences six (6) feet in height or less and permitted by this Code require a Zoning Permit. All fences exceeding six (6) feet in height and permitted by this Code require a Building Permit.
- (b) No person shall erect or maintain any fence charged with electrical current on land zoned residential.
- (c) No person or business shall erect or maintain a barbed wire fence except for businesses located in an M-1 or M-2 Industrial District in which case three (3) strands maximum of barbed wire on top of a fence is permitted.

Spiral barbed wire fencing is not permitted in any district.

A business desiring barbed wire fencing in the B-1 or B-2 Districts must request and obtain a variance from the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code.

Repairs to pre-existing barbed wire fencing or barbed wire fencing previously approved by the Board of Zoning Appeals will not require a variance to complete the repair work.

All fences permitted by this Code in every Zoning District shall be in good repair and not display rust or damage.

- (d) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. _____. Passed _____.)

521.07 FENCES

(a) All fences six (6) feet in height or less and permitted by this Code require a Zoning Permit. All fences exceeding six (6) feet in height and permitted by this Code require a Building Permit.

(b) No person shall erect or maintain any fence charged with electrical current on land zoned residential.

(c) No person or business shall erect or maintain a barbed wire fence ~~which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.~~ except for businesses located in an M-1 or M-2 Industrial District in which case three (3) strands maximum of barbed wire on top of a fence is permitted.

Spiral barbed wire fencing is not permitted in any district.

A business desiring barbed wire fencing in the B-1 or B-2 Districts must request and obtain a variance from the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code.

Repairs to pre-existing barbed wire fencing or barbed wire fencing previously approved by the Board of Zoning Appeals will not require a variance to complete the repair work.

All fences permitted by this Code in every Zoning District shall be in good repair and not display rust or damage.

(d) Whoever violates this section is guilty of a minor misdemeanor.



**PLANNING COMMISSION LEGAL NOTICE
TA-02-2025**

The Moraine Planning Commission will be holding a meeting on Tuesday, August 19, 2025, at the Payne Recreation Center, 3800 Main Street, Moraine, OH 45439.

The agenda for this Planning Commission case is to amend the Moraine Codified Ordinances section 521.07 regarding Barbed Wire Fencing and Fencing Requirements.

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 pm.

Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling Nick Sorice, City Planner, at 937-535-1037.

521.07 FENCES

(a) All fences six (6) feet in height or less and permitted by this Code require a Zoning Permit. All fences exceeding six (6) feet in height and permitted by this Code require a Building Permit.

(b) No person shall erect or maintain any fence charged with electrical current on land zoned residential.

(c) No person or business shall erect or maintain a barbed wire fence ~~which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.~~ except for businesses located in an M-1 or M-2 Industrial District in which case three (3) strands maximum of barbed wire on top of a fence is permitted.

Spiral barbed wire fencing is not permitted in any district.

A business desiring barbed wire fencing in the B-1 or B-2 Districts must request and obtain a variance from the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code.

Repairs to pre-existing barbed wire fencing or barbed wire fencing previously approved by the Board of Zoning Appeals will not require a variance to complete the repair work.

All fences permitted by this Code in every Zoning District shall be in good repair and not display rust or damage.

(d) Whoever violates this section is guilty of a minor misdemeanor.

An Ordinance to amend Moraine Codified Ordinance Section 1181.04 entitled “Standards For Accessory Buildings And Uses In Residential And Agricultural Districts”.

Department: Community Development

Request: Action Item

Item Background and Purpose:

Residential Fencing Provisions and the addition of corner lot/double frontage/reverse corner lot fencing.

Attachments:

1. 2202-25 - Exhibit A
2. TA-03-2025 Legal Notice
3. Planning & Council - MCO 1181.04 3-27-25
4. Lots Explained

RECORD OF ORDINANCES

Ordinance No. 2202-25

AN ORDINANCE TO AMEND MORAINÉ CODIFIED ORDINANCE SECTION 1181.04 ENTITLED “STANDARDS FOR ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS”.

WHEREAS, on August 19, 2025, the Moraine Planning Commission held a public hearing on proposed amendments to Moraine Codified Ordinance Section 1181.04 entitled, “Standards for Accessory Buildings and Uses in Residential and Agricultural Districts” and recommended for approval the amendments to said MCO 1181.04 as delineated on the attached Exhibit A; and

WHEREAS, on September 25, 2025, City Council held a public hearing regarding the proposed amendments to Moraine Codified Ordinance Section 1181.04 entitled, “Standards for Accessory Buildings and Uses in Residential And Agricultural Districts” as delineated on the attached Exhibit A; and

WHEREAS, upon recommendation of City staff and the Planning Commission, the amendment(s) to Section 1181.04 of the Moraine Codified Ordinances appended hereto as Exhibit A and incorporated herein by reference is hereby approved for enactment, Council having determined said amendment(s) to be for the betterment of the health, safety, and welfare of the City and its inhabitants, and will, *inter alia*, serve to better clarify fencing regulations therein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORAINÉ, STATE OF OHIO:

- SECTION 1:

That Moraine Codified Ordinance Section 1181.04 is hereby amended as delineated on the attached Exhibit A by adding the language in **boldtype** and deleting the language in ~~striketrough~~.
- SECTION 2:

That the remaining provisions of MCO Section 1181.04 not amended hereby shall remain unchanged and in full force and effect.
- SECTION 3:

That this Ordinance shall become effective 30 days after its second reading and adoption by Council.
- SECTION 4:

That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and Chief of Police.

1181.04 STANDARDS FOR ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.

(a) An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breeze way or other similar structure, provided that no such accessory building may be erected or used as a stable or primarily for the keeping of animals or birds except where the use is specifically permitted by the specific zoning district.

(b) An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard.

(c) A detached accessory building shall not exceed fifteen (15) feet in height in Residential Districts.

(d) On a corner lot abutting in the rear or side lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street, and in no case shall any part of such accessory building be closer to the side street lot lines than the least width of the side yard required for the principal building to which it is accessory.

(e) No accessory use or structure in any Residential District except an off-street parking area shall be permitted nearer to any front lot line than sixty (60) feet, unless such use or structure is contained within or constitutes an integral part of the principal building. However, if the owner of a corner lot, with approval of the Board of Zoning Appeals designates the longer street lot line as the front lot line, then the requirement of this section shall apply to establish the permitted distance of an accessory building from only the shorter street lot line.

Patios, open porches and carports may be located in side and rear yards provided they are not closer than three (3) to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. In case of a corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.

(f) Home Occupations. No home occupation shall be allowed in any Residential District, except as an accessory use, and unless it complies with the following conditions and requirements:

A. The primary use of the structure or dwelling unit shall remain residential and the operator or the home occupation shall remain a resident in the dwelling unit.

B. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.

C. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted; nor the use of mechanical equipment not customary in dwellings.

D. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.

E. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

F. No provision for extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve such home occupations shall be permitted.

G. No display of goods or external evidence of the home occupation shall be permitted, except for one (1) nonanimated, nonilluminating, nonflashing announcement plate, indicating not more than the name and address of the resident. Such plate shall be attached flat against the wall of the residence and shall not exceed two (2) square foot in total surface area.

H. No stock in trade or commodities, other than those prepared, produced or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

(g) Swimming Pools. No private swimming pool, exclusive of pools less than one and one-half (1 1/2) feet in depth and portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in any Residential District, except as an accessory use and located in the rear yard, and unless it complies with the following conditions and requirements.

(1) The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

(2) The pool may not be located closer than ten (10) feet to any property line, and such location shall be in accordance with all pertinent provisions of Section [1181.01](#) hereof and shall be measured from the water line. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pools shall be considered as patios for the purpose of this Zoning Code and shall conform to the provisions of subsection (e) hereof.

(3) The swimming pools, or the entire rear yard of the property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Such fence or wall shall be six (6) feet in height and maintained in good condition with a gate and lock.

(h) Tennis Courts. Tennis courts and other similar playing courts may be located in any rear yard with the fence located no closer than five (5) feet of any property line, provided the location of such courts are in accordance with all pertinent provisions of this section. Such courts may be fenced with a chain link fence located around the perimeter of the court, but any fence over six (6) feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view of the fence from neighboring properties.

(i) Earth Satellite Stations in Residential Districts. Within Residential Districts, the following provisions shall apply to ground satellite stations:

- (1) Such ground stations or antennas shall be for the personal use of such residents;
- (2) Such ground stations or antennas shall contain no graphic message or advertising;
- (3) Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located in the rear yard only and shall not exceed an above grade height of fourteen (14) feet.

B. Such stations or antennas shall have a three (3) foot setback observed from all property lines. This distance shall be measured horizontally from the perpendicular to that part of the structure nearest the property line; and

(4) Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.

B. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than four (4) feet above the roof on which they are mounted nor extend beyond the edge of the roof line. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.

C. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed four (4) feet.

(5) No more than one (1) dish-type antenna will be permitted on any one lot.

(Ord. 1103-95. Passed 2-9-95; Ord. 1279-99. Passed 1-28-99.)

(j) Accessory Fences, Walls and Hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges in residential districts. Such structures are permitted in order to: provide for orderly transition between land uses; protect and screen private property; give security and privacy to residents; and provide a physical and visual barrier; reduce wind and modify climate; define property lines; create and define outdoor living space; and generally improve the aesthetic appearance of a site. Fencing cannot display rust or show damage.

(1) Front Yards.

A. Hedges not to exceed four (4) feet in height may be located in any front yard.

B. An ornamental fence or ornamental wall may be located in any front yard or court as follows:

1. The height of any ornamental fence or wall may not exceed three (3) feet above the ground at any point.

2. Any ornamental fence or wall, as permitted in the subsection, shall be so constructed as to provide a ratio of solid portion to open portion not to exceed one to one, the proportion of solid area to open are to be determined in elevation.

3. Such fence or wall may not be located closer than three (3) feet to the front lot lines.

4. The total length may not exceed fifty percent (50%) of the lot frontage.

5. No wire-type fence may be used.

(2) Rear and side yards. A fence, wall or hedge may be located in any rear or side yard, provided that:

A. The height of the fence, wall or hedge may not exceed six (6) feet above the ground at any point.

B. A fence or wall not to exceed ten (10) feet in height may be permitted surrounding tennis courts in any rear yard, provided the provisions of subsection (1) hereof are met

(3) Retaining walls. Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements of this section.

(4) Security fences. Barbed wire, and other sharp-pointed fencing is prohibited in agricultural districts unless a variance is requested and approved by the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code, except that barbed wire and other sharp-pointed fencing is permitted in agricultural districts without a variance for the purpose of keeping animals enclosed in an area.

Barbed wire and electrical fencing are not permitted in any residential districts.

Battery-charged fences are permitted in non-residential districts and agricultural districts upon the issuance of a Zoning Permit and said fences shall comply with Ohio Revised Code 3781.1011.

(5) Fences. All post and framing members shall be on the owner's side of the property. No fence shall be erected next to an existing fence. It shall be the owner's responsibility to verify all property lines. A Zoning Permit is required for fences six (6) feet or less in height. A Building Permit is required for fences in excess of six (6) feet in height. In residential districts, fences in excess of six (6) feet in height require a variance issued by the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code.

(6) On corner lots or lots abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, fencing shall be a minimum of eight (8) feet away from the street side lot lines or aligned to the sides of the structure. This requirement shall also apply to double frontage and reverse-corner lots. Six (6) feet in height of fencing is permitted on double frontage and reverse-corner lots except in the front of the dwelling per front lot lines.

(Ord. _____. Passed _____.)

1181.04 STANDARDS FOR ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.

(a) An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breeze way or other similar structure, provided that no such accessory building may be erected or used as a stable or primarily for the keeping of animals or birds except where the use is specifically permitted by the specific zoning district.

(b) An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard.

(c) A detached accessory building shall not exceed fifteen (15) feet in height in Residential Districts.

(d) On a corner lot abutting in the rear or side lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street, and in no case shall any part of such accessory building be closer to the side street lot lines than the least width of the side yard required for the principal building to which it is accessory.

(e) No accessory use or structure in any Residential District except an off-street parking area shall be permitted nearer to any front lot line than sixty (60) feet, unless such use or structure is contained within or constitutes an integral part of the principal building. However, if the owner of a corner lot, with approval of the Board of Zoning Appeals designates the longer street lot line as the front lot line, then the requirement of this section shall apply to establish the permitted distance of an accessory building from only the shorter street lot line.

Patios, open porches and carports may be located in side and rear yards provided they are not closer than three (3) to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. In case of a corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.

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A. The primary use of the structure or dwelling unit shall remain residential and the operator or the home occupation shall remain a resident in the dwelling unit.

B. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.

C. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted; nor the use of mechanical equipment not customary in dwellings.

D. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.

E. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

F. No provision for extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve such home occupations shall be permitted.

G. No display of goods or external evidence of the home occupation shall be permitted, except for one (1) nonanimated, nonilluminating, nonflashing announcement plate, indicating not more than the name and address of the resident. Such plate shall be attached flat against the wall of the residence and shall not exceed two (2) square foot in total surface area.

H. No stock in trade or commodities, other than those prepared, produced or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

(g) Swimming Pools. No private swimming pool, exclusive of pools less than one and one-half (1 1/2) feet in depth and portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in any Residential District, except as an accessory use and located in the rear yard, and unless it complies with the following conditions and requirements.

(1) The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

(2) The pool may not be located closer than ten (10) feet to any property line, and such location shall be in accordance with all pertinent provisions of Section [1181.01](#) hereof and shall be measured from the water line. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pools shall be considered as patios for the purpose of this Zoning Code and shall conform to the provisions of subsection (e) hereof.

(3) The swimming pools, or the entire rear yard of the property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Such fence or wall shall be six (6) feet in height and maintained in good condition with a gate and lock.

(h) Tennis Courts. Tennis courts and other similar playing courts may be located in any rear yard with the fence located no closer than five (5) feet of any property line, provided the location of such courts are in accordance with all pertinent provisions of this section. Such courts may be fenced with a chain link fence located around the perimeter of the court, but any fence over six (6) feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view of the fence from neighboring properties.

(i) Earth Satellite Stations in Residential Districts. Within Residential Districts, the following provisions shall apply to ground satellite stations:

- (1) Such ground stations or antennas shall be for the personal use of such residents;
- (2) Such ground stations or antennas shall contain no graphic message or advertising;
- (3) Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located in the rear yard only and shall not exceed an above grade height of fourteen (14) feet.

B. Such stations or antennas shall have a three (3) foot setback observed from all property lines. This distance shall be measured horizontally from the perpendicular to that part of the structure nearest the property line; and

(4) Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.

B. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than four (4) feet above the roof on which they are mounted nor extend beyond the edge of the roof line. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.

C. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed four (4) feet.

(5) No more than one (1) dish-type antenna will be permitted on any one lot.

(Ord. 1103-95. Passed 2-9-95; Ord. 1279-99. Passed 1-28-99.)

(j) Accessory Fences, Walls and Hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges in residential districts. Such structures are permitted in order to: provide for orderly transition between land uses; protect and screen private property; give security and privacy to residents; and provide a physical and visual barrier; reduce wind and modify climate; define property lines; create and define outdoor living space; and generally improve the aesthetic appearance of a site. **Fencing cannot display rust or show damage.**

(1) Front Yards.

A. Hedges not to exceed four (4) feet in height may be located in any front yard.

B. An ornamental fence or ornamental wall may be located in any front yard or court as follows:

1. The height of any ornamental fence or wall may not exceed three (3) feet above the ground at any point.

2. Any ornamental fence or wall, as permitted in the subsection, shall be so constructed as to provide a ratio of solid portion to open portion not to exceed one to one, the proportion of solid area to open area to be determined in elevation.

3. Such fence or wall may not be located closer than three (3) feet to the front lot lines.

4. The total length may not exceed fifty percent (50%) of the lot frontage.

5. No wire-type fence may be used.

(2) Rear and side yards. A fence, wall or hedge may be located in any rear or side yard, provided that:

A. The height of the fence, wall or hedge may not exceed six (6) feet above the ground at any point.

B. A fence or wall not to exceed ten (10) feet in height may be permitted surrounding tennis courts in any rear yard, provided the provisions of subsection (1) hereof are met

(3) Retaining walls. Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements of this section.

(4) Security fences. ~~No Barbed wire; and other sharp-pointed material or electrically charged material shall be used in the construction of a fence allowed agricultural uses and only upon approval of the Police Department.~~ **fencing is prohibited in agricultural districts unless a variance is requested and approved by the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code, except that barbed wire and other sharp-pointed fencing is permitted in agricultural districts without a variance for the purpose of keeping animals enclosed in an area.**

Barbed wire and electrical fencing are not permitted in any residential districts.

Battery-charged fences are permitted in non-residential districts and agricultural districts upon the issuance of a Zoning Permit and said fences shall comply with Ohio Revised Code 3781.1011.

(Ord. 1103-95. Passed 2-9-95; Ord. 1279-99. Passed 1-28-99.)

(5) Fences. All post and framing members shall be on the owner's side of the property. No fence shall be erected next to an existing fence. It shall be the owner's responsibility to verify all property lines. **A Zoning Permit is required for fences six (6) feet or less in height. A Building Permit is required for fences in excess of six (6) feet in height. In residential districts, fences in excess of six (6) feet in height require a variance issued by the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code.**

(6) On corner lots or lots abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, fencing shall be a minimum of eight (8) feet away from the street side lot lines or aligned to the sides of the structure. This requirement shall also apply to double frontage and reverse-corner lots. Six (6) feet in height of fencing is permitted on double frontage and reverse-corner lots except in the front of the dwelling per front lot lines.

(Ord. 1499-03. Passed 6-26-03.)



**PLANNING COMMISSION LEGAL NOTICE
TA-03-2025**

The Moraine Planning Commission will be holding a meeting on Tuesday, August 19, 2025, at the Payne Recreation Center, 3800 Main Street, Moraine, OH 45439.

The agenda for this Planning Commission case is to amend the Moraine Codified Ordinances section 1181.04 regarding Accessory Fences, Security Fences, and General Fence Provisions in Agricultural and Residential Districts.

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 pm.

Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling Nick Sorice, City Planner, at 937-535-1037.

1181.04 STANDARDS FOR ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.

(a) An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breeze way or other similar structure, provided that no such accessory building may be erected or used as a stable or primarily for the keeping of animals or birds except where the use is specifically permitted by the specific zoning district.

(b) An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard.

(c) A detached accessory building shall not exceed fifteen (15) feet in height in Residential Districts.

(d) On a corner lot abutting in the rear or side lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street, and in no case shall any part of such accessory building be closer to the side street lot lines than the least width of the side yard required for the principal building to which it is accessory.

(e) No accessory use or structure in any Residential District except an off-street parking area shall be permitted nearer to any front lot line than sixty (60) feet, unless such use or structure is contained within or constitutes an integral part of the principal building. However, if the owner of a corner lot, with approval of the Board of Zoning Appeals designates the longer street lot line as the front lot line, then the requirement of this section shall apply to establish the permitted distance of an accessory building from only the shorter street lot line.

Patios, open porches and carports may be located in side and rear yards provided they are not closer than three (3) to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. In case of a corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.

(f) Home Occupations. No home occupation shall be allowed in any Residential District, except as an accessory use, and unless it complies with the following conditions and requirements:

A. The primary use of the structure or dwelling unit shall remain residential and the operator or the home occupation shall remain a resident in the dwelling unit.

B. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.

C. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted; nor the use of mechanical equipment not customary in dwellings.

D. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.

E. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

F. No provision for extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve such home occupations shall be permitted.

G. No display of goods or external evidence of the home occupation shall be permitted, except for one (1) nonanimated, nonilluminating, nonflashing announcement plate, indicating not more than the name and address of the resident. Such plate shall be attached flat against the wall of the residence and shall not exceed two (2) square foot in total surface area.

H. No stock in trade or commodities, other than those prepared, produced or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

(g) Swimming Pools. No private swimming pool, exclusive of pools less than one and one-half (1 1/2) feet in depth and portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in any Residential District, except as an accessory use and located in the rear yard, and unless it complies with the following conditions and requirements.

(1) The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

(2) The pool may not be located closer than ten (10) feet to any property line, and such location shall be in accordance with all pertinent provisions of Section [1181.01](#) hereof and shall be measured from the water line. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pools shall be considered as patios for the purpose of this Zoning Code and shall conform to the provisions of subsection (e) hereof.

(3) The swimming pools, or the entire rear yard of the property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Such fence or wall shall be six (6) feet in height and maintained in good condition with a gate and lock.

(h) Tennis Courts. Tennis courts and other similar playing courts may be located in any rear yard with the fence located no closer than five (5) feet of any property line, provided the location of such courts are in accordance with all pertinent provisions of this section. Such courts may be fenced with a chain link fence located around the perimeter of the court, but any fence over six (6) feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view of the fence from neighboring properties.

(i) Earth Satellite Stations in Residential Districts. Within Residential Districts, the following provisions shall apply to ground satellite stations:

- (1) Such ground stations or antennas shall be for the personal use of such residents;
- (2) Such ground stations or antennas shall contain no graphic message or advertising;
- (3) Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located in the rear yard only and shall not exceed an above grade height of fourteen (14) feet.

B. Such stations or antennas shall have a three (3) foot setback observed from all property lines. This distance shall be measured horizontally from the perpendicular to that part of the structure nearest the property line; and

(4) Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.

B. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than four (4) feet above the roof on which they are mounted nor extend beyond the edge of the roof line. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.

C. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed four (4) feet.

(5) No more than one (1) dish-type antenna will be permitted on any one lot.

(Ord. 1103-95. Passed 2-9-95; Ord. 1279-99. Passed 1-28-99.)

(j) Accessory Fences, Walls and Hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges in residential districts. Such structures are permitted in order to: provide for orderly transition between land uses; protect and screen private property; give security and privacy to residents; and provide a physical and visual barrier; reduce wind and modify climate; define property lines; create and define outdoor living space; and generally improve the aesthetic appearance of a site. **Fencing cannot display rust or show damage.**

(1) Front Yards.

A. Hedges not to exceed four (4) feet in height may be located in any front yard.

B. An ornamental fence or ornamental wall may be located in any front yard or court as follows:

1. The height of any ornamental fence or wall may not exceed three (3) feet above the ground at any point.

2. Any ornamental fence or wall, as permitted in the subsection, shall be so constructed as to provide a ratio of solid portion to open portion not to exceed one to one, the proportion of solid area to open area to be determined in elevation.

3. Such fence or wall may not be located closer than three (3) feet to the front lot lines.

4. The total length may not exceed fifty percent (50%) of the lot frontage.

5. No wire-type fence may be used.

(2) Rear and side yards. A fence, wall or hedge may be located in any rear or side yard, provided that:

A. The height of the fence, wall or hedge may not exceed six (6) feet above the ground at any point.

B. A fence or wall not to exceed ten (10) feet in height may be permitted surrounding tennis courts in any rear yard, provided the provisions of subsection (1) hereof are met

(3) Retaining walls. Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements of this section.

(4) Security fences. ~~No Barbed wire; and other sharp-pointed material or electrically charged material shall be used in the construction of a fence allowed agricultural uses and only upon approval of the Police Department.~~ **fencing is prohibited in agricultural districts unless a variance is requested and approved by the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code, except that barbed wire and other sharp-pointed fencing is permitted in agricultural districts without a variance for the purpose of keeping animals enclosed in an area.**

Barbed wire and electrical fencing are not permitted in any residential districts.

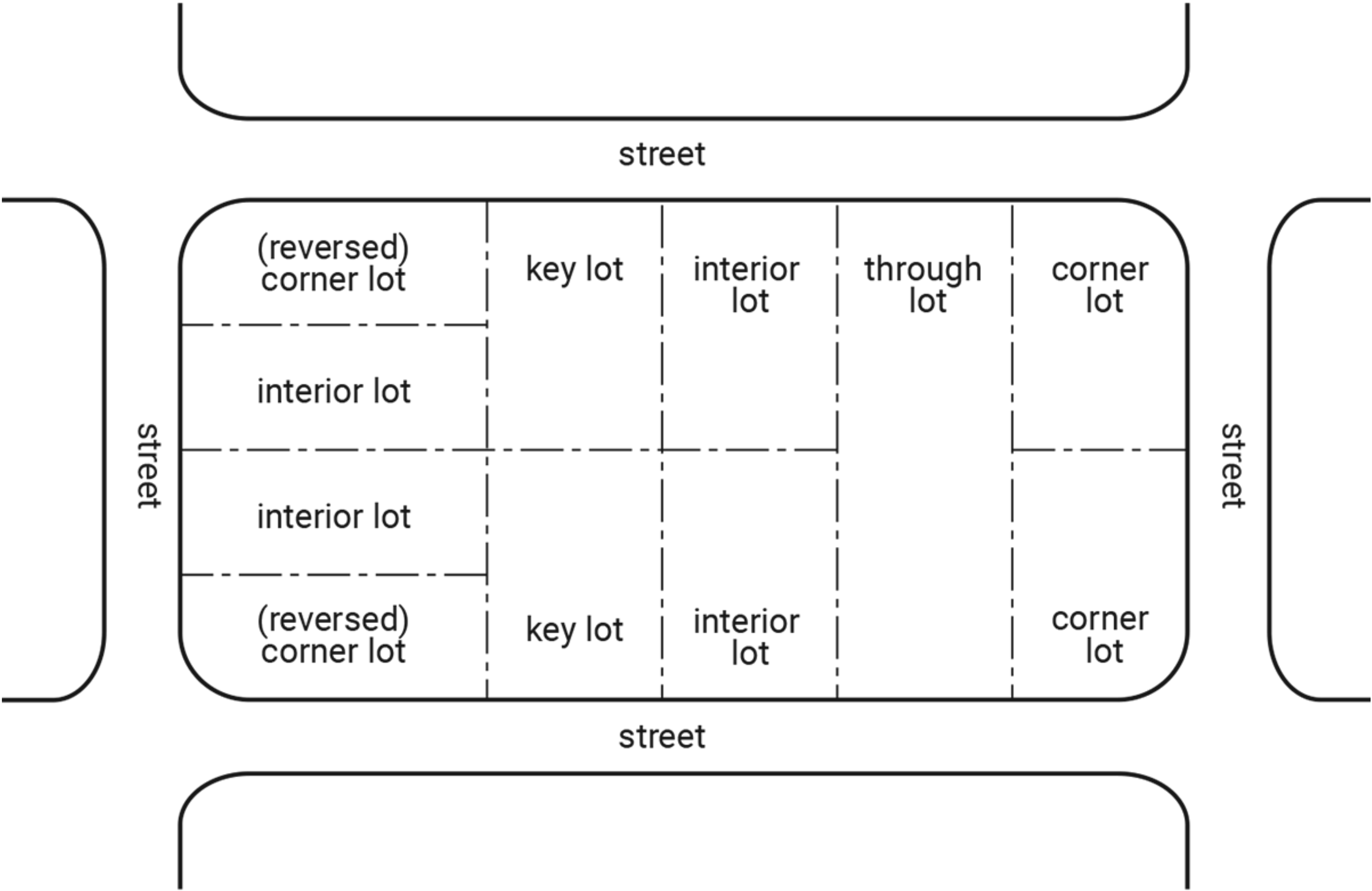
Battery-charged fences are permitted in non-residential districts and agricultural districts upon the issuance of a Zoning Permit and said fences shall comply with Ohio Revised Code 3781.1011.

(Ord. 1103-95. Passed 2-9-95; Ord. 1279-99. Passed 1-28-99.)

(5) Fences. All post and framing members shall be on the owner's side of the property. No fence shall be erected next to an existing fence. It shall be the owner's responsibility to verify all property lines. **A Zoning Permit is required for fences six (6) feet or less in height. A Building Permit is required for fences in excess of six (6) feet in height. In residential districts, fences in excess of six (6) feet in height require a variance issued by the Board of Zoning Appeals per the process delineated in Chapter 1125 of this Code.**

(6) On corner lots or lots abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, fencing shall be a minimum of eight (8) feet away from the street side lot lines or aligned to the sides of the structure. This requirement shall also apply to double frontage and reverse-corner lots. Six (6) feet in height of fencing is permitted on double frontage and reverse-corner lots except in the front of the dwelling per front lot lines.

(Ord. 1499-03. Passed 6-26-03.)



An Ordinance to amend Moraine Codified Ordinance Section 1181.05 Entitled “Standards For Accessory Buildings And Uses In Conservation, Business, And Industrial Districts.”

Department: Community Development

Request: Action Item

Item Background and Purpose:

Text Amendment for Fencing Provisions of B1, B2, M1, and M2 districts along with fence development requirements.

Attachments:

1. 2203-25 - Exhibit A
2. TA-04-2025 Legal Notice
3. Planning & Council - MCO 1181.05 3-27-25

RECORD OF ORDINANCES

Ordinance No. 2203-25

AN ORDINANCE TO AMEND MORaine CODIFIED ORDINANCE SECTION 1181.05 ENTITLED “STANDARDS FOR ACCESSORY BUILDINGS AND USES IN CONSERVATION, BUSINESS, AND INDUSTRIAL DISTRICTS.”

WHEREAS, on August 19, 2025, the Moraine Planning Commission held a public hearing on proposed amendments to Moraine Codified Ordinance Section 1181.05 entitled, “Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts” and recommended for approval the amendments to said MCO 1181.05 as delineated on the attached Exhibit A; and

WHEREAS, on September 25, 2025, City Council held a public hearing regarding the proposed amendments to Moraine Codified Ordinance Section 1181.05 entitled, “Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts” as delineated on the attached Exhibit A; and

WHEREAS, upon recommendation of City staff and the Planning Commission, the amendment(s) to Section 1181.05 of the Moraine Codified Ordinances appended hereto as Exhibit A and incorporated herein by reference is hereby approved for enactment, Council having determined said amendment(s) to be for the betterment of the health, safety, and welfare of the City and its inhabitants, and will, *inter alia*, serve to better clarify fencing regulations therein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

That Moraine Codified Ordinance Section 1181.05 is hereby amended as delineated on the attached Exhibit A by adding the language in boldtype and deleting the language in ~~striketrough~~.
- SECTION 2:

That the remaining provisions of MCO Section 1181.05 not amended hereby shall remain unchanged and in full force and effect.
- SECTION 3:

That this Ordinance shall become effective 30 days after its second reading and adoption by Council.
- SECTION 4:

That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and Chief of Police.

1181.05 STANDARDS FOR ACCESSORY BUILDINGS AND USES IN CONSERVATION, BUSINESS AND INDUSTRIAL DISTRICTS.

(a) Earth Satellite Stations in Nonresidential Districts. Within nonresidential districts, the following shall apply to ground satellite stations:

- (1) Such ground stations or antennas shall contain no graphic message or advertising.
- (2) Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located in the rear yard only and shall not exceed an above-ground height of fourteen (14) feet.

B. Such stations or antennas not be located within fifty (50) feet of a public right of way or within thirty (30) feet of a rear or side lot line and shall be not closer than fifty (50) feet from a lot line or a Residential District.

- (3) Roof-mounted stations or antennas shall comply with the following conditions and requirements:

A. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.

B. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than twelve (12) feet above the roof on which they are mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.

- (4) No more than one (1) dish-type antenna will be permitted on any one (1) lot.

(b) Accessory Fences, Walls and Hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges in nonresidential districts. Such structures are permitted in order to: provide for orderly transition between land uses; protect and screen private; give security and privacy; and provide a physical and visual barrier; reduce wind and modify climate; define property lines; create and define outdoor storage space; and generally improve the aesthetic appearance of a site.

(1) Other permissible locations. Fences, walls or hedges may be erected on public recreation areas, school grounds and in Industrial Districts, and are not subject to the requirements of this section, but no such fence, structure or planting shall be erected or maintained with twenty (20) feet of the corner so as to interfere with traffic visibility across the corner.

(2) Security fences. No barbed wire, other sharp-pointed material or electrically charged material shall be used in the construction of a fence, except to fence potentially hazardous areas or for security purposes in high risk areas, and only upon approval of the Police Department. Battery-charged fences are permitted in non-residential districts upon issuance of a Zoning Permit and said fences shall comply with the provisions of Ohio Revised Code 3781.1011.

(3) In Business Districts B-1 and B-2, fencing shall not exceed six (6) feet in height for side and rear yards. In Business Districts B-1 and B-2, fencing shall not exceed four (4) feet in front yards. Required screening shall first be approved by the Community Development Department for height determination.

(4) In Industrial Districts M-1 and M-2, fencing height shall first be approved by the Community Development Department for height determination.

(5) All fences six (6) feet in height or less require a Zoning Permit. All fences which exceed six (6) feet in height require a Building Permit.

(6) Set-back requirements along Right of Ways and sidewalks shall first be approved by the Community Development Department to ensure proper safety and visibility.

(7) Fencing cannot display rust or show damage.

(Ord. _____. Passed _____.)

1181.05 STANDARDS FOR ACCESSORY BUILDINGS AND USES IN CONSERVATION, BUSINESS AND INDUSTRIAL DISTRICTS.

(a) Earth Satellite Stations in Nonresidential Districts. Within nonresidential districts, the following shall apply to ground satellite stations:

- (1) Such ground stations or antennas shall contain no graphic message or advertising.
- (2) Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
 - A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located in the rear yard only and shall not exceed an above-ground height of fourteen (14) feet.
 - B. Such stations or antennas not be located within fifty (50) feet of a public right of way or within thirty (30) feet of a rear or side lot line and shall be not closer than fifty (50) feet from a lot line or a Residential District.
- (3) Roof-mounted stations or antennas shall comply with the following conditions and requirements:
 - A. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.
 - B. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than twelve (12) feet above the roof on which they are mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.
- (4) No more than one (1) dish-type antenna will be permitted on any one (1) lot.

(b) Accessory Fences, Walls and Hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges in nonresidential districts. Such structures are permitted in order to: provide for orderly transition between land uses; protect and screen private; give security and privacy; and provide a physical and visual barrier; reduce wind and modify climate; define property lines; create and define outdoor storage space; and generally improve the aesthetic appearance of a site.

(1) Other permissible locations. Fences, walls or hedges may be erected on public recreation areas, school grounds and in Industrial Districts, and are not subject to the requirements of this section, but no such fence, structure or planting shall be erected or maintained with twenty (20) feet of the corner so as to interfere with traffic visibility across the corner.

(2) Security fences. No barbed wire, other sharp-pointed material or electrically charged material shall be used in the construction of a fence, except to fence potentially hazardous areas or for security purposes in high risk areas, and only upon approval of the Police Department. **Battery-charged fences are permitted in non-residential districts upon issuance of a Zoning Permit and said fences shall comply with the provisions of Ohio Revised Code 3781.1011.**

(3) In Business Districts B-1 and B-2, fencing shall not exceed six (6) feet in height for side and rear yards. In Business Districts B-1 and B-2, fencing shall not exceed four (4) feet in front yards. Required screening shall first be approved by the Community Development Department for height determination.

(4) In Industrial Districts M-1 and M-2, fencing height shall first be approved by the Community Development Department for height determination.

(5) All fences six (6) feet in height or less require a Zoning Permit. All fences which exceed six (6) feet in height require a Building Permit.

(6) Set-back requirements along Right of Ways and sidewalks shall first be approved by the Community Development Department to ensure proper safety and visibility.

(7) Fencing cannot display rust or show damage.

(Ord. 1103-95. Passed 2-9-95.)



**PLANNING COMMISSION LEGAL NOTICE
TA-04-2025**

The Moraine Planning Commission will be holding a meeting on Tuesday, August 19, 2025, at the Payne Recreation Center, 3800 Main Street, Moraine, OH 45439.

The agenda for this Planning Commission case is to amend the Moraine Codified Ordinances section 1181.05 regarding Security Fences, and General Fence Provisions for Conservation, Business, and Industrial Districts.

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 pm.

Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling Nick Sorice, City Planner, at 937-535-1037.

1181.05 STANDARDS FOR ACCESSORY BUILDINGS AND USES IN CONSERVATION, BUSINESS AND INDUSTRIAL DISTRICTS.

(a) Earth Satellite Stations in Nonresidential Districts. Within nonresidential districts, the following shall apply to ground satellite stations:

- (1) Such ground stations or antennas shall contain no graphic message or advertising.
- (2) Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
 - A. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located in the rear yard only and shall not exceed an above-ground height of fourteen (14) feet.
 - B. Such stations or antennas not be located within fifty (50) feet of a public right of way or within thirty (30) feet of a rear or side lot line and shall be not closer than fifty (50) feet from a lot line or a Residential District.
- (3) Roof-mounted stations or antennas shall comply with the following conditions and requirements:
 - A. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.
 - B. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than twelve (12) feet above the roof on which they are mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.
- (4) No more than one (1) dish-type antenna will be permitted on any one (1) lot.

(b) Accessory Fences, Walls and Hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges in nonresidential districts. Such structures are permitted in order to: provide for orderly transition between land uses; protect and screen private; give security and privacy; and provide a physical and visual barrier; reduce wind and modify climate; define property lines; create and define outdoor storage space; and generally improve the aesthetic appearance of a site.

(1) Other permissible locations. Fences, walls or hedges may be erected on public recreation areas, school grounds and in Industrial Districts, and are not subject to the requirements of this section, but no such fence, structure or planting shall be erected or maintained with twenty (20) feet of the corner so as to interfere with traffic visibility across the corner.

(2) Security fences. No barbed wire, other sharp-pointed material or electrically charged material shall be used in the construction of a fence, except to fence potentially hazardous areas or for security purposes in high risk areas, and only upon approval of the Police Department. **Battery-charged fences are permitted in non-residential districts upon issuance of a Zoning Permit and said fences shall comply with the provisions of Ohio Revised Code 3781.1011.**

(3) In Business Districts B-1 and B-2, fencing shall not exceed six (6) feet in height for side and rear yards. In Business Districts B-1 and B-2, fencing shall not exceed four (4) feet in front yards. Required screening shall first be approved by the Community Development Department for height determination.

(4) In Industrial Districts M-1 and M-2, fencing height shall first be approved by the Community Development Department for height determination.

(5) All fences six (6) feet in height or less require a Zoning Permit. All fences which exceed six (6) feet in height require a Building Permit.

(6) Set-back requirements along Right of Ways and sidewalks shall first be approved by the Community Development Department to ensure proper safety and visibility.

(7) Fencing cannot display rust or show damage.

(Ord. 1103-95. Passed 2-9-95.)

An Ordinance to add a new section 1185.23 to the Moraine Codified Ordinances entitled “Mobile Food Vendors”.

Department: Community Development

Request: Ordinance

Item Background and Purpose:

A new addition to the Moraine Codified Ordinances in which Mobile Food Vendor Provisions, Penalties, Fees, Tax Requirements, and Overall Safety are added as we do not have a specific section for Food Trucks.

Attachments:

1. TA-06-2025 Legal Notice
2. Planning & Council - MCO 1185.23 MOBILE FOOD VENDORS 2-26-25
3. 2204-25 Exhibit A

RECORD OF ORDINANCES

Ordinance No. 2204-25

AN ORDINANCE TO ADD A NEW SECTION 1185.23 TO THE MORaine CODIFIED ORDINANCES ENTITLED “MOBILE FOOD VENDORS”.

WHEREAS, on August 19, 2025, the Moraine Planning Commission held a public hearing on a proposed addition to the Moraine Codified Ordinances to add a new section thereto relative to “Mobile Food Vendors” as delineated on the attached Exhibit A; and

WHEREAS, on September 25, 2025, City Council held a public hearing regarding the proposed addition to the Moraine Codified Ordinances to add a new section thereto relative to “Mobile Food Vendors” as delineated on the attached Exhibit A; and

WHEREAS, upon recommendation of City staff and the Planning Commission, the proposed addition to the Moraine Codified Ordinances to add a new section MCO 1185.23 entitled, “Mobile Food Vendors” as delineated on the attached Exhibit A and incorporated herein by reference is hereby approved for enactment, Council having determined said amendment(s) to be for the betterment of the health, safety, and welfare of the City and its inhabitants, and will, *inter alia*, serve to better clarify regulations with respect to mobile food vendors within the City.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

That Moraine Codified Ordinance 1185.23 entitled, “Mobile Food Vendors” is hereby approved and adopted as delineated on the attached Exhibit A.
- SECTION 2:

That this Ordinance shall become effective 30 days after its second reading and adoption by Council.
- SECTION 3:

That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and Chief of Police.



PLANNING COMMISSION LEGAL NOTICE
TA-06-2025

The Moraine Planning Commission will be holding a meeting on Tuesday, August 19, 2025, at the Payne Recreation Center, 3800 Main Street, Moraine, OH 45439.

The agenda for this Planning Commission case is to amend the Moraine Codified Ordinances to add a new section called *Mobile Food Vendors*. This would include the general provisions, licensure, fees, enforcements, and penalties for Mobile Food Vendors.

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 pm.

Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling Nick Sorice, City Planner, at 937-535-1037.

1185.23 MOBILE FOOD VENDORS

(A) Definitions. For purposes of this Section, a ***Mobile Food Vendor*** shall be defined as any person who sells, offers for sale, or distributes free of charge, food or beverages to the public from any unit (vehicle, trailer, cart, wagon, or similar use) which is designed to be readily moveable and which changes location from time to time. A ***Mobile Food Vendor*** unit shall not include tents or similar portable structures. The food may be cooked, wrapped, packaged, processed and/or portioned for service, sale, or distribution in the mobile food vendor unit. The sale of products other than food or beverages is prohibited.

For purposes of this Section, ***Calendar Year*** shall be defined as beginning on January 1st and ending on December 31st.

(B) Mobile Food Vendor License Required.

(1) Except as provided in division (D) of this Section, no person shall engage in the business of operating a mobile food vendor unit within the City without a current and valid mobile food vendor license issued pursuant to this Section.

(2) Any person desiring to operate a mobile food vendor unit within the City shall make a written application with the City Planner or authorized designee for a mobile food vendor license. The application for such license shall include the following:

- (a) A fully completed mobile food vendor license application on form(s) provided by the City.
- (b) Written permission of the property owner(s) consenting to the mobile food vendor operation on any and all properties on which the unit will operate, if applicable.
- (c) A site plan showing any and all properties on which the unit will operate for sales purposes, with the proposed location and dimensions of the mobile food vendor unit relative to buildings, parking and loading areas, streets and driveway approaches, refuse containers, and any other site information the City may require.
- (d) Color photographs of all sides of the mobile food vendor unit and any signage to be used in operation of the business. Temporary signage may be permitted per Section 1189.15 of the City of Moraine Codified Ordinances with authorization of the property owner.
- (e) A signed indemnification statement and copy of liability insurance for the business in an amount not less than \$1,000,000, naming the City of Moraine as an additional insured, as further described below.
- (f) A valid copy of all licenses or permits required by the County of Montgomery, the State of Ohio, and any subsidiary enforcement divisions thereof, including but not limited to the Public Health - Dayton & Montgomery County and the Bureau of Motor Vehicles.
- (g) Proof of registration with the City's income tax division if operating within the City for more than 20 days in a calendar year.
- (h) Any additional information which shows the proposed operation will satisfy the requirements of this Section and all applicable laws.
- (i) A signed statement that the vendor will hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity earned on under the terms of the mobile food vendor

license. The mobile food vendor shall furnish and maintain such public commercial general liability insurance, including products liability, property damage, bodily injury and personal and advertising injury against claims for injuries to persons or damages to property which may arise from or in connection with the operations under the mobile food vendor license or in connection therewith. Such insurance shall be issued by an insurance company licensed to do business in Ohio and shall provide coverage of not less than \$1,000,000 per occurrence. The policy shall cover, or be endorsed to cover, the City of Moraine, its officials, employees, and volunteers as additional insureds. Such coverage shall be primary and non-contributing as respects the additional insureds. The policy shall further provide that it may not be cancelled except upon 30 days written notice served upon the City Manager of the City.

The mobile food vendor shall provide a certificate of insurance evidencing compliance with the specifications herein prior to commencing activities pursuant to this license. A mobile food vendor license issued pursuant to the provisions of this Section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City of Moraine.

(3) A mobile food vendor license shall be issued upon full completion of the application and determination by the City that all requirements of this Section are met. If a complete application for a mobile food vendor license is not approved, the City shall notify the applicant of the determination in writing including any reason(s) for the decision. No license shall be issued to an applicant who has a conviction within the last ten years for a crime of violence, a crime involving moral turpitude, a crime involving drug convictions, or a crime involving sex offenses.

(4) The mobile food vendor license is valid for one mobile food vendor unit only, which shall be that unit identified in the license application. The mobile food vendor license is valid only for the property or properties identified in the license application. The license must be prominently displayed on the mobile food vendor unit along with any other required licenses, and shall be available for inspection upon request.

(5) The mobile food vendor license is non-transferable and may be used only by the individual, partners, or entities to whom the license was granted.

(6) A mobile food vendor unit shall comply with all applicable federal, state, and local fire safety requirements, as determined by an inspection by the Moraine Fire Department prior to issuance of a license, and at any other time deemed necessary to address life safety concerns.

(C) Types of Mobile Food Vendor Licenses.

(1) 1 Year Mobile Food Vendor License: Non-transferable and valid for a period of one year from date of issuance. Required payment of \$150.00 with submission of the application per Section 1185.23 (B)(2) herein.

(2) 6 Month Mobile Food Vendor License: Non-transferable and valid for a period of six months from date of issuance. Required payment of \$75.00 with submission of the application per Section 1185.23 (B)(2) herein.

(3) Temporary Mobile Food Vendor License: Non-transferable and valid for a period of 3 days per calendar year. No payment is required for this license with submission of the application per Section 1185.32 (B)(2) herein.

(D) Exceptions.

(1) Mobile food vendors operating as part of a special event which is open to the general public, lasts not more than three consecutive days, and has received a temporary use permit shall not require a separate 1 year or 6 month mobile food vendor license. However, such mobile food vendors shall be subject to the provisions of this Section as determined by the City to be applicable, and may operate only during the hours of the special event. In no case shall multiple temporary use permits for such events on the same property total more than 30 days within a 90 day period.

(2) The requirements of this Section do not apply to:

(a) A mobile food vendor unit operating on the same premises as a restaurant under the same ownership. Such units shall comply with all other requirements of the City of Moraine Codified Ordinances.

(b) One or more mobile food vendor units operating on a particular property at the request of and with the written permission of the property owner or the business located on the property, which limits the sale of its food to serve only on-site employees of such business and is not open for sales to the general public. Provided, however, such mobile food vendor unit shall be subject to an inspection by the City of Moraine Fire Department and does not operate for more than three hours each day.

(E) License Fee. Upon issuance of the mobile food vendor license and as may be renewed thereafter, a non-refundable mobile food vendor license fee shall be due and payable as set forth herein.

(F) Location.

(1) A mobile food vendor unit may be permitted to operate on any property on which a non-residential principal use is located, subject to the requirements of this Section. A mobile food vendor is considered to be a temporary use, and shall not be permitted as a principal use on a property.

(2) Only with prior written authorization of the City Planner or authorized designee, a mobile food vendor may be permitted to operate within the public right-of-way in all non-residential or mixed-use zoning districts, subject to the requirements of this Section and provided:

(a) The mobile food vendor unit is parked in a legally-designated on-street parking space, except that no mobile food vendor unit shall park in angled parking spaces in the right-of-way.

(b) The mobile food vendor unit is parked in the same direction as traffic with no more than 12 inches between the curb face or edge of pavement and the unit, and with the service window of the unit facing the curb. All items shall be sold, offered for sale, or dispensed only from the curb side of a mobile food vendor unit.

(c) A mobile food vendor unit located in the public right-of-way shall not remain stationary in one location for longer than two hours. After remaining stationary in one location for up to two hours, the mobile food vendor unit shall be moved to a location at least 100 yards from the previous location.

(d) Hazard lights are operated continuously at all times when a mobile food vendor unit is parked or stopped so as to be clearly visible to drivers of other vehicles approaching such vehicle from the front or rear.

(e) The mobile food vendor unit is not operating for sales purposes in a public alley, unless specifically authorized by the City.

(f) The mobile food vendor unit is not left unattended in the public right-of-way. The City shall consider any unattended mobile food vendor unit located in the public right-of-way as an illegally-parked vehicle and may remove said unit pursuant to Chapter 351 of the City of Moraine Codified Ordinances and/or applicable Ohio Revised Code provisions.

(3) Notwithstanding divisions (F)(1) and (F)(2) of this Section, no mobile food vendor unit shall be located:

(a) Within 100 feet of property containing a restaurant located in an enclosed building, unless operated by the restaurant owner or written permission by the restaurant or property owner is provided. However, this restriction does not prevent approval of any new restaurant located in an enclosed building within 100 feet of any pre-existing approved mobile food vendor location. In that event, the mobile food vendor may continue to operate at the pre-approved location until the expiration of the license term. Upon renewal of the license, the mobile food vendor must then relocate to meet the requirements of this Section.

(b) On property used exclusively for single-family residential purposes, irrespective of its zoning classification.

(c) On any unpaved surface.

(d) Closer than five feet to any property line, unless written permission is provided by the abutting property owner.

(e) Proximate to any land owned by a public or private school, unless written permission has been granted by the school.

(f) Proximate to any property containing a festival, special or civic event that is permitted or sanctioned by the City, unless the mobile food vendor is an authorized participant in such event.

(g) Within parking spaces which are required to meet the minimum parking requirements for the property.

(G) Operating Requirements. Mobile food vendors shall meet the following requirements:

(1) A mobile food vendor may operate for sales purposes between the hours of 6:00 a.m. and 11:00 p.m.

(2) A mobile food vendor unit located outside of the public right-of-way shall not remain stationary in one location for longer than six hours. After remaining stationary in one location for up to six hours, the mobile food vendor unit shall be moved to a location at least 100 yards from the previous location.

(3) A mobile food vendor unit shall not be left unattended within public view at any time.

(4) A mobile food vendor unit shall not obstruct a public way, impair the movement of pedestrians or vehicles, impair the clear view of traffic from any direction, or pose a hazard to public safety.

(5) A mobile food vendor unit shall not be in such a deteriorated physical condition as to adversely affect the character, appearance, image, or economic value of surrounding property.

(6) No mobile food vendor shall, for the purposes of attracting attention to its operation, shout or use any outside sound amplifying equipment, music, or noisemakers such as bells, horns, or whistles. Sound

emanating from a mobile food vendor unit shall be in compliance with the requirements of Section 509.10 Disturbing the Peace, of the City of Moraine Code of Ordinances.

(7) A mobile food vendor unit shall not remain attached to any vehicle used to haul the unit. Such hauling vehicle shall be detached from the unit and parked in a lawful parking space separate from the unit.

(8) The mobile food vendor shall provide at least one trash receptacle and shall properly remove all waste and trash generated by the operation at least once per day and as needed to maintain cleanliness.

(9) Mobile food vendor signage is permitted as professionally applied within the outlines of the unit. One sandwich board not exceeding six square feet per sign face and three feet in height is permitted per public street frontage, but may not be placed in the public right-of-way, on a public sidewalk, or in a designated parking space.

(10) Conduct of the mobile food vendor business shall not create a public nuisance or constitute a danger to the public health, safety, or welfare.

(11) Inspections by the City of Moraine Fire Department, Police Department, and Community Development Department may occur at any given time to ensure compliance with this Section 1185.23.

(H) Enforcement.

(1) The City may deny, revoke, suspend, or not renew a mobile food vendor license issued under the provisions of this Section for any of the following reasons:

(a) The licensee is determined by the City to be guilty of any fraud or misrepresentation in connection with the submitted mobile food vendor license application;

(b) The licensee is determined by the City to be guilty of any fraud, misrepresentation, or unlawful act in connection with the business activities for which a mobile food vendor license was issued;

(c) The licensed mobile food vendor business is conducted in such a manner as to create a public nuisance or to constitute a danger to the public health, safety, or welfare;

(d) Conviction of the licensee within the last ten years for a crime of violence, a crime involving moral turpitude, a crime involving drug convictions, or a crime involving sex offenses;

(e) The licensee is found by the City to be a person who constitutes a clear and present danger to the residents of the City;

(f) The licensee violates any provision of this Section;

(g) The licensee is delinquent in financial obligations to the City;

(h) The licensee fails to maintain valid permits or licenses from the County of Montgomery, the State of Ohio, and any enforcement divisions thereof;

(i) For any good cause shown.

(2) When good cause has been demonstrated to deny, revoke, suspend, or not renew a mobile food vendor license, the City shall issue an order which shall become effective immediately upon service of a written notice to the licensee. Such notice shall specify the reason for denial, revocation, suspension, or non-renewal and may provide for conditions upon which the license may be approved or

reinstated, upon compliance with said conditions. Should no conditions be given for the possible approval or reinstatement of the license, the order shall constitute a denial or revocation of the license.

(3) The City may allow a mobile food vendor to reapply for a mobile food vendor license after 12 months from the date of denial, revocation, suspension, or non-renewal. The mobile food vendor shall correct all circumstances that led to the violations, and shall pay an additional fee in the amount of \$500 to offset the City's costs of compliance measures, necessary inspections, and to ensure the circumstances that led to the revocation have been corrected.

(I) Penalty. Whoever violates any provision of this Section is guilty of an unclassified misdemeanor and shall be fined not more than \$1,000 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(J) Appeal. Any person aggrieved by any administrative decision pursuant to this Section may submit an appeal of said decision to the Board of Zoning Appeals in accordance with the provisions of Section 1125.04 of the City of Moraine Code of Ordinances.

1185.23 MOBILE FOOD VENDORS

(A) Definitions. For purposes of this Section, a ***Mobile Food Vendor*** shall be defined as any person who sells, offers for sale, or distributes free of charge, food or beverages to the public from any unit (vehicle, trailer, cart, wagon, or similar use) which is designed to be readily moveable and which changes location from time to time. A ***Mobile Food Vendor*** unit shall not include tents or similar portable structures. The food may be cooked, wrapped, packaged, processed and/or portioned for service, sale, or distribution in the mobile food vendor unit. The sale of products other than food or beverages is prohibited.

For purposes of this Section, ***Calendar Year*** shall be defined as beginning on January 1st and ending on December 31st.

(B) Mobile Food Vendor License Required.

(1) Except as provided in division (D) of this Section, no person shall engage in the business of operating a mobile food vendor unit within the City without a current and valid mobile food vendor license issued pursuant to this Section.

(2) Any person desiring to operate a mobile food vendor unit within the City shall make a written application with the City Planner or authorized designee for a mobile food vendor license. The application for such license shall include the following:

- (a) A fully completed mobile food vendor license application on form(s) provided by the City.
- (b) Written permission of the property owner(s) consenting to the mobile food vendor operation on any and all properties on which the unit will operate, if applicable.
- (c) A site plan showing any and all properties on which the unit will operate for sales purposes, with the proposed location and dimensions of the mobile food vendor unit relative to buildings, parking and loading areas, streets and driveway approaches, refuse containers, and any other site information the City may require.
- (d) Color photographs of all sides of the mobile food vendor unit and any signage to be used in operation of the business. Temporary signage may be permitted per Section 1189.15 of the City of Moraine Codified Ordinances with authorization of the property owner.
- (e) A signed indemnification statement and copy of liability insurance for the business in an amount not less than \$1,000,000, naming the City of Moraine as an additional insured, as further described below.
- (f) A valid copy of all licenses or permits required by the County of Montgomery, the State of Ohio, and any subsidiary enforcement divisions thereof, including but not limited to the Public Health - Dayton & Montgomery County and the Bureau of Motor Vehicles.
- (g) Proof of registration with the City's income tax division if operating within the City for more than 20 days in a calendar year.
- (h) Any additional information which shows the proposed operation will satisfy the requirements of this Section and all applicable laws.
- (i) A signed statement that the vendor will hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity earned on under the terms of the mobile food vendor

license. The mobile food vendor shall furnish and maintain such public commercial general liability insurance, including products liability, property damage, bodily injury and personal and advertising injury against claims for injuries to persons or damages to property which may arise from or in connection with the operations under the mobile food vendor license or in connection therewith. Such insurance shall be issued by an insurance company licensed to do business in Ohio and shall provide coverage of not less than \$1,000,000 per occurrence. The policy shall cover, or be endorsed to cover, the City of Moraine, its officials, employees, and volunteers as additional insureds. Such coverage shall be primary and non-contributing as respects the additional insureds. The policy shall further provide that it may not be cancelled except upon 30 days written notice served upon the City Manager of the City.

The mobile food vendor shall provide a certificate of insurance evidencing compliance with the specifications herein prior to commencing activities pursuant to this license. A mobile food vendor license issued pursuant to the provisions of this Section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City of Moraine.

(3) A mobile food vendor license shall be issued upon full completion of the application and determination by the City that all requirements of this Section are met. If a complete application for a mobile food vendor license is not approved, the City shall notify the applicant of the determination in writing including any reason(s) for the decision. No license shall be issued to an applicant who has a conviction within the last ten years for a crime of violence, a crime involving moral turpitude, a crime involving drug convictions, or a crime involving sex offenses.

(4) The mobile food vendor license is valid for one mobile food vendor unit only, which shall be that unit identified in the license application. The mobile food vendor license is valid only for the property or properties identified in the license application. The license must be prominently displayed on the mobile food vendor unit along with any other required licenses, and shall be available for inspection upon request.

(5) The mobile food vendor license is non-transferable and may be used only by the individual, partners, or entities to whom the license was granted.

(6) A mobile food vendor unit shall comply with all applicable federal, state, and local fire safety requirements, as determined by an inspection by the Moraine Fire Department prior to issuance of a license, and at any other time deemed necessary to address life safety concerns.

(C) Types of Mobile Food Vendor Licenses.

(1) 1 Year Mobile Food Vendor License: Non-transferable and valid for a period of one year from date of issuance. Required payment of \$150.00 with submission of the application per Section 1185.23 (B)(2) herein.

(2) 6 Month Mobile Food Vendor License: Non-transferable and valid for a period of six months from date of issuance. Required payment of \$75.00 with submission of the application per Section 1185.23 (B)(2) herein.

(3) Temporary Mobile Food Vendor License: Non-transferable and valid for a period of 3 days per calendar year. No payment is required for this license with submission of the application per Section 1185.23 (B)(2) herein.

(D) Exceptions.

(1) Mobile food vendors operating as part of a special event which is open to the general public, lasts not more than three consecutive days, and has received a temporary use permit shall not require a separate 1 year or 6 month mobile food vendor license. However, such mobile food vendors shall be subject to the provisions of this Section as determined by the City to be applicable, and may operate only during the hours of the special event. In no case shall multiple temporary use permits for such events on the same property total more than 30 days within a 90 day period.

(2) The requirements of this Section do not apply to:

(a) A mobile food vendor unit operating on the same premises as a restaurant under the same ownership. Such units shall comply with all other requirements of the City of Moraine Codified Ordinances.

(b) One or more mobile food vendor units operating on a particular property at the request of and with the written permission of the property owner or the business located on the property, which limits the sale of its food to serve only on-site employees of such business and is not open for sales to the general public. Provided, however, such mobile food vendor unit shall be subject to an inspection by the City of Moraine Fire Department and does not operate for more than three hours each day.

(E) License Fee. Upon issuance of the mobile food vendor license and as may be renewed thereafter, a non-refundable mobile food vendor license fee shall be due and payable as set forth herein.

(F) Location.

(1) A mobile food vendor unit may be permitted to operate on any property on which a non-residential principal use is located, subject to the requirements of this Section. A mobile food vendor is considered to be a temporary use, and shall not be permitted as a principal use on a property.

(2) Only with prior written authorization of the City Planner or authorized designee, a mobile food vendor may be permitted to operate within the public right-of-way in all non-residential or mixed-use zoning districts, subject to the requirements of this Section and provided:

(a) The mobile food vendor unit is parked in a legally-designated on-street parking space, except that no mobile food vendor unit shall park in angled parking spaces in the right-of-way.

(b) The mobile food vendor unit is parked in the same direction as traffic with no more than 12 inches between the curb face or edge of pavement and the unit, and with the service window of the unit facing the curb. All items shall be sold, offered for sale, or dispensed only from the curb side of a mobile food vendor unit.

(c) A mobile food vendor unit located in the public right-of-way shall not remain stationary in one location for longer than two hours. After remaining stationary in one location for up to two hours, the mobile food vendor unit shall be moved to a location at least 100 yards from the previous location.

(d) Hazard lights are operated continuously at all times when a mobile food vendor unit is parked or stopped so as to be clearly visible to drivers of other vehicles approaching such vehicle from the front or rear.

(e) The mobile food vendor unit is not operating for sales purposes in a public alley, unless specifically authorized by the City.

(f) The mobile food vendor unit is not left unattended in the public right-of-way. The City shall consider any unattended mobile food vendor unit located in the public right-of-way as an illegally-parked vehicle and may remove said unit pursuant to Chapter 351 of the City of Moraine Codified Ordinances and/or applicable Ohio Revised Code provisions.

(3) Notwithstanding divisions (F)(1) and (F)(2) of this Section, no mobile food vendor unit shall be located:

(a) Within 100 feet of property containing a restaurant located in an enclosed building, unless operated by the restaurant owner or written permission by the restaurant or property owner is provided. However, this restriction does not prevent approval of any new restaurant located in an enclosed building within 100 feet of any pre-existing approved mobile food vendor location. In that event, the mobile food vendor may continue to operate at the pre-approved location until the expiration of the license term. Upon renewal of the license, the mobile food vendor must then relocate to meet the requirements of this Section.

(b) On property used exclusively for single-family residential purposes, irrespective of its zoning classification.

(c) On any unpaved surface.

(d) Closer than five feet to any property line, unless written permission is provided by the abutting property owner.

(e) Proximate to any land owned by a public or private school, unless written permission has been granted by the school.

(f) Proximate to any property containing a festival, special or civic event that is permitted or sanctioned by the City, unless the mobile food vendor is an authorized participant in such event.

(g) Within parking spaces which are required to meet the minimum parking requirements for the property.

(G) Operating Requirements. Mobile food vendors shall meet the following requirements:

(1) A mobile food vendor may operate for sales purposes between the hours of 6:00 a.m. and 11:00 p.m.

(2) A mobile food vendor unit shall not obstruct a public way, impair the movement of pedestrians or vehicles, impair the clear view of traffic from any direction, or pose a hazard to public safety.

(3) A mobile food vendor unit shall not be in such a deteriorated physical condition as to adversely affect the character, appearance, image, or economic value of surrounding property.

(4) No mobile food vendor shall, for the purposes of attracting attention to its operation, shout or use any outside sound amplifying equipment, music, or noisemakers such as bells, horns, or whistles. Sound emanating from a mobile food vendor unit shall be in compliance with the requirements of Section 509.10 Disturbing the Peace, of the City of Moraine Code of Ordinances.

(5) A mobile food vendor unit shall not remain attached to any vehicle used to haul the unit. Such hauling vehicle shall be detached from the unit and parked in a lawful parking space separate from the unit.

(6) The mobile food vendor shall provide at least one trash receptacle and shall properly remove all waste and trash generated by the operation at least once per day and as needed to maintain cleanliness.

(7) Mobile food vendor signage is permitted as professionally applied within the outlines of the unit. One sandwich board not exceeding six square feet per sign face and three feet in height is permitted per public street frontage, but may not be placed in the public right-of-way, on a public sidewalk, or in a designated parking space.

(8) Conduct of the mobile food vendor business shall not create a public nuisance or constitute a danger to the public health, safety, or welfare.

(9) Inspections by the City of Moraine Fire Department, Police Department, and Community Development Department may occur at any given time to ensure compliance with this Section 1185.23.

(H) Enforcement.

(1) The City may deny, revoke, suspend, or not renew a mobile food vendor license issued under the provisions of this Section for any of the following reasons:

(a) The licensee is determined by the City to be guilty of any fraud or misrepresentation in connection with the submitted mobile food vendor license application;

(b) The licensee is determined by the City to be guilty of any fraud, misrepresentation, or unlawful act in connection with the business activities for which a mobile food vendor license was issued;

(c) The licensed mobile food vendor business is conducted in such a manner as to create a public nuisance or to constitute a danger to the public health, safety, or welfare;

(d) Conviction of the licensee within the last ten years for a crime of violence, a crime involving moral turpitude, a crime involving drug convictions, or a crime involving sex offenses;

(e) The licensee is found by the City to be a person who constitutes a clear and present danger to the residents of the City;

(f) The licensee violates any provision of this Section;

(g) The licensee is delinquent in financial obligations to the City;

(h) The licensee fails to maintain valid permits or licenses from the County of Montgomery, the State of Ohio, and any enforcement divisions thereof;

(i) For any good cause shown.

(2) When good cause has been demonstrated to deny, revoke, suspend, or not renew a mobile food vendor license, the City shall issue an order which shall become effective immediately upon service of a written notice to the licensee. Such notice shall specify the reason for denial, revocation, suspension, or non-renewal and may provide for conditions upon which the license may be approved or reinstated, upon compliance with said conditions. Should no conditions be given for the possible approval or reinstatement of the license, the order shall constitute a denial or revocation of the license.

(3) The City may allow a mobile food vendor to reapply for a mobile food vendor license after 12 months from the date of denial, revocation, suspension, or non-renewal. The mobile food vendor shall correct all circumstances that led to the violations, and shall pay an additional fee in the amount of \$500 to offset the City's costs of compliance measures, necessary inspections, and to ensure the circumstances that led to the revocation have been corrected.

(I) Penalty. Whoever violates any provision of this Section is guilty of an unclassified misdemeanor and shall be fined not more than \$1,000 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(J) Appeal. Any person aggrieved by any administrative decision pursuant to this Section may submit an appeal of said decision to the Board of Zoning Appeals in accordance with the provisions of Section 1125.04 of the City of Moraine Code of Ordinances.

(Ord. _____. Passed _____.)

1185.23 MOBILE FOOD VENDORS

(A) Definitions. For purposes of this Section, a ***Mobile Food Vendor*** shall be defined as any person who sells, offers for sale, or distributes free of charge, food or beverages to the public from any unit (vehicle, trailer, cart, wagon, or similar use) which is designed to be readily moveable and which changes location from time to time. A ***Mobile Food Vendor*** unit shall not include tents or similar portable structures. The food may be cooked, wrapped, packaged, processed and/or portioned for service, sale, or distribution in the mobile food vendor unit. The sale of products other than food or beverages is prohibited.

For purposes of this Section, ***Calendar Year*** shall be defined as beginning on January 1st and ending on December 31st.

(B) Mobile Food Vendor License Required.

(1) Except as provided in division (D) of this Section, no person shall engage in the business of operating a mobile food vendor unit within the City without a current and valid mobile food vendor license issued pursuant to this Section.

(2) Any person desiring to operate a mobile food vendor unit within the City shall make a written application with the City Planner or authorized designee for a mobile food vendor license. The application for such license shall include the following:

- (a) A fully completed mobile food vendor license application on form(s) provided by the City.
- (b) Written permission of the property owner(s) consenting to the mobile food vendor operation on any and all properties on which the unit will operate, if applicable.
- (c) A site plan showing any and all properties on which the unit will operate for sales purposes, with the proposed location and dimensions of the mobile food vendor unit relative to buildings, parking and loading areas, streets and driveway approaches, refuse containers, and any other site information the City may require.
- (d) Color photographs of all sides of the mobile food vendor unit and any signage to be used in operation of the business. Temporary signage may be permitted per Section 1189.15 of the City of Moraine Codified Ordinances with authorization of the property owner.
- (e) A signed indemnification statement and copy of liability insurance for the business in an amount not less than \$1,000,000, naming the City of Moraine as an additional insured, as further described below.
- (f) A valid copy of all licenses or permits required by the County of Montgomery, the State of Ohio, and any subsidiary enforcement divisions thereof, including but not limited to the Public Health - Dayton & Montgomery County and the Bureau of Motor Vehicles.
- (g) Proof of registration with the City's income tax division if operating within the City for more than 20 days in a calendar year.
- (h) Any additional information which shows the proposed operation will satisfy the requirements of this Section and all applicable laws.
- (i) A signed statement that the vendor will hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity earned on under the terms of the mobile food vendor

license. The mobile food vendor shall furnish and maintain such public commercial general liability insurance, including products liability, property damage, bodily injury and personal and advertising injury against claims for injuries to persons or damages to property which may arise from or in connection with the operations under the mobile food vendor license or in connection therewith. Such insurance shall be issued by an insurance company licensed to do business in Ohio and shall provide coverage of not less than \$1,000,000 per occurrence. The policy shall cover, or be endorsed to cover, the City of Moraine, its officials, employees, and volunteers as additional insureds. Such coverage shall be primary and non-contributing as respects the additional insureds. The policy shall further provide that it may not be cancelled except upon 30 days written notice served upon the City Manager of the City.

The mobile food vendor shall provide a certificate of insurance evidencing compliance with the specifications herein prior to commencing activities pursuant to this license. A mobile food vendor license issued pursuant to the provisions of this Section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City of Moraine.

(3) A mobile food vendor license shall be issued upon full completion of the application and determination by the City that all requirements of this Section are met. If a complete application for a mobile food vendor license is not approved, the City shall notify the applicant of the determination in writing including any reason(s) for the decision. No license shall be issued to an applicant who has a conviction within the last ten years for a crime of violence, a crime involving moral turpitude, a crime involving drug convictions, or a crime involving sex offenses.

(4) The mobile food vendor license is valid for one mobile food vendor unit only, which shall be that unit identified in the license application. The mobile food vendor license is valid only for the property or properties identified in the license application. The license must be prominently displayed on the mobile food vendor unit along with any other required licenses, and shall be available for inspection upon request.

(5) The mobile food vendor license is non-transferable and may be used only by the individual, partners, or entities to whom the license was granted.

(6) A mobile food vendor unit shall comply with all applicable federal, state, and local fire safety requirements, as determined by an inspection by the Moraine Fire Department prior to issuance of a license, and at any other time deemed necessary to address life safety concerns.

(C) Types of Mobile Food Vendor Licenses.

(1) 1 Year Mobile Food Vendor License: Non-transferable and valid for a period of one year from date of issuance. Required payment of \$150.00 with submission of the application per Section 1185.23 (B)(2) herein.

(2) 6 Month Mobile Food Vendor License: Non-transferable and valid for a period of six months from date of issuance. Required payment of \$75.00 with submission of the application per Section 1185.23 (B)(2) herein.

(3) Temporary Mobile Food Vendor License: Non-transferable and valid for a period of 3 days per calendar year. No payment is required for this license with submission of the application per Section 1185.32 (B)(2) herein.

Correction made at September 25, 2025 Council Meeting to read "Section 1185.23"

(D) Exceptions.

(1) Mobile food vendors operating as part of a special event which is open to the general public, lasts not more than three consecutive days, and has received a temporary use permit shall not require a separate 1 year or 6 month mobile food vendor license. However, such mobile food vendors shall be subject to the provisions of this Section as determined by the City to be applicable, and may operate only during the hours of the special event. In no case shall multiple temporary use permits for such events on the same property total more than 30 days within a 90 day period.

(2) The requirements of this Section do not apply to:

(a) A mobile food vendor unit operating on the same premises as a restaurant under the same ownership. Such units shall comply with all other requirements of the City of Moraine Codified Ordinances.

(b) One or more mobile food vendor units operating on a particular property at the request of and with the written permission of the property owner or the business located on the property, which limits the sale of its food to serve only on-site employees of such business and is not open for sales to the general public. Provided, however, such mobile food vendor unit shall be subject to an inspection by the City of Moraine Fire Department and does not operate for more than three hours each day.

(E) License Fee. Upon issuance of the mobile food vendor license and as may be renewed thereafter, a non-refundable mobile food vendor license fee shall be due and payable as set forth herein.

(F) Location.

(1) A mobile food vendor unit may be permitted to operate on any property on which a non-residential principal use is located, subject to the requirements of this Section. A mobile food vendor is considered to be a temporary use, and shall not be permitted as a principal use on a property.

(2) Only with prior written authorization of the City Planner or authorized designee, a mobile food vendor may be permitted to operate within the public right-of-way in all non-residential or mixed-use zoning districts, subject to the requirements of this Section and provided:

(a) The mobile food vendor unit is parked in a legally-designated on-street parking space, except that no mobile food vendor unit shall park in angled parking spaces in the right-of-way.

(b) The mobile food vendor unit is parked in the same direction as traffic with no more than 12 inches between the curb face or edge of pavement and the unit, and with the service window of the unit facing the curb. All items shall be sold, offered for sale, or dispensed only from the curb side of a mobile food vendor unit.

(c) A mobile food vendor unit located in the public right-of-way shall not remain stationary in one location for longer than two hours. After remaining stationary in one location for up to two hours, the mobile food vendor unit shall be moved to a location at least 100 yards from the previous location.

(d) Hazard lights are operated continuously at all times when a mobile food vendor unit is parked or stopped so as to be clearly visible to drivers of other vehicles approaching such vehicle from the front or rear.

(e) The mobile food vendor unit is not operating for sales purposes in a public alley, unless specifically authorized by the City.

(f) The mobile food vendor unit is not left unattended in the public right-of-way. The City shall consider any unattended mobile food vendor unit located in the public right-of-way as an illegally-parked vehicle and may remove said unit pursuant to Chapter 351 of the City of Moraine Codified Ordinances and/or applicable Ohio Revised Code provisions.

(3) Notwithstanding divisions (F)(1) and (F)(2) of this Section, no mobile food vendor unit shall be located:

(a) Within 100 feet of property containing a restaurant located in an enclosed building, unless operated by the restaurant owner or written permission by the restaurant or property owner is provided. However, this restriction does not prevent approval of any new restaurant located in an enclosed building within 100 feet of any pre-existing approved mobile food vendor location. In that event, the mobile food vendor may continue to operate at the pre-approved location until the expiration of the license term. Upon renewal of the license, the mobile food vendor must then relocate to meet the requirements of this Section.

(b) On property used exclusively for single-family residential purposes, irrespective of its zoning classification.

(c) On any unpaved surface.

(d) Closer than five feet to any property line, unless written permission is provided by the abutting property owner.

(e) Proximate to any land owned by a public or private school, unless written permission has been granted by the school.

(f) Proximate to any property containing a festival, special or civic event that is permitted or sanctioned by the City, unless the mobile food vendor is an authorized participant in such event.

(g) Within parking spaces which are required to meet the minimum parking requirements for the property.

(G) Operating Requirements. Mobile food vendors shall meet the following requirements:

(1) A mobile food vendor may operate for sales purposes between the hours of 6:00 a.m. and 11:00 p.m. **The Strikethrough was approved by Planning Commission on 08/19/2025**

~~—(2) A mobile food vendor unit located outside of the public right of way shall not remain stationary in one location for longer than six hours. After remaining stationary in one location for up to six hours, the mobile food vendor unit shall be moved to a location at least 100 yards from the previous location.~~

~~—(3) A mobile food vendor unit shall not be left unattended within public view at any time.~~

(4) A mobile food vendor unit shall not obstruct a public way, impair the movement of pedestrians or vehicles, impair the clear view of traffic from any direction, or pose a hazard to public safety.

(5) A mobile food vendor unit shall not be in such a deteriorated physical condition as to adversely affect the character, appearance, image, or economic value of surrounding property.

(6) No mobile food vendor shall, for the purposes of attracting attention to its operation, shout or use any outside sound amplifying equipment, music, or noisemakers such as bells, horns, or whistles. Sound

emanating from a mobile food vendor unit shall be in compliance with the requirements of Section 509.10 Disturbing the Peace, of the City of Moraine Code of Ordinances.

(7) A mobile food vendor unit shall not remain attached to any vehicle used to haul the unit. Such hauling vehicle shall be detached from the unit and parked in a lawful parking space separate from the unit.

(8) The mobile food vendor shall provide at least one trash receptacle and shall properly remove all waste and trash generated by the operation at least once per day and as needed to maintain cleanliness.

(9) Mobile food vendor signage is permitted as professionally applied within the outlines of the unit. One sandwich board not exceeding six square feet per sign face and three feet in height is permitted per public street frontage, but may not be placed in the public right-of-way, on a public sidewalk, or in a designated parking space.

(10) Conduct of the mobile food vendor business shall not create a public nuisance or constitute a danger to the public health, safety, or welfare.

(11) Inspections by the City of Moraine Fire Department, Police Department, and Community Development Department may occur at any given time to ensure compliance with this Section 1185.23.

(H) Enforcement.

(1) The City may deny, revoke, suspend, or not renew a mobile food vendor license issued under the provisions of this Section for any of the following reasons:

(a) The licensee is determined by the City to be guilty of any fraud or misrepresentation in connection with the submitted mobile food vendor license application;

(b) The licensee is determined by the City to be guilty of any fraud, misrepresentation, or unlawful act in connection with the business activities for which a mobile food vendor license was issued;

(c) The licensed mobile food vendor business is conducted in such a manner as to create a public nuisance or to constitute a danger to the public health, safety, or welfare;

(d) Conviction of the licensee within the last ten years for a crime of violence, a crime involving moral turpitude, a crime involving drug convictions, or a crime involving sex offenses;

(e) The licensee is found by the City to be a person who constitutes a clear and present danger to the residents of the City;

(f) The licensee violates any provision of this Section;

(g) The licensee is delinquent in financial obligations to the City;

(h) The licensee fails to maintain valid permits or licenses from the County of Montgomery, the State of Ohio, and any enforcement divisions thereof;

(i) For any good cause shown.

(2) When good cause has been demonstrated to deny, revoke, suspend, or not renew a mobile food vendor license, the City shall issue an order which shall become effective immediately upon service of a written notice to the licensee. Such notice shall specify the reason for denial, revocation, suspension, or non-renewal and may provide for conditions upon which the license may be approved or

reinstated, upon compliance with said conditions. Should no conditions be given for the possible approval or reinstatement of the license, the order shall constitute a denial or revocation of the license.

(3) The City may allow a mobile food vendor to reapply for a mobile food vendor license after 12 months from the date of denial, revocation, suspension, or non-renewal. The mobile food vendor shall correct all circumstances that led to the violations, and shall pay an additional fee in the amount of \$500 to offset the City's costs of compliance measures, necessary inspections, and to ensure the circumstances that led to the revocation have been corrected.

(I) Penalty. Whoever violates any provision of this Section is guilty of an unclassified misdemeanor and shall be fined not more than \$1,000 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(J) Appeal. Any person aggrieved by any administrative decision pursuant to this Section may submit an appeal of said decision to the Board of Zoning Appeals in accordance with the provisions of Section 1125.04 of the City of Moraine Code of Ordinances.

An Ordinance to amend Moraine Codified Ordinance Section 1412.02 entitled “Parking”.

Department: Community Development

Request: Ordinance

Item Background and Purpose:

This text amendment is for the introduction of gravel pad usage, with provisions of engineer review and a Zoning Permit, as well as the removal of gravel driveways, except for agricultural uses.

Financial Impact:

Is Item Budgeted?: No

Funding Source: (i.e. Capital, Operating, etc...)

Attachments:

1. 2205-25 - Exhibit A
2. TA-07-2025 Legal Notice CITY COUNCIL
3. Council - MCO 1412.02 3-26-25

RECORD OF ORDINANCES

Ordinance No. 2205-25

AN ORDINANCE TO AMEND MORaine CODIFIED ORDINANCE SECTION 1412.02 ENTITLED “PARKING”.

WHEREAS, the Planning Director and City Council discussed proposed amendment(s) to Moraine Codified Ordinance Section 1412.02 (“Parking”) at the September 25, 2025, Committee of the Whole Meeting; and

WHEREAS, upon recommendation of City staff, the amendment(s) to Section 1412.02 of the Moraine Codified Ordinances appended hereto as Exhibit A and incorporated herein by reference is hereby approved for enactment, Council having determined said amendment(s) to be for the betterment of the health, safety, and welfare of the City and its inhabitants, and will, *inter alia*, serve to add provisions thereto regarding gravel pads.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

That Moraine Codified Ordinance Section 1412.02 is hereby amended as delineated on the attached Exhibit A by adding the language in boldtype and deleting the language in strikethrough.
- SECTION 2:

That the remaining provisions of MCO Section 1412.02 not amended hereby shall remain unchanged and in full force and effect.
- SECTION 3:

That this Ordinance shall become effective 30 days after its second reading and adoption by Council.
- SECTION 4:

That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and Chief of Police.

1412.02 PARKING.

(a) All vehicles shall park in a designated parking area. All parking areas shall be graded and provided with a suitable parking surface of asphalt, gravel, or concrete.

(b) Gravel pads are permitted in the rear yard of residential zoning districts and/or one (1) side yard for the placement of one (1) recreational vehicle, or one (1) utility trailer, or one (1) vehicle only on the gravel pad. If located in the rear yard, the gravel pad must be a minimum of three (3) feet from lot lines.

Gravel cannot be used for a driveway or driveway extension for the front, side, or rear yard. A weed barrier must be installed prior to the installment of gravel. Edging for containment of a gravel pad is required with use of wood, block, or cement. A Zoning Permit and Site Plan Review of the gravel pad with the City Engineer is required. The gravel pad must be kept free of vegetation, tall grass, and weeds per Section 1412.10 of this Code.

(c) No parking shall be allowed in a grass or landscaped area front, side, or rear yards. This section shall not apply to permitted agricultural uses.

(Ord. _____. Passed _____.)

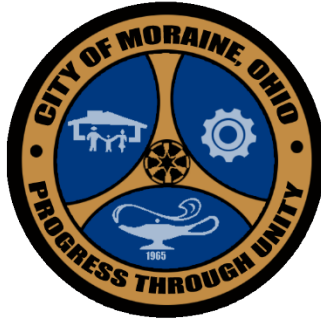
1412.02 PARKING.

(a) All vehicles shall park in a designated parking area. All parking areas shall be graded and provided with a suitable parking surface of asphalt, gravel, or concrete.

(b) Gravel pads are permitted in the rear yard of residential zoning districts and/or one (1) side yard for the placement of one (1) recreational vehicle, or one (1) utility trailer, or one (1) vehicle only on the gravel pad. If located in the rear yard, the gravel pad must be a minimum of three (3) feet from lot lines.

Gravel cannot be used for a driveway or driveway extension for the front, side, or rear yard. A weed barrier must be installed prior to the installment of gravel. Edging for containment of a gravel pad is required with use of wood, block, or cement. A Zoning Permit and Site Plan Review of the gravel pad with the City Engineer is required. The gravel pad must be kept free of vegetation, tall grass, and weeds per Section 1412.10 of this Code.

(c) No parking shall be allowed in a grass or landscaped area front, side, or rear yards. This section shall not apply to permitted agricultural uses. (Ord. 1459-02. Passed 5-9-02.)



CITY COUNCIL LEGAL NOTICE
TA-07-2025

The City of Moraine City Council will be holding a Public Hearing on Thursday, September 25, 2025, at the Payne Recreation Center, 3800 Main Street, Moraine, OH 45439.

The agenda for this Public Hearing is to amend the Moraine Codified Ordinances section 1412.02 titled "Parking". This text amendment is for the introduction of allowing a gravel pad in the side and/or rear yard only for the purpose of parking only one (1) vehicle, one (1) recreational vehicle, and one (1) utility trailer, along with the provisions for a Zoning Permit to be issued. This section also prohibits new gravel driveway installation. This text amendment and section does not apply to permitted agricultural uses.

Any person interested in or affected by this may appear and be heard at said public hearing and meeting. The meeting convenes at 6 pm.

Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling Nick Sorice, City Planner, at 937-535-1037.

1412.02 PARKING.

(a) All vehicles shall park in a designated parking area. All parking areas shall be graded and provided with a suitable parking surface of asphalt, gravel, or concrete.

(b) Gravel pads are permitted in the rear yard of residential zoning districts and/or one (1) side yard for the placement of one (1) recreational vehicle, or one (1) utility trailer, or one (1) vehicle only on the gravel pad. If located in the rear yard, the gravel pad must be a minimum of three (3) feet from lot lines.

Gravel cannot be used for a driveway or driveway extension for the front, side, or rear yard. A weed barrier must be installed prior to the installment of gravel. Edging for containment of a gravel pad is required with use of wood, block, or cement. A Zoning Permit and Site Plan Review of the gravel pad with the City Engineer is required. The gravel pad must be kept free of vegetation, tall grass, and weeds per Section 1412.10 of this Code.

(c) No parking shall be allowed in a grass or landscaped area front, side, or rear yards. This section shall not apply to permitted agricultural uses. (Ord. 1459-02. Passed 5-9-02.)

An Ordinance to amend Moraine Codified Ordinance Section 505.08 entitled “Cruelty To Animals Generally”.

Department: Community Development

Request: Ordinance

Item Background and Purpose:

This text amendment is for the protection of all animals, especially within businesses that house animals.

Financial Impact:

Is Item Budgeted?: No

Funding Source: (i.e. Capital, Operating, etc...)

Attachments:

1. 2206-25 - Exhibit A
2. TA-08-2025 Legal Notice CITY COUNCIL
3. Council - Animal Amendment

RECORD OF ORDINANCES

Ordinance No. 2206-25

AN ORDINANCE TO AMEND MORaine CODIFIED ORDINANCE SECTION 505.08 ENTITLED “CRUELTY TO ANIMALS GENERALLY”.

WHEREAS, the Planning Director and City Council discussed proposed amendment(s) to Moraine Codified Ordinance Section 505.08 (“Cruelty to Animals Generally”) at the September 25, 2025 Committee of the Whole Meeting; and

WHEREAS, upon recommendation of City staff, the amendment(s) to Section 505.08 of the Moraine Codified Ordinances appended hereto as Exhibit A and incorporated herein by reference is hereby approved for enactment, Council having determined said amendment(s) to be for the betterment of the health, safety, and welfare of the City and its inhabitants, and will, *inter alia*, serve to better ensure proper care and treatment of animals, including amphibians, birds, fish, mammals, and reptiles.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

That Moraine Codified Ordinance Section 505.08 is hereby amended as delineated on the attached Exhibit A by adding the language in boldtype and deleting the language in ~~strikethrough~~.
- SECTION 2:

That the remaining provisions of MCO Section 505.08 not amended hereby shall remain unchanged and in full force and effect.
- SECTION 3:

That this Ordinance shall become effective 30 days after its second reading and adoption by Council.
- SECTION 4:

That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and Chief of Police.

505.08 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water; Pet stores are to comply to proper care and nutrients to animals. This includes amphibians, birds, fish, mammals, and reptiles. Any notice of improper care of an animal at a Pet Store or any Business that houses animals can compel an investigation by the City of Moraine.

(Ord. _____. Passed _____.)

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(ORC 959.99(D); Ord. 1090-94. Passed 10-27-94.)

505.08 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water; **Pet stores are to comply to proper care and nutrients to animals. This includes amphibians, birds, fish, mammals, and reptiles. Any notice of improper care of an animal at a Pet Store or any Business that houses animals can compel an investigation by the City of Moraine.**

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

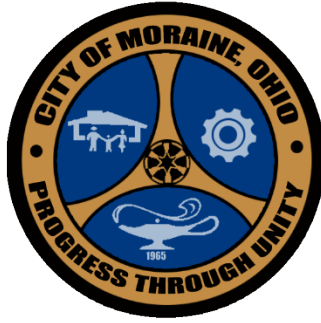
(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(ORC 959.99(D); Ord. 1090-94. Passed 10-27-94.)



CITY COUNCIL LEGAL NOTICE

TA-08-2025

The City of Moraine City Council will be holding a Public Hearing on Thursday, September 25, 2025, at the Payne Recreation Center, 3800 Main Street, Moraine, OH 45439.

The agenda for this Public Hearing is to amend the Moraine Codified Ordinances section 505.08 titled "Cruelty to Animals Generally". This text amendment is for the safety of all animals. The text addition to this section sets a standard for pet stores to comply with proper care and nutrients for animals. This includes amphibians, birds, fish, mammals, and reptiles. Improper care at a pet store or any business that houses animals can compel an investigation by the City of Moraine.

Any person interested in or affected by this may appear and be heard at said public hearing and meeting. The meeting convenes at 6 pm.

Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling Nick Sorice, City Planner, at 937-535-1037.

505.08 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water; **Pet stores are to comply to proper care and nutrients to animals. This includes amphibians, birds, fish, mammals, and reptiles. Any notice of improper care of an animal at a Pet Store or any Business that houses animals can compel an investigation by the City of Moraine.**

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(ORC 959.99(D); Ord. 1090-94. Passed 10-27-94.)

A Resolution of Authorization authorizing the City Manager to submit application and all documentation necessary to become eligible for possible funding assistance via the Land and Water Conservation Fund Program.

Department: Community Development

Request: Action Item

Item Background and Purpose:

A resolution by the governing body of the municipality is required to apply for this grant to assist with supporting the proposed 2026 Ora Everetts Splash Pad construction costs

Financial Impact:

Is Item Budgeted?: No

Funding Source: (i.e. Capital, Operating, etc...)

Attachments:

1. 2025-LWCF-Application

RECORD OF RESOLUTIONS

Resolution No. 8176-25

A RESOLUTION OF AUTHORIZATION AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATION AND ALL DOCUMENTATION NECESSARY TO BECOME ELIGIBLE FOR POSSIBLE FUNDING ASSISTANCE VIA THE LAND AND WATER CONSERVATION FUND PROGRAM.

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the federal Land and Water Conservation Fund program; and

WHEREAS, the City of Moraine, Ohio desires financial assistance under the Land and Water Conservation Fund.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORAINE, STATE OF OHIO:

SECTION 1: That the City of Moraine, Ohio approves filing this application for financial assistance.

SECTION 2: That the City Manager of the City of Moraine, Ohio is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

SECTION 3: That the City of Moraine, Ohio does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Land and Water Conservation Fund.

SECTION 4: That the Clerk is hereby directed to forward a certified copy of this Resolution to the City Manager, Parks and Recreation Director, and Finance Director.

SECTION 5: That this Resolution shall take effect from and after the date of its passage.



LAND & WATER CONSERVATION FUND

Grant Application for Ohio

Applications for 2026 LWCF funding must be postmarked by Friday, November 14th, 2025
There are no exceptions.

The federal Land & Water Conservation Fund Act provides up to **50 percent of project cost** assistance to governmental agencies such as states, municipalities, counties, townships, joint recreation districts, park districts and conservancy districts for acquisition or development of public outdoor recreation areas. All eligible grant payments are made on a **reimbursement basis; project sponsors must have adequate funds to finance the grant project prior to receiving reimbursement.**

- ❖ The Land & Water Conservation Fund (LWCF) application postmark deadline is **November 14th, 2025**.
- ❖ **Maximum** grant request: **\$500,000** (50% of a \$1,000,000 project)
Minimum grant request: **\$50,000** (50% of a \$100,000 project)
- ❖ The proposed project scope must be either development **or** acquisition, not both.
- ❖ Information submitted in support of answers to questions must be cited and clearly identified within the supplemental document. **Websites or videos will not be accessed for evaluation of the application.**
- ❖ Only one park site per application please.
- ❖ LWCF recommendation announcements are planned for early spring 2026. Various factors can cause delays. Please check the [Ohio DNR Land and Water Conservation Fund website for updates](#).
- ❖ Mail one paper copy of your application to ODNR by **November 14th, 2025** (a postmark deadline). We recommend applications be mailed with a return/tracking receipt. Do not submit applications in metal ring binders. Please keep a copy of your completed application for your records.

Send your application to: LWCF, Office of Real Estate
Ohio Department of Natural Resources
2045 Morse Rd., E-2
Columbus, Ohio 43229

- ❖ If you would like to receive this application in Microsoft WORD, send a blank email to dolores.burlison@dnr.ohio.gov, and enter 'LWCF WORD' in the email subject line.
- ❖ If you have questions about the application or would like to discuss your project proposal, please feel free to contact Dee Burlison, Program Manager @ 614-265-6834 or dolores.burlison@dnr.ohio.gov.

History of the Land & Water Conservation Fund

The federal Land and Water Conservation Fund Act (Public Law 88-578) was passed by Congress on September 3, 1964 and became effective January 1, 1965. Purposes of the act are "...to assist in preserving, developing and assuring accessibility to all citizens of the United States of America of present and future generations...such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable... by (1) providing funds for and authorizing federal assistance to the states in planning, acquisition, and development of needed land and water areas and facilities, and (2) providing funds for the federal acquisition and development of certain lands and other areas."

The Governor has designated the Ohio Department of Natural Resources as the state agency directly responsible for program administration and coordination with its federal counterpart, the U.S. Department of Interior. ODNR policies pertaining to the submission of local applications are subject to periodic review and change as prevailing conditions or situations may warrant.

Eligibility

Under the Land and Water Conservation Act, only political subdivisions such as municipalities (cities, villages), townships, counties, joint recreation districts, park districts and conservancy districts are eligible to apply. The project sponsor must be able to finance the project and maintain it as a public recreation facility **in perpetuity**. In the years following project completion, ODNR will conduct periodic compliance reviews.

Accessibility

When planning a development project, the project sponsor must review the latest accessibility guidelines under the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA). All grant assisted development must adhere to these guidelines. The guidelines can be accessed at: <https://www.access-board.gov>.

Matching Funds

A minimum 50% match is required for all projects. This match may come from local funds, state funding programs or certain federal grant programs (Recreational Trails Program (RTP) or Community Development Block Grants (CDBG)). Check RTP or CDBG guidance for required local match percent when matching federal funds with these federal funds.

Other Ways to Provide Match

In-kind project labor, or labor provided by employees of the awarded political subdivision may be credited toward project match. The value of such labor may be the employee's current pay rate, *if* the grant labor is part of the employee's usual job description. For example, the city's staff electrician does electrical work on the city's lighted ball field grant project. Documentation of this pay rate is required. However, if the labor provided is not part of the employee's usual job description, the hourly rate will be valued at \$27.00 per hour. **Overtime pay, administrative labor, and time spent administering the LWCF grant, are NOT allowed.**

Donated new materials, equipment time, labor and newly acquired land can all be used as match. Donations must be directly related to the application's project scope.

- ❖ All materials must be new (not used). Receipts or documented evidence of value must be provided. Items such as gravel, mulch, concrete, lumber, playground equipment, drinking fountains, etc. are eligible for donation credit. Materials from the project sponsor's pre-existing inventory and items like hand tools and consumable supplies are not eligible. **Values must be reasonable and current, and are always subject to ODNR approval.**
- ❖ Equipment owned, rented by or loaned to the project sponsor for use on the project may be valued on an hourly, daily, or mileage rate, as appropriate. This is figured in one of the following ways.
 - If equipment is on the Ohio Department of Transportation's (ODOT) equipment rates list the ODOT rate will be utilized. Equipment listed on the ODOT rates list is usually eligible.
 - If equipment is not on the ODOT standard rates list, a well-documented local fair market rental value may be used.
 - If equipment time is donated by an equipment rental business, documentation of standard rental rates on business letterhead is required.
 - For other equipment time, a written quote from a local equipment rental business will be required. If a rental rate quote cannot be obtained, the equipment will not be eligible for donation or in-kind credit.

Value and eligibility of equipment hours/miles are always subject to ODNR approval.

- ❖ Professionals, consultants and skilled or unskilled laborers may donate labor services for credit towards the 50% match requirement.
 - o Unskilled labor will be valued at up to \$27.00 per hour. Volunteers of any age may contribute to a project, however only donated labor from volunteers age 18 and over will be credited.
 - o Donated professional or highly skilled labor may be valued at the individual's current pay rate in the subject trade or profession. Documentation is required.
- ❖ The value of donated real estate property can be used towards the project sponsor's 50% match for both acquisition and development projects. The value of the donated property must be specified in the grant application, and should be based on a recent appraisal or a realtor's written opinion of value. The appraised value of the property is, by law, the maximum eligible grant credit amount. Project sponsors are not permitted to increase the donation value of the property after the application deadline. **The property cannot currently or previously be in outdoor recreation use or be previously intended for such use.**

If a project sponsor's application is selected for funding, prior to reimbursement, an independent, ODNR Certified General Appraiser must conduct a required UASFLA (aka Yellow Book) appraisal. A Yellow Book appraisal is a self-contained appraisal and the appraiser should have experience preparing Yellow Book appraisals. **The appraisal report must name the Ohio Department of Natural Resources as an Intended User, and "for substantiation of real estate value in support of an application for grant funding" must be an Intended Use of the appraisal report.**

If donation of property is under consideration and the project sponsor wishes to receive "matching funds credit" for the donated land, do not close or accept title to the land until you have received written approval from ODNR. This approval will *always* be in the form of an executed project contract or an approved Waiver of Retroactivity. Otherwise, the property's value may be ineligible.

Payment for an option on a property is a retroactive cost that may be reimbursed under the following conditions:

- The option payment is no more than 10 percent of the anticipated purchase price.
- The closing must occur after the awarded project grant agreement has been executed, or after a Waiver of Retroactivity has been granted.

IMPORTANT!

Do not sign any agreements or incur any costs related to the acquisition or development of any project until a grant agreement has been executed (signed by both parties) between the project sponsor and the Ohio Department of Natural Resources, or a Waiver of Retroactivity has been granted and received. Any contractual agreements or payments made prior to approval may result in that part of the project becoming ineligible for reimbursement.

What is a Waiver of Retroactivity?

If an LWCF project sponsor or potential project sponsor must purchase a property during a limited window of opportunity before grant application or grant execution, the project sponsor may make a written request to ODNR for a **Waiver of Retroactivity**. The project sponsor must provide a location map, a to-scale, dimensioned property map and a description of the circumstances necessitating a purchase prior to grant award announcement.

Written requests must be received by ODNR at least twenty business days prior to the date of Real Estate closing. Acquisition costs incurred prior to receiving ODNR written approval of a Waiver of Retroactivity are not eligible. **Approval of a Waiver of Retroactivity in no way assures grant selection or "preferred" status.**

Project Selection Process

All **complete** applications submitted and postmarked by the November 14th deadline are awarded ten points. Complete applications include the Environmental Screening form completed by a qualified individual, a completed Environmental Review through ODNR, completed two step coordination with US Fish and Wildlife Service and a completed Section 106 packet. Incomplete applications may be considered ineligible.

Applications postmarked after November 14th will not be accepted.

Site Visit

During the scoring process an ODNR staff person may conduct an *unscheduled* visit to the project site. If the site is not open to the public during weekday daylight hours, please provide an explanation with your application.

Recommendations and Approval:

Projects are evaluated by ODNR professional staff using the scoring process and subsequently undergo several levels of review and approval before they are submitted to the Director of Natural Resources for final review and approval.

Notification

Upon announcement of grant recommendations all project sponsors will receive letters of award recommendation or non-award. ODNR will also issue a press release. If a grant proposal is not selected, the project sponsor may re-submit the same application for the next local funding cycle by sending a letter or email requesting so by the next application deadline. Applications that have not been significantly revised may be carried forward one time only.

State Historic Preservation Office Review

ODNR will submit Section 106 forms (completed by the project sponsor with this application) to the Ohio Historic Preservation Office for review and required approval. Ineligible and low scoring projects will not be submitted.

Grant Contract Agreement

State approved grant proposals are submitted to the U.S. Department of the Interior, National Park Service for final approval. **Approval from the National Park Service may take several months.** Upon final approval, a contract between the state and the federal government (ODNR – NPS) is executed. A second contract between the state and the local project sponsor is then sent to the project sponsor for signature and return to ODNR. After the execution of this state and local agreement, the local government may proceed with the project. A copy of the executed agreement will be sent to the local project sponsor. **The anticipated date of federal approval in this grant cycle is October 1st, 2026.**

Important!

Never initiate grant project work for which you expect to receive reimbursement until the project state - local grant contract has been executed.

During the Project & Continuing Responsibilities

Acknowledgement Sign:

Upon project completion, a grant acknowledgement sign **must** be permanently displayed at the project site. LWCF sign expenses are eligible for 50% reimbursement. Signs may be made by the sponsor's vendor of choice. Signs are also available through ODNR (see page 37).

Audits:

Audits may be conducted to determine if the project sponsor has provided fiscal control and fund accounting for federal and state funds. Federal and state auditors may examine the project sponsor's cost accounting to check whether costs are verified and applicable to the grant. The retention requirement is three years beyond final payment on the grant project.

Bidding Requirements:

The project sponsor must comply with the procurement standards set forth in 2 C.F.R. §§200.317 through 327, except for the provisions of the Davis-Bacon Act. Different requirements may apply to projects under the Simple Acquisition Threshold (\$250,000). The project sponsor is also obliged to cooperate with ODNR in order to ensure that contractors comply with Equal Employment Opportunity requirements. This includes all bid advertisements. Development project contractors must comply with the Governor's Executive Order of January 27, 1972.

Project purchases made through the **U.S. Communities Government Purchasing Alliance (U.S. Communities)** or equivalent organizations are exempt from competitive bidding requirements, if not prohibited by local law. Please advise the ODNR grant administrator if you intend to purchase via U.S. Communities or an equivalent organization.

LWCF grant agreements awarded in 2026 will include **"Build America, Buy America"** requirements. As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver.

Compliance with Federal, State And Local Laws: Federal, state and local laws pertaining to non-discrimination in employment, area use, minimum wage, conflict of interest and similar matters must be met at all times.

See <http://www.com.ohio.gov/dico/default.aspx> for more information.

Prevailing Wage

Before advertising for bids, contracting or undertaking construction with its own forces to construct a public improvement, the Public Authority (grant recipient) shall have the Ohio Department of Commerce - Division of Industrial Compliance - Bureau of Wage and Hour Administration determine the prevailing rates of wages for workers employed on the public improvement. For more information on how this applies to your project, see <https://com.ohio.gov/divisions-and-programs/industrial-compliance/wage-and-hour>. Be sure to figure this into the project sponsor's costs.

Continuing Recreational Use and Section 6(f) COMPLIANCE:

Property acquired or developed with LWCF assistance must be retained and kept open for public outdoor recreation **in perpetuity**. The **entire** property or park acquired or developed (developed in whole or in part) for which LWCF assistance was accepted must be forever retained and used for public outdoor recreation.

Per Section 6(f) of the federal Land and Water Conservation Fund Act, the property may not be converted from public outdoor recreation use without the approval of the Secretary of the U.S. Department of the Interior. Periodic site inspections will be made to ensure compliance. Any conversion of use or transfer of property by the project sponsor will necessitate replacement of the affected LWCF assisted property. Compliance will be assured via periodic site inspections.

Example #1: Using LWCF assistance, Green City constructs a picnic shelter in a 50-acre city park. As required through the LWCF grant program, the entire 50-acre park is placed under Section 6(f) protection. Fifteen years

later the local school district wishes to acquire 10 acres of this 50-acre park to build a school. The 10 acres may be transferred to the school district, but the City must purchase replacement park property of equal or greater value. This is called a Section 6(f) conversion. Both properties must be appraised (to UASFLA standards) and undergo environmental and Section 106 historic reviews. The National Park Service must then approve the Section 6(f) conversion.

Example #2: Using LWCF assistance, Blue Village purchases 20 acres for a village park. Several years later a communications company offers the Village an attractive sum to allow construction of a communications tower on one corner of the park. This is called a Section 6(f) conversion. The Village may allow this, but must purchase park replacement property of equal or greater value to the footprint of the tower and tower access, plus the value of any additional park land that is adversely affected by the non-recreational use. Both properties must be appraised (to UASFLA standards) and undergo an environmental and Section 106 historic review. The National Park Service must then approve the Section 6(f) conversion.

For additional information on Section 6(f) of the federal Land and Water Conservation Fund Act, project sponsors are strongly encouraged to refer to: <https://www.nps.gov/subjects/lwcf/lwcf-manual.htm>

All new and/or replacement utility lines on land purchased or developed with Land and Water conservation Fund assistance must be placed underground.

Discrimination Prohibited:

Property acquired or developed with LWCF assistance must be open to the general public without discrimination. The project sponsor shall agree that no person shall, on the basis of race, ancestry, religion, color, age (40 and over), sex, disability, national origin or veteran status be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity for which the project sponsor receives financial assistance from the U.S. Department of the Interior. If a user fee is charged, the fee must be reasonable for all users.

LWCF Applications for Land Acquisition Projects

To be eligible for LWCF funding assistance, the primary future use(s) of any property proposed for acquisition must be public outdoor recreation or public outdoor recreation support facilities. All applications must include a detailed plan or description of the proposed future use(s) of the property. All future uses must be open to the public. The outdoor recreational development intended for the property must be developed within two years of acquisition. Acquisitions by appropriation are not eligible.

Examples of eligible land acquisition grant projects:

- Purchase of land that will be used for active outdoor recreation.
- Purchase of land to enlarge an existing park.
- Purchase of wetlands, natural areas, woodlands, etc. that will provide unique public outdoor recreation opportunities.
- Purchase of stream or lake frontage and/or lakes or ponds for public swimming, boating, fishing, etc.
- Purchase of urban land for public playgrounds, picnicking, non-professional sport facilities, skate parks, dog parks, open play areas, etc.
- Purchase of natural areas or preserves where passive outdoor recreation will be permitted.
- Purchase of linear corridors for trails or greenways.
- Purchase of land for a support facility (parking area, restroom, concession building, etc) for public outdoor recreation.

Associated acquisition costs such as real estate appraisals, land surveys, court costs, legal fees and most closing costs are **not** eligible for grant reimbursement.

Important!

All proposed land acquisition projects must include a notarized executed sales contract or notarized signed INTENT TO SELL letter from the current property owner of record.

Relocation of Displaced Persons: The federal Uniform Assistance and Real Property Acquisition Policies Act of 1970, and the Ohio Revised Code Sections 163.51 through 163.62 require that owners and tenants displaced from their homes, farms, or places of business be reimbursed for the costs of moving and relocation. Applicants who are submitting an application that requires relocation must contact the Grant Administrator at 614-265-6528.

LWCF Applications for Development Projects

Examples of eligible development projects:

*(These are examples; **this is not a complete list**. Please note items that are portable or temporary are not eligible)*

- ❖ Picnic and support facilities, including picnic shelter houses, access parking and restrooms.
- ❖ Low impact development and interpretive facilities in passive parks and nature preserves.
- ❖ Amphitheaters, band shells and visitor information centers.
- ❖ Camping facilities and support facilities, including access, parking and restrooms.
- ❖ Swimming and water sports facilities, including beaches, pools, spray parks, lifeguard towers, bathhouses, restrooms and other sanitary facilities.
- ❖ Boating facilities, including launch ramps, transient docks, courtesy docks, etc. Lake impoundments.
- ❖ Outdoor game courts, sports fields, playgrounds, golf courses, miniature golf, skate parks, outdoor climbing walls, shooting and archery ranges, etc.
- ❖ Winter sports facilities such as ski/sled/snowmobile trails and runs, outdoor skating rinks and warming huts.
- ❖ Recreational trails and support facilities, including trail bridges, trailheads and restrooms.
- ❖ Renovation or redevelopment of facilities to bring them up to standards of quality and attractiveness suitable for public use, if the facilities/areas have deteriorated so much that they are impaired, outmoded or must be upgraded to meet public health and safety laws. (If deterioration is the direct result of inadequate maintenance over the life of a facility, the renovation project is not eligible. Maintenance projects are not eligible.)
- ❖ Site architectural and/or engineering planning work directly related to project site construction. Planning costs may generally not exceed 15 percent of the total grant project cost and are **never eligible as a stand-alone project**. Such planning work that has occurred prior to grant application may be eligible for grant reimbursement if it is directly related to the project and costs were incurred no more than 18 months prior to the grant application deadline. These costs **must** be identified in the application and cannot be adjusted upwards after the application deadline.

Force Account Labor

Force account project labor, or labor provided by employees of the awarded project sponsor, is eligible as a reimbursable project cost. The value of such labor may be the employee's current pay rate, *if* the type of labor is part of his or her usual job description. For example, the city's electrician does electrical work on the city's lighted ball field grant project. Documentation of this pay rate is required. However, if the labor provided is not part of the individual's usual job description, the hourly rate will be valued at \$27.00 per hour. Fringe rates, overtime pay, administrative labor, including time spent administering the LWCF grant, is NOT allowed.

Park-Like Setting

All improvements and structures should be designed to harmonize with the natural environment. Emphasis should be given to public health and safety, and protection of the recreational value of the area.

Accessibility

The applicant must ensure that the development project complies with the latest accessibility guidelines under the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA). These guidelines can be accessed at <https://www.access-board.gov>.

EQUAL EMPLOYMENT OPPORTUNITY: All development project contractors must comply with the Governor's Executive Order of January 27, 1972. The project sponsor is obliged to cooperate with the Ohio Department of Natural Resources in order to ensure that contractors comply with Equal Employment Opportunity requirements. This includes all bid advertisements.

LWCF APPLICATION

FORM No. 1: BASIC PROJECT INFORMATION

DO NOT LEAVE ANY SECTION BLANK

APPLICANT AGENCY	
ADDRESS (Street, City, Zip Code)	
PHONE NUMBER OF APPLICANT AGENCY ()	
TAX IDENTIFICATION NUMBER	UNIQUE ENTITY IDENTIFIER (UEI)
COUNTY LOCATION OF PROJECT	
NAME and TITLE of LOCAL PROJECT COORDINATOR (must be member of applicant agency)	
PHONE NUMBER OF LOCAL PROJECT COORDINATOR ()	
E-MAIL ADDRESS OF LOCAL COORDINATOR	
GRANT PROJECT TITLE (50 characters maximum)	
GRANT PROJECT LOCATION (Name of Park and Address of Park)	
SPECIFIC STATEMENT OF PROPOSED GRANT PROJECT (50 characters maximum)	
TOTAL ACREAGE OF GRANT PROJECT AREA (example: grant project is a new 3-acre ball field complex in a 50 acre park. Total acreage of grant project area is 50 acres)	
ACREAGE TO BE ACQUIRED (if applicable)	
LWCF ASSISTANCE REQUESTED, IN DOLLARS (maximum: \$500,000, minimum: \$50,000)	
TOTAL PROJECT COSTS:	
SOURCE(S) OF MATCHING FUNDS, INCLUDING OTHER GRANTS & PLEDGED DONATIONS OF LAND AND/OR MATERIAL	
OHIO SENATE DISTRICT:	OHIO HOUSE DISTRICT:
US CONGRESSIONAL DISTRICT:	
GPS COORDINATES AT PROJECT PARK ENTRANCE: (example: N40°3.228, W082°34.855)	

CERTIFICATION: As the official designated to represent the local government agency and act for the local government agency for purposes of the Land and Water Conservation Fund program, I recommend that assistance be made available from the Fund, when monies are available, in accordance with the recommended priority. The local government agency that will be responsible for the proposed project has the ability and intention to finance its share of the costs of this project. The applicant will not discriminate against any person on the basis of race, color, or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, PL 88-352 (1964), the Ohio Revised Code, Section 153.581 and 153.591, and of the regulations promulgated pursuant to such acts or orders by the Secretary of the Interior (43 CFR 17) or state officials.

TERMS AND CONDITIONS: In submitting this project application, the local government agency hereby accepts the terms and conditions set forth in Section 1557.06 of the O.R.C., which will be a part of the project agreement for any grant awarded under this proposal.

BOX TO INITIAL – By initialing this box the applicant states the items and costs listed are representative of the expected items and costs of the project. The Notarized Resolution of Authorization also certifies this information.

Directions to project site: *Please provide directions to the project site from a numbered Interstate Highway exit or municipality that is shown on the State of Ohio Transportation Map.*

FORM No. 2: RESOLUTION OF AUTHORIZATION

Below is an example format for a resolution of authorization to be passed by the governing body of the local government agency. **THE LOCAL GOVERNMENT AGENCY MAY USE THIS EXAMPLE OR ITS STANDARD ORDINANCE/RESOLUTION TO AUTHORIZE FILING OF THEIR APPLICATION AND AGREE TO OBLIGATE THE NECESSARY FUNDS TO COMPLETE THE PROJECT.**

An applicant may utilize an ordinance or resolution to authorize filing of their application. **A hand signed certified copy of the ordinance or resolution must be included with each application.** *However, if the next meeting of the governing body occurs after the November 14th grant application deadline, the certified Resolution may be submitted to ODNR up to one month after the grant deadline, or by December 14th 2025.* If this situation applies, the applicant must include a brief explanation with the grant application.

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the federal **Land and Water Conservation Fund** program and

WHEREAS, the _____ desires financial assistance under the **Land and Water Conservation Fund**

NOW, THEREFORE, be it resolved by the _____
(name of applicant)

That the _____ approves filing this application for financial assistance.
(name of applicant)

That _____ is hereby authorized and directed to execute
(local coordinator)
and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

That the _____ does agree to obligate the funds required
(name of applicant)
to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the **Land and Water Conservation Fund**.

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of resolution adopted by the _____ held on the ____ day in the month of _____, 20__, and that I am a duly authorized to execute this certificate.

(original signature)

(title)



NARRATIVE QUESTIONS, SCORING CRITERIA, AND CERTIFICATIONS

Please provide complete answers to scoring questions 1-6. Project Sponsors are encouraged to provide any information that could be beneficial in support of the application. This may include statistics, photographs, survey results, master plans, etc. For example, if a survey was done, rather than simply so stating, provide the survey and/or a survey summary report. Always provide evidence that supports your answer. Use additional space or pages as needed. Be sure to indicate relevant information within supplemental documents. This section is a very important element in the evaluation of your application. Priority rating criteria and associated points are provided.

Question 1. Purpose, Need, Justification, and Explanation

Why is the project needed? What is the existing problem? How will the project solve this problem or address the need? Need should be identified using specific local data and not just a general statement. Discuss local supply and demand - rather than only regional or national information. Community-wide surveys, master plans for specific sites, participation studies, socio-demographic trends, or other public input will have priority over general statements of need. Photographs and/or other visual aids are encouraged.

Project Sponsor Response to Question 1:

Only one score will be selected	Points
In-depth explanation and data	25
Moderate explanation and data	20
General explanation and data	12
Explanation without support of data	5
No explanation and no data	0

The following are suggested approaches to ‘Justification of Need’ for common project scenarios. Other approaches may also be used.

- **Acquisition Projects**

For purposes of conservation: The project sponsor should discuss and provide documentation of the unique characteristics of the property (i.e. wetlands, flora and fauna, geological features, streams, habitat for rare, threatened, or endangered species, etc.). Are similar public opportunities available in the area?

For purposes of recreation facility development: The project sponsor should discuss and provide documentation of the local need for the facility (i.e. playgrounds, game fields, camping, etc.).

- **Game fields/courts (baseball, soccer, etc.)**

Fields for organized teams and leagues: The project sponsor should discuss and provide documentation on the following:

- Number of current and projected activity participants,
- Number, location, condition etc. of existing fields,
- Capacity of existing fields/courts versus documented demand (for example - a log illustrating that access to participation has been denied due to lack of fields/courts, schedules, etc)

Fields for casual use: The project sponsor should discuss and provide documentation on the following:

- The number and location of similar fields/courts in the project area.
- Condition and level of use of other fields/courts, estimated number of people not being served.

Rehabilitation or replacement of fields/courts: In addition to the above, project sponsors should discuss and provide documentation on the following:

- How current field/court conditions have resulted in canceled games, injuries, etc.

- **Niche facilities like skate parks, climbing walls, disc golf courses, BMX tracks, etc**

Project sponsors should discuss and provide documentation on the following:

- Existence, location, or lack of similar facilities in the vicinity
- Capability of existing facilities in the area to meet demand (i.e. number of people able to use the facility at one time vs. the number of people not served, desirability of features at other park(s))
- Expectation of use at the proposed niche facility. Demographic group served and expected benefits to community.

- **Playgrounds (new and replacement)**

Project sponsors should discuss:

- Target demographic group(s) (age, etc.) for the playground. Approximate number of individuals in group(s).
- Number, location and condition of other playgrounds that service the same demographic group(s).

- **Pools, Spray Parks, etc. (new and rehabilitation/replacement)**

New facilities: The project sponsor should discuss and provide documentation on the following:

- Existence and location, or lack of similar facilities in the vicinity
- Unmet satisfaction of local need

Rehabilitation/replacement: The project sponsor should discuss and provide documentation on the following:

- Condition, problems and age of existing facility,
- Number of people using the pool,
- Additional maintenance costs due to current condition,
- Closures, etc.

- **Restrooms (new and rehabilitation/replacement)**

The project sponsor should discuss and provide documentation on the approximate number of park users, number, condition and capacity of existing park restrooms, etc.

- **Shelters and Picnic Areas (new and replacement)**

Shelters: The project sponsor should discuss and provide documentation on the following:

- Approximate number of park users
- Number of existing shelters
- Approximate current use of existing shelters
- Similar shelters and picnic areas in the vicinity, etc

Reserved Shelters: The project sponsor should discuss and provide documentation on the following:

- Approximate number of park users
- Number of existing shelters used for reservations, along with schedules showing that these are heavily scheduled.
- Similar shelters and picnic areas in the vicinity; etc.

- **Support Facilities (parking, access roads, utilities, pathways, landscaping, restrooms, etc)**

The project sponsor should discuss and provide documentation on the following:

- Safety issues
- Expected changes in park usage
- Improvement of park experience, etc.

- **Trails (new and rehabilitation/replacement)**

Loop Trails (typically within a park, trail loops back to trailhead.) The project sponsor should discuss and provide documentation on the following:

- Miles, location, condition, etc. of existing similar trails in the area
- Capacity of existing trails to fulfill demand

Linear/linking trails (typically link trail systems, communities or features within communities like parks, schools, libraries, business areas, historic sites, etc.) The project sponsor should discuss and provide documentation on the following:

- Facilities or communities that will be linked
- Anticipated number of people that will use the new trail
- Number of people currently using adjacent trail (if linking to an existing trail)

Trail Rehabilitation: The project sponsor should discuss and provide documentation on the following:

- Existing condition
- Current usage
- Safety issues, etc.

Question 2. Documentation of Local Funds:

A Resolution of Authorization whereby the project sponsor obligates funds for the project is required. What evidence is there of local financing to complete the project? Is there adequate cash flow to complete the project? Project sponsors must also describe and provide documentation of local funds to complete the project. Evidence of financial capability includes, but is not limited to:

- Approved budgets with a specific line item for the project
- A bank account specifically designated for the project, with verification of available funds
- Park levies
- Documentation of pledges of donated cash, property, material, equipment time, labor, etc.
- Documentation of awarded grants
- Certification of available funds from project sponsor's fiscal officer

Project Sponsor Response to Question 2:

Scoring criteria (only one score will be selected)	Points
Signed Resolution, plus documentation of funding for entire project: This might include any or all of the following: approved bank loan, bank account specific to project, budget with a dedicated line item from the treasurer/auditor, identification of a park levy solely for capital improvements within the park, fundraising receipts, signed donation pledges, etc.	10
Signed Resolution plus <u>partially</u> identified funds. This might include any or all of the following: approved bank loan, bank account specific to project, budget with a dedicated line item from the treasurer/auditor, identification of a park levy solely for capital improvements within the park, signed donation pledges, etc.	7
Signed Resolution only (obligating funds)	3
No resolution or invalid resolution (a resolution that does not obligate funds is invalid)	0
ODNR knowledge of local financial difficulties	(5)

Question 3. Operation and Maintenance

How will the project sponsor operate and maintain the project? The project sponsor should provide information and/or evidence that the future operation and maintenance of the proposed grant project (acquisition or development) has been thoroughly considered. Discuss the operation/maintenance budget, operation/maintenance staffing including skills, and how maintenance issues particular to the project will be addressed. Providing copies of approved park operation and maintenance plans is encouraged. The condition of the park as observed by ODNR staff during the unscheduled project site visit as well as other parks and/or public outdoor areas that the project sponsor operates may be considered during scoring.

Project Sponsor Response to Question 3:

Scoring criteria (Both scoring categories will be selected)	Points
Acceptable operation and maintenance plan for grant project submitted with application	0-10
Current condition of sponsor's existing park(s) and/or public outdoor area(s)	0-3

Question 4. Accessibility

All projects funded through the LWCF program must be accessible to the general population, including those with disabilities. Outdoor recreation facilities vary greatly – from outdoor climbing walls to playgrounds to paved trails and beyond. As such, accessibility accommodations are required, as applicable.

See: <https://www.access-board.gov/files/aba/guides/outdoor-guide.pdf>

Generally, the following should be provided, at a minimum.

- A barrier-free, reasonably accessible clear path (*i.e. route free of barriers like curbs, timber edges, large rocks, steep slopes, steps, etc*) from parking area (if no parking, other access point) to the funded facility.
- An accessibility feature whereby disabled persons can gain access to the funded facility (for example, a transfer platform on a play structure).
- If the grant project will contain an ‘interior’ (for example, a nature ed. center or restroom), the structure must be fully accessible and ADA compliant.

How Will the Project Be Constructed and Maintained to Assure Accessibility? The project sponsor should describe or identify how the project meets or will meet accessibility requirements. Additional points may be scored if the project design goes above and beyond the required minimum for accessibility (sufficient documentation is required).

Project Sponsor Response to Question 4:

Scoring criteria (all applicable categories will be selected)	Points
The project sponsor has illustrated or described how the project meets accessibility requirements.	2
The project contains additional design elements that accommodate the needs of a special population group (non-English speaking, vision or hearing impaired, elderly groups who need provisions for safe accessibility, etc.)	2
The project contains additional elements to accommodate the needs of more than one special population group (non-English speaking, vision or hearing impaired, etc.)	2
The project sponsor has NOT illustrated or described how the project meets minimum accessibility requirements.	(5)

Question 5. Planning

Several options must be considered at a conceptual level when planning for an LWCF project. Feedback and discussion with stakeholders with different perspectives is also critical to a useful and successful plan.

The project sponsor should briefly describe the planning process used to come up with the project. Has an overall plan been completed and approved for the site? Were any alternative solutions considered? (For example: a different location on the site, a different design for the facility, a different project, etc.) If so, why was the submitted project determined to be the best solution to satisfy the need or solve the problem? If a planning process has occurred, documentation of that process is required.

Project Sponsor Response to Question 5:

Scoring criteria (all applicable criteria will be selected)	Points
There is an approved plan for the site and the project is a component of that plan.	5
Evidence is presented that alternatives were considered during project conceptualization.	3
No documented planning efforts	0

Question 6. Public Participation

Public / citizen participation at the local level must be a part of project planning. This can be accomplished via public meetings for the project, review by special interest groups, advisory councils, special boards, public notices, news releases, completion of a publicly approved parks plan, citizen surveys, agency hosted interactive internet sites, etc. Please describe and provide documentation of the public/citizen participation associated with the project.

What public meetings and/or formal public comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments on the completed proposal. What information was made available to the public for review and comment? Describe the types and extent of public participation in project development and provide documentation. Did the project sponsor provide written responses addressing the comments? If so, include responses with this application. General public input regarding recreational planning in the community is less effective than input specific to the project being proposed in this application.

Project Sponsor Response to Question 6:

Scoring criteria (a or b or c will be selected, d may also be selected)	Points
a. Project involves extensive public participation, and opportunity for comment, that was specific to the proposed grant project. (i.e. special public meetings, surveys, project advisory group, etc.) Participation must occur prior to submission of application.	15
b. Project involves public participation and opportunity for comment. (i.e. special public meetings, surveys, project advisory group, etc.) Participation must occur prior to submission of application.	8
c. Project involves minimal public participation prior to submission of application (i.e. minutes from a regular council meeting that addressed the project prior to submission, etc.)	4
d. Project endorsed by local organizations or special interest groups	1-3
No documented public participation efforts prior to submission of application	0

Other Scoring Criteria

The following unnumbered criteria are provided as an FYI. Scoring will be determined for these criteria during application review and a possible unscheduled project site visit. There is no need to provide answers for these criteria, however, please feel free to attach additional information that could impact the application score (for example, documentation showing the proposed development is a first of its kind opportunity).

Type of Outdoor Recreation Project

While acquisition and many types of development projects are eligible under the LWCF program, some types of projects have a higher scoring priority than others. (If your application contains multiple components, the costliest component for which grant assistance is requested will be considered the 'type of project'.)

Scoring Criteria	Points
Development of outdoor recreation facilities	20
Acquisition of new parkland	17
Development of a support facility that will make the park significantly more user friendly	15
Development of a support facility	10
Project is a support facility for future development	2

Reasonableness of Project Costs

The LWCF grant program is intended to reimburse reasonable costs of acquisition and development. For acquisitions, the approved appraised value is the basis for reimbursement. For development, the grant does not reimburse for special elements included due to the location of the project (for example: historic districts) or that are deemed excessively high.

Scoring Criteria	Points
Costs are in line with similar projects	5
Costs appear excessively high or unrealistically low	0

Other Participating Parties

Project sponsors who have received within the last two calendar years of the application deadline, or will receive, donations of tangible value from private entities, for purposes of this project, will receive additional points. Signed documentation (e.g. signed and notarized Intent to Donate letter from donor(s) or other proof of donation) is required.

Scoring Criteria	Points
Project partnership(s). Contribution(s) must be of tangible value	0-5

Suitability of the Site

The project site must be suitable for the proposed development.

Scoring Criteria	Points
Site is well suited for project	5
Site is acceptable for project, however there are one or more minor concerns	1-3
Site is NOT suited for project	Deduct 25

Statewide Comprehensive Outdoor Recreation Plan (SCORP) Priorities

Scoring Criteria (all applicable criteria will be selected)	Points
Advancing the trail network through a primarily land-based trail project	5
Rehabilitating/updating/improving existing outdoor recreation facilities	5
Providing access and amenities for paddling sports	5
Incorporating universal design and/or adaptive equipment to support recreational use by all abilities	5
Acquisition and protection of high-quality habitats balancing conservation with recreational experiences	5

Completeness of Application

Applications should be complete by the application deadline. A complete application includes all signed forms, clearly labeled maps, and all other requested application components.

Scoring Criteria	Points
Application is complete upon receipt by ODNR with postmark date on or before November 14th	10
Application is nearly complete upon receipt by ODNR with postmark date on or before November 14th	1-5
Application is missing major components upon receipt by ODNR with postmark date on or before November 14th	Deduct 10

Compatibility with Private Recreation Facilities

Projects should not compete with local private for-profit recreation facilities of the same type.

Scoring Criteria	Points
Project is not compatible with private sector and will significantly compete with existing private sector business.	Deduct 10

Additional Considerations

Previous ODNR grants and the Project Sponsor's Grant Performance History (if applicable)

Scoring Criteria (all applicable criteria will be selected)	Points
Potential first time LWCF grant recipient	8
One previous LWCF grant	5
Two previous LWCF grants	2
Three or more previous LWCF grants	0
Past NatureWorks grants, rounds 17-31: None (5), One (3), Two (1), Three or more (0)	0-5
Extension of time granted on a previous LWCF or NatureWorks grant (this is a one-time deduction).	(-5) per 6-month extension
Lack of cooperation with ODNR in resolving a known Section 6(f)(3) issue	Deduct 25

Other application considerations:

Scoring Criteria	Points
Project sponsor's only LWCF application or first priority LWCF application	25
Other than a first priority application	0
Lack of veracity in grant application	(1-10)
The same specific project has received 50% or more of the funding requested in a prior year, via LWCF or NatureWorks.	Deduct 25

Additional Questions

This information is required by the National Park Service.
These questions are **not** scored, but they **must** be answered as completely as possible.
If a question is not applicable to your project, please put N/A.

A. Project competition

1. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Outdoor Comprehensive Recreation Plan (SCORP)? Please include references.
<https://ohiodnr.gov/scorp>

B. Financial

1. How was the cost estimate derived?
2. What assurances are there that the costs listed are reasonable?
3. Describe any project elements or costs that will improve site resiliency and facility longevity, if any.
4. Are any eligible pre-award costs being included as part of the grant request?
 - a. ☐ No
 - b. ☐ Yes – Indicate the date from when those costs started being incurred, the funding category/categories, the total amount of pre-award costs anticipated to be incurred before the grant start date, and whether they are included for match purposes or for reimbursement. (Note: these should also be presented in the budget narrative.
5. List all source(s) and amounts of financial match to the LWCF federal share of the project.
The value of the match can consist of cash, donation and in-kind contributions. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other federal resources may be used as a match if specifically authorized by law.

Source	Type of Match	Value
		\$
		\$
		\$
		\$

C. Public benefit

1. Describe both short- and long-term outdoor recreation benefits that will be achieved as a result of this project.
2. Explain how this project fits as part of any other projects planned for this same site in the next three years.
3. Describe the process that led to the development of this proposal and how the public was involved.

D. Grant elements

1. What new facilities will be constructed as part of this project?
2. What existing facilities will be renovated or replaced (specify which) as part of this project?
3. What general site improvements (e.g. demolition, site preparation, landscaping, habitat improvements, etc.) will be completed as part of this project?
4. What is the anticipated life span of the facilities that will be funded as part of this project?
5. Does the project scope include facilities that also eligible for Dingell-Johnson or Wallop-Breaux Act funding (i.e., boat/fish access)?
 - a. ☐ No
 - b. ☐ Yes
6. Does this project involve the new development of a sheltered/enclosed swimming pool or ice skating rink or the sheltering/enclosure of an existing outdoor pool or rink?
 - a. ☐ No
 - b. ☐ Yes
 - i. Explain how it was determined that the site meets the cold climatic criteria described in the LWCF manual. Provide a copy of the cold climatic data used to make the eligibility determination with the application (see manual).
 - ii. Explain the nature of the project – is this a new sheltered facility, or construction of the shelter only? If the pool or ice rink already exists, was it LWCF-funded? If yes, what year was it built and how much LWCF assistance was provided?
 - iii. What is the total cost of the sheltered facility and what amount of grant funding will be spent on the actual shelter/enclosure structure itself (if any)?
 - iv. Explain the significantly increased public use that will be made possible by the shelter/enclosure to justify the construction of such a facility.

E. Design elements

1. How are access requirements under the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) being addressed in this project?
2. What design elements are included that contribute to preserving environmental resources as part of ensuring a quality outdoor recreation experience for present and future generations?

F. Basic information

1. Will this proposal create a new public park/recreation area where none previously existed?
 - a. ☐ No
 - b. ☐ Yes – Explain:
2. If this is an existing LWCF site, has the park name changed since the last grant?
 - a. ☐ No
 - b. ☐ Yes – Explain:
3. Is this project located in a floodplain?
 - a. ☐ No
 - b. ☐ Yes – Explain and confirm that you have met applicable federal insurance requirements.
4. Is your site contiguous with or connected to any federally owned recreation area?
 - a. ☐ No
 - b. ☐ Yes – Explain:
5. Is your site part of a larger management area, such as a greenway or regional recreation area?
 - a. ☐ No
 - b. ☐ Yes – Explain:
6. Describe the existing site conditions.
7. Explain why the site is suitable for the type of outdoor recreation proposal being submitted.
8. Does the site include any elements that visually detract from the outdoor recreation experience or that represent a potential public safety hazard?
 - a. ☐ No
 - b. ☐ Yes – Explain and describe whether this project will help to address those concerns.

9. What is/will be the applicant's type of ownership and control of the property?
- a. ☐ Fee simple ownership.
 - b. ☐ Less than fee simple. Explain what rights the applicant has and what agency holds the underlying fee simple ownership.
 - c. ☐ Lease. Include a copy of the lease with the application

G. Stewardship considerations

1. Is this a multi-use site (i.e. school, reservoir, state forest, etc.)?
 - a. ☐ No
 - b. ☐ Yes – Explain:
 - i. How often will the public have recreation access to the site?
 - ii. What kinds of restrictions to public outdoor recreation will occur?
2. Who will manage and operate the site(s)?
3. Describe the nature of any rights-of-way, easements, reversionary interests, etc. within the proposed LWCF boundary area:
4. Are there any pre-existing or planned indoor facilities on site that would not themselves be eligible for LWCF grant funding?
 - a. ☐ No
 - b. ☐ Yes – Describe and explain how/if the structure(s) support public outdoor recreation.
5. Is the proposed LWCF boundary the same as the boundary of the park/recreation area as it exists in its totality?
 - a. ☐ Yes
 - b. ☐ No – Explain any area proposed for exclusion and why, and ensure it is clearly depicted on the proposed LWCF boundary map
6. Are there any pre-existing or planned resource management practices (i.e. timber management, grazing, etc.)?
 - a. ☐ No
 - b. ☐ Yes – Describe the nature of the practice, the anticipated duration, and how the practice supports outdoor recreation.
7. Are there any pre-existing or planned uses on site that are incompatible with LWCF requirements that should be excluded from the LWCF boundary?

- a. ☐ No
- b. ☐ Yes – Describe the nature of the use and ensure it is clearly depicted on the proposed LWCF boundary map. Clarify whether the future intent is for the area to become subject to LWCF once the use is terminated, or if the intent is for the use to continue within the park in perpetuity.

ACQUISITION GRANTS:

Only applicants for land acquisition projects need to answer questions in H-J:

H. Need

1. Why is this acquisition (whether attained via purchase or donation) needed?
2. Describe the existing resources and features of the site that make it desirable for public outdoor recreation.
3. Explain how you envision this acquisition contributing to outdoor recreation in the long term.

I. Property information

1. From whom is this property being purchased?
2. Are any buildings or structures being purchased along with the property?
 - a. ☐ No
 - b. ☐ Yes – Describe what is planned for those structures and whether the grant funded project includes the value of those structures.
3. How will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
4. When will access to the site for public outdoor recreation become available?
5. Describe development planned for the site(s) for the three (3) years following acquisition. As this will impact NHPA and NEPA compliance, focus on what you reasonably expect to accomplish.
6. If development will be delayed by more than three years from grant close, explain why this acquisition is still a priority for grant funding at this time and what ability the public will have to use the site in the interim.
7. Is this acquisition an addition to an existing park or other recreation area?
 - a. ☐ No
 - b. ☐ Yes – How will it support and enhance that existing park?

J. Acquisition approach

1. Is this property being acquired under threat of condemnation?
 - a. ☐ No
 - b. ☐ Yes – Explain:

2. Was the property listed for public sale?
 - a. ☐ No
 - b. ☐ Yes – Explain how the property owner was made aware of the grant sponsor interest in the property.

3. Does this project involve donated property?
 - a. ☐ No
 - b. ☐ Yes – Include evidence that the seller was offered the fair market value of the property as just compensation and willingly chose to donate the property instead. (If the donation is subject to a waiver of retroactivity the evidence must pre-date the donation.)

Attachments

The following attachments (1-5) are required with your application:

1. Evidence of Ownership

A copy of the deed for the property being developed or acquired is required with this application. Development projects are eligible on land and water owned in fee simple, or for which the project sponsor has a lease or easement meeting certain requirements. An easement must provide permanent control of the property. Long-term leases from one public agency to another are allowable with a joint sponsorship agreement stipulating that the lessor will assume compliance responsibility for the LWCF boundary area in the event the lease is terminated, and the term of the lease must have at least 25-years remaining at the time of grant award.

2. Boundary Map

A Section 6(f) BOUNDARY MAP is required. The Boundary Map is usually a map of the entire park where the grant project will be constructed. If the project is for land acquisition, the Boundary Map should include the entire newly acquired park, or in the case of acquisition to enlarge an existing park, the Boundary Map should include both the preexisting park and the newly acquired land enlarging the park. A Boundary Line must be drawn around the entire park facility.

Please read the following excerpt from the LWCF Technical Assistance Bulletin #2, Jan. 2008 about Boundary Maps (*The Map*). After reading this excerpt, if you have questions, please contact the Grant Administrator.

...Section 6(f)(3) of the L&WCF Act, as amended, states that: "No property acquired or developed with assistance under this section shall, without the approval of the Secretary (of the Interior), be converted to other than public outdoor recreation uses." It goes on to state the circumstances under which such a conversion-in-use may be approved and that replacement land is required.

...It is to the project sponsor's advantage to obtain Federal protection for the entire unit. However, if the project sponsor is aware that, down the road, a non-outdoor recreation use very likely will be made of a *small* portion of the proposed project site, ... that part of the project site [*should be*] excluded from Section 6(f)(3) protection prior to project approval, provided the excluded land is not crucial to the viability of the project site.

The Mapshould containthe date that The Map was prepared; information on the area(s) under lease and the term remaining on the lease(s); all known outstanding rights and interest in the project area held by other than the project sponsor; and known easements, deed/lease restrictions, reversionary interests, etc. Also, those outstanding rights and interests that would not adversely impact the utility and viability of the project site if exercised (and not intended to be included under the conversion provisions of Section 6(f)(3) should be specifically identified on The Map. ... It's important for the State and National Park Service (NPS) to be aware of interests in the project site and surrounding area...

The Map... must be legally sufficient to identify the lands afforded Section 6(f)(3) protection. In other words, the Map may be scrutinized in court. ... It should include a scale in feet, number of acres encumbered, a [*north*] arrow...[*and an*] arrow pointing to the boundary line.

Identification of the area included within the Section 6(f)(3) boundary may be by (1) deed references, (2) adjoining ownerships, (3) adjoining easements of record, (4) adjoining water bodies or other natural landmarks, (5) metes and bounds, and (6) government survey. Where none of the above methods is available, the project sponsor may identify the area of the project site by showing measurements from "permanent locators." The Map should include measurements, in feet, of each side of the boundary.

The Map should be capable of being photocopied (colors shouldn't be used to indicate the boundaries – a dotted line is preferable).

Prior to final billing, the State and NPS may agree to mutually alter the Section 6(f)(3) boundary to provide for the most satisfactory unit intended to be administered under the provisions of that section. Note, however, that parcels acquired with L&WCF assistance are afforded Section 6(f)(3) protection as soon as L&WCF reimbursement is provided and must be included within the boundary. At the time the State submits the final performance report, it may include a map to replace The Map submitted at the time of project approval if the new map is more accurate than the one currently on file.

The LWCF Manual v72.1, released April 21, 2025, further states in Chapter 6: B.4:

The LWCF boundary area subject to the provisions of the LWCF Act must encompass a viable public outdoor recreation area that is capable of being self-supporting without reliance upon adjoining or additional areas not identified in the scope of the project (such as for access, utilities, park support facilities, etc.). Consistent with the intent of the LWCF Act, the Program expectation is the entirety of the park or recreation area being acquired, developed, or expanded will be included within the LWCF boundary area. Exceptions for boundaries that would apply to a lesser area may be considered only when it can be shown the area is self-supporting [as described above]. These requests will be reviewed on a case-by-case basis by the NPS LWCF Washington Office prior to award of a grant. Early coordination is strongly recommended. For acquisitions, in no case will the LWCF boundary area be less than that acquired with LWCF assistance.

Please note: the following signed project sponsor's statement is required on the project's Boundary Map (DO NOT SIGN THIS PAGE):

"As an official designee of the sponsor, I certify that the sponsor understands that the property identified on this boundary map cannot be converted from public outdoor recreation without the written approval of the U.S. Department of Interior, National Park Service."

Local Coordinator – Printed Name

Local Coordinator - Original Signature

date

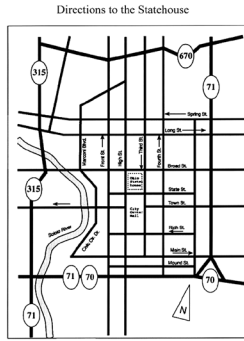
NOTE: Project property may be leased by the project sponsor from another *public* agency. In this case a copy of the non-revocable lease is required (minimum 25-year term beyond anticipated LWCF project closeout – or at least through 2050) and the nonfederal property owner **must agree to assume Section 6(f) responsibility** for the property. Written assurance of such, in the form of a recorded resolution by the governing body of the property owner, must be included in the LWCF application.

3. Site Vicinity/Location Map

Please submit a highway, street, county or other map(s) that will **clearly** locate your project in relation to nearby streets, highways, towns and other landmarks. Include the name of the project sponsor, project title and county at the top of the map. Indicate north on map. Maps from online mapping sites are acceptable.

Example: Vicinity Map

Example: Site Location Map



4. Existing Use Map

Please submit a map or, if easier, copy of an aerial photo (can be downloaded from the web) showing all existing development within the entire Boundary Map. Please be sure to label existing facilities and indicate property lines.

5. Proposed Plan for Site

Please submit a site plan showing all proposed development that will be a part of the grant project. If additional improvements are planned, **but are not proposed as a part of this grant project**, please indicate as FUTURE on the plan. Please be sure to label existing facilities and show the property lines. Maps may be carefully hand drawn, but should be at least approximately based on an identified scale.

FORMS Nos. 4A, 4B, & 4C

COST ANALYSIS SCHEDULES AND PROJECT COST SUMMARY

Grants may cover costs applicable to acquisition, design and engineering, direct labor, construction contracts, special service contracts, equipment rental and materials purchased for the project.

Please note: A completed Section 106 review by the OHPO is required for funding for all development **projects and acquisition projects**. If the proposed project involves acquisition or development of land that has not been previously developed or land believed to be archaeologically sensitive, the Ohio Historic Preservation Office (OHPO) may require a Phase I Archaeological Survey. The survey is an eligible expense under LWCF. Costs of such surveys vary based on size of area and other conditions. The project sponsor should consider contacting a consultant for an estimate of this potential cost. Consultants are listed on the following Ohio Historic Preservation Office website:

<https://www.ohiohistory.org/preserving-ohio/federal-state-reviews/>

FORM No. 4A: ACQUISITION COST ANALYSIS

This form is required only if project is for acquisition of property.

Instructions: List the property to be acquired by parcel number.

Parcel Number	Acreage	Estimated FMV of Parcel	Estimated Value of Existing Non Recreation Property Improvements (if applicable)*	Estimated Relocation Costs, if applicable	Total Estimated Grant Eligible Purchase Price
		\$	Deduct: \$	\$	= \$
		\$	Deduct: \$	\$	= \$
		\$	Deduct: \$	\$	= \$
		\$	Deduct: \$	\$	= \$
		\$	Deduct: \$	\$	= \$
		\$	Deduct: \$	\$	= \$
		\$	Deduct: \$	\$	= \$
TOTALS:					\$

* For example: A livable house on the property that will not have an outdoor recreational use

Required Project Acknowledgement Sign
Other (describe) _____
Total of all Proposed Acquisition Costs

\$ _____
\$ _____
\$ _____

FORM No. 4B: DEVELOPMENT COST ESTIMATE

Instructions: In the item column, give a short description of each item to be developed. In the quantity column, show the number of each item. In the units column, list units such as square feet, cubic yards, tons, lump sum, linear feet, etc. In the unit price column, list the cost per unit. The total cost of each item goes in the far-right column. An estimate of project costs prepared by a professional Engineer, Architect or Landscape Architect may be submitted in lieu of this form.

Please do not include contingency 'costs'.

ITEM	QUANTITY	UNIT	UNIT PRICE	PURCHASE OR DONATION	TOTAL VALUE OR COST
Required Project Sign*					
TOTAL \$					

Box A

*If purchased from ODNR: \$100 each

Box A must equal Box B on page 33.

FORM No. 4C: PROJECT COST SUMMARY

Eligible Cost	Sponsor Share in Cash	Sponsor Share In- Kind* Work	Sponsor Share Donations	Sponsor Share Other Grant(s)	LWCF Grant Amount	Total Cost
Acquisition						
Design & Engineering (maximum 15%)						
Labor (Force Account*)						
Special Service Contracts						
Rental of Equipment						
Construction Contracts						
Purchase of Materials						
Other:						
TOTAL COSTS						

Box B

Box B must equal
Box A on page 32.

***Force Account Labor:**

Project labor cost by an employee for which the project sponsor plans to seek 50% reimbursement.

***In Kind Work:**

Project labor cost by an employee or volunteer for which the project sponsor plans to request credit toward the 50% match.

INTER-AGENCY AGREEMENT

An inter-agency agreement may exist if two or more local public or private agencies are cooperating for purposes of funding or operating the grant project. A long-term qualifying lease for the property on which the grant project will be developed is also considered an inter-agency agreement.

OPTION ONE: INTER-AGENCY AGREEMENTS EXIST

If an inter-agency agreement exists, or is in process, a copy of the agreement(s), or draft agreement(s), must be submitted with the application. Describe in detail any division of responsibility that may exist, or be planned, for completing the acquisition, development, and/or operation and maintenance of the project.

OPTION TWO: INTER-AGENCY AGREEMENTS DO NOT EXIST

If inter-agency agreement does not exist and is not anticipated, complete and sign the statement below and submit this form with the application.

Project Sponsor _____

THIS APPLICATION FOR _____
(PROJECT TITLE)

IS NOT SUBJECT TO ANY INTER-AGENCY AGREEMENTS.

Local Coordinator – Printed Name

Local Coordinator - Original Signature

Date

**CIVIL RIGHTS COMPLIANCE
STATE OF OHIO
U.S. DEPARTMENT OF THE INTERIOR**

As the authorized representative of the Project Sponsor, I certify that the Project Sponsor agrees that, as a condition to receiving any state assistance, it will comply with all federal laws relating to nondiscrimination. These laws include but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 200d-1) which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap, military status, or age, be excluded from participation in , be denied the benefits of , or be otherwise subjected to discrimination under any program or activity conducted by the Project Sponsor. **THE PROJECT SPONSOR HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.**

THIS ASSURANCE shall apply to all aspects of Project Sponsor's operations, including those parts that have not received or benefited from state financial assistance.

If any real property or structure thereon is provided or improved with the aid of financial assistance extended to the Project Sponsor by the Ohio Department of Natural Resources ("ODNR"), this assurance shall obligate the Project Sponsor, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Project Sponsor for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Project Sponsor for the period during which the financial assistance is extended to it by ODNR.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all grants, loans, contracts, property, discounts, or other financial assistance extended after the date hereof to the Project Sponsor by ODNR, including installment payments after such date on account of Project Sponsor for financial assistance which was approved before such date.

The Project Sponsor recognizes and agrees that such financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States Department of Labor shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Project Sponsor, its successors, transferees, assignees, and sub recipients and the person whose signature appears below who is authorized to sign this assurance on behalf of the Project Sponsor.

Project Sponsor

Local Coordinator – Printed Name

Date

Project Sponsor

Local Coordinator - Original Signature

ACKNOWLEDGEMENT OF COMPLIANCE

Upon acceptance of this application as an assisted project, the Project Sponsor agrees to the following requirements of the U.S Department of the Interior and the State of Ohio, Department of Natural Resources:

1. All new and/or replacement utility lines within the project boundaries will be placed underground.
2. The LWCF project area, as defined by the project Boundary Map, must be perpetually operated and maintained solely for outdoor public recreation or natural resource purposes. The area cannot be converted in use or title without prior approval of the U.S. Department of Interior, National Park Service.
3. All easements, rights-of-way, leases, subsurface rights (e.g. mineral), reversionary interests, and any other agreements that convey rights to non-public and/or non-recreation interests to access or use on lands proposed for Section 6(f)(3) protection herein are listed in this application. If such conditions exist, Project Sponsor agrees to provide a written opinion from legal counsel stating the local sponsor has the authority to enter into a grant contract that requires the provision of replacement land if the outstanding rights or reversionary interests are exercised in such a manner that results in a conversion.
4. A permanent project acknowledgement sign will be placed at the site as required by the LWCF.
5. The area will be open to the general public. Differences in admission and other fees may be maintained on the basis of residence. However, these differences must be reasonable and discrimination on this basis is prohibited.
6. Considerations for the accessibility of disabled persons must be incorporated in the planning stage of any improvement on the site, regardless of whether not that improvement is grant-assisted. Project Sponsors must adhere to the latest accessibility guidelines under the Americans and Disabilities Act (ADA) and Architectural Barriers Act (ABA). Any development funded must adhere to these guidelines. The guidelines can be accessed on the following webpage: <https://www.access-board.gov>. There are links for accessible routes, plumbing elements and facilities, recreation facilities, etc.

Project Sponsor

Local Coordinator – Printed Name

Date

Project Sponsor

Local Coordinator - Original Signature

LWCF SIGN AND LOGO

Upon acceptance of this application as an LWCF assisted project, the Project Sponsor agrees to the following LWCF grant requirements:

One permanent acknowledgement sign recognizing Land and Water Conservation Fund assistance is required at all LWCF assisted site(s). Minimum sign size is 9 X 12 inches. ODNR sells signs at cost (\$100), or they may be made locally. See www.nps.gov/subjects/lwcf/lwcf-manual.htm for logo guidance and graphic files.

- Development projects: A sign must be permanently installed at the main entrance to the park or at the site of the grant assisted development.
- Acquisition projects: A sign must be permanently installed at the main entrance to the park.

The required logo is shown below; this logo format may not be altered. The logo may be used at outdoor recreation site entrances, appropriate on-site locations, and in park literature.



Project Sponsor

Local Coordinator – Printed Name

Date _____

Project Sponsor

Local Coordinator - Original Signature

Environmental Screening Form

This is a working tool used to identify the level of environmental documentation which must accompany the application submission. By completing this form, the project sponsor is providing support for its recommendation that the proposal either:

1. meets criteria to be categorically excluded (CE) from further NEPA review and no additional environmental documentation is necessary; or
2. requires further analysis through an environmental assessment (EA) or an environmental impact statement (EIS).

The scope of the required environmental analysis will vary according to the type of LWCF proposal. As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment for your type of LWCF action so planners have an opportunity to design alternatives to lessen impacts on resources, if appropriate. When used as a planning tool in this way, your responses may change as the proposal is revised until it is ready for submission. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the NEPA.

The Environmental Screening Form should be completed with input from resource experts and in consultation with relevant local, state, tribal and federal governments, as applicable. The interested and affected public should be notified of the proposal and be invited to participate in scoping out the proposal (see LWCF Manual Chapter 4). **At a minimum, a site inspection of the affected area must be conducted by individuals familiar with the type of affected resources, who possess the ability to identify potential resource impacts, and know when to seek additional data when needed.**

The Environmental Screening Form contains two parts that must be completed, along with questions 1-4:

Table 1: Environmental Resources

Table 2: Mandatory Criteria

Table 1: For each environmental resource topic, choose an impact estimate level that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal.

Table 2: Complete this environmental checklist and contact the appropriate government agency when there is a red flag issue. Provide a copy of any correspondence with your application.

Table 3: This is a list of mandatory impact criteria that preclude the use of categorical exclusions. If you answer “yes for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in Table 1.

Table 1 – For each resource, indicate if positive or negative impacts are anticipated to result from the action. Or indicate if the resource will not be impacted or is not present.

+ indicates positive impacts are anticipated to result from the action

- indicates negative impacts are anticipated to result from the action

No Impact Indicates the project will have an insignificant impact positive or negative

No Present Indicates the resource does not exist on site

Unknown Indicates more research is needed to determine impacts (May indicate the need for an Environmental Assessment)

	How will the project affect the following resources?	+	-	No Impact	Not Present	Unknown
1	Air quality	☐	☐	☐	☐	☐
2	Circulation and transportation	☐	☐	☐	☐	☐
3	Climate	☐	☐	☐	☐	☐
4	Contamination or hazardous materials even if remediated	☐	☐	☐	☐	☐
5	Endangered species: (listed or proposed threatened or endangered) including associated habitat	☐	☐	☐	☐	☐
6	Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.	☐	☐	☐	☐	☐
7	Historic or cultural resources	☐	☐	☐	☐	☐
8	Invasive species	☐	☐	☐	☐	☐
9	Land use plans or policies from other agencies including tribes	☐	☐	☐	☐	☐
10	Lightscares, especially night sky	☐	☐	☐	☐	☐
11	Migratory birds and/or Bald and Golden Eagles	☐	☐	☐	☐	☐
12	Recreation resources	☐	☐	☐	☐	☐
13	Socioeconomics: changes to tax base or competition with private sector	☐	☐	☐	☐	☐
14	Sound (noise impacts)	☐	☐	☐	☐	☐
15	Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.	☐	☐	☐	☐	☐
16	Water quality and/or quantity	☐	☐	☐	☐	☐
17	Water: coastal barrier resources or coastal zones	☐	☐	☐	☐	☐
18	Water: marine and/or estuarine	☐	☐	☐	☐	☐
19	Water: stream flow characteristics	☐	☐	☐	☐	☐
20	Water: wetlands and floodplains	☐	☐	☐	☐	☐
21	Other important resources Explain:	☐	☐	☐	☐	☐

Table 2

ENVIRONMENTAL CHECKLIST		
All project sponsors must contact the appropriate government agency when there is an environmental RED FLAG issue. Please provide a copy of such correspondence with your application.	YES (This is a RED FLAG issue)	NO
Does the project involve development (ground disturbance) within 1000 feet of a National and/or State Scenic River? If Yes, contact the ODNR Division of Parks & Watercraft, Scenic Rivers Section @ Robert.gable@dnr.ohio.gov .		
Does the project scope involve in-water work in a stream/river, reservoir or lake; or in a drainage ditch with a hydrological connection to a stream/river, reservoir or lake? If YES you may need a U.S. Army Corps of Engineers (USACE) permit. There are four USACE Districts in Ohio. See map @ http://www.usace.army.mil/Locations.aspx for the USACE district for your project site and contact the USACE district representative.		
Does the project scope involve in-water deposit of dredged or fill material? (A Water Quality Certification may be required.) If YES, contact the Ohio EPA's Water Quality Certification Section @ (614) 644-3020. https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/water-quality-certification-and-isolated-wetland-permits		
Does the project scope involve development in a floodplain? Please submit a (FEMA) floodplain Firmette map for the location of the project site. Firmettes may be produced online on the FEMA website @ https://msc.fema.gov/portal . If the project is located within a floodplain, attach a letter or other documentation of compliance from the local Designated Floodplain Administrator (DFPA). See https://dam.assets.ohio.gov/image/upload/ohiodnr.gov/documents/water/floodplains/Floodplain%20Administrator%20List.pdf for a list of DFPAs. If you are not able to obtain this letter by the application deadline, please submit a copy of your letter to the DFPA requesting a project review.		
Do hydric soils exist at the location where grant funded development will occur? A soils map and hydric soil report for your site can be made online @ http://websoilsurvey.nrcs.usda.gov/app/ . Submit the map and report with your application. OR Contact your county's National Resource Conservation Service (NRCS) office to determine if the project site contains hydric soils. https://www.nrcs.usda.gov/wps/portal/nrcs/main/oh/contact/local/ Submit NRCS site report and/or correspondence with your application.		

ENVIRONMENTAL CHECKLIST cont.		
All project sponsors must contact the appropriate government agency when there is an environmental RED FLAG issue. Please provide a copy of such correspondence with your application.	YES (This is a RED FLAG issue)	NO
Does the project scope involve development on submerged land in Lake Erie or Sandusky Bay? (A Submerged Land Lease may be required.) If YES, contact the ODNR - Office of Coastal Management at (419) 626-7980. Information regarding submerged land leases can be found @ https://ohiodnr.gov/buy-and-apply/regulatory-permits/lake-erie-land-and-water-permits/lake-erie-coastal-permits		
Does the project scope involve development in or impact to a jurisdictional wetland? Under Section 404 of the Clean Water Act a jurisdictional wetland has a hydrological connection to Water of the United States (river, stream, lake, reservoir or flowing ditch). If YES, please contact the following agencies to coordinate permitting requirements (the project may be covered under a Nationwide Section 404 Permit): US Army Corps of Engineers (district appropriate for project) See map @ https://www.usace.army.mil/Locations.aspx for the USACE district for your project site. Ohio EPA https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/water-quality-certification-and-isolated-wetland-permits Local Soil and Water Conservation District https://agri.ohio.gov/divisions/soil-and-water-conservation/find-a-local-swcd/swcd-list		
Does the project scope involve development in, or impact to an isolated wetland? The Ohio EPA regulates wetlands that do not have a hydrological connection to waters of the United States. These are known as Isolated Wetlands. If YES, an Isolated Wetland Permit may be required. The Ohio EPA encourages all potential permit project sponsors to review their web page for the process at https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/water-quality-certification-and-isolated-wetland-permits		
Are federally or state threatened or endangered species present and/or is critical habitat present on the project site? If this is a reasonable possibility, please submit an Environmental Review request (with appropriate information and attachments as described to the following email address: environmentalreviewrequest@dnr.ohio.gov. For additional information please see guidance at: https://ohiodnr.gov/discover-and-learn/safety-conservation/about-ODNR/real-estate/environmental-review		

Table 3 – This is a list of mandatory impact criteria that preclude the use of a categorical exclusion. If you answer “yes” for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in table 1.

	Will your proposal:	Y	N
1	Have significant negative impacts on public health or safety?	☐	☐
2	Have significant negative impacts on unique natural resource or geographic characteristics such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas?	☐	☐
3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?	☐	☐
4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	☐	☐
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	☐	☐
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?	☐	☐
7	Have significant adverse effects on properties listed or eligible for listing in the National Register of Historic Places as determined by NPS?	☐	☐
8	Have significant negative impacts to species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated critical habitat for these species?	☐	☐
9	Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?	☐	☐
10	Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites?	☐	☐
11	Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?	☐	☐

Have there been any previous NEPA/SEPA documents that are relevant to this project or this specific site?

- a. ☐ No
- b. ☐ Yes – Attach and summarize findings and include page number references below

2. Explain any negative or unknown impacts identified in Table 1 of the Environmental Resources Survey, or any boxes marked “yes” in Table 2 (mandatory criteria).
3. How was the information identified in the tables derived and what sources of data were used to justify the impact selection?
4. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

Environmental Reviewers

The following individual(s) provided input in the completion of the environmental screening form. *List all reviewers including name, title, agency, field of expertise and qualifications to evaluate environmental impacts. Keep all environmental review records and data on this proposal for any future program review and/or audit.*

1.

2.

3.

The following individuals conducted a site inspection to verify field conditions. *List name of inspector(s), title, agency, and date(s) of inspection.*

1.

2.

3.

Signature of LWCF Project Sponsor: _____

Date: _____

FORM No. 10: SECTION 106 REVIEW

A completed Section 106 Form for the proposed project must be submitted to ODNR with this LWCF application by the application deadline. *Upon project recommendation*, ODNR will submit these forms to the Ohio Historic Preservation Office (OHPO) on behalf of the successful applicants.

Do not write on the sample form attached. Use the following link to download the Section 106 Review Project Summary Form document:

<https://www.ohiohistory.org/preserving-ohio/federal-state-reviews/submitting-a-project-for-section-106/>

With help from the OHPO Section 106 guidance on pages 45-46, please fill out the Section 106 Form on a computer and print when finished. Mail all documents, completed form, maps and photographs to ODNR with your LWCF application.

If you have questions, please contact the ODNR Grant Program Manager (see pg. 1) or visit the Ohio Historic Preservation Office website @ <https://www.ohiohistory.org/preserving-ohio/federal-state-reviews/about-section-106/>

Prior Section 106 Reviews

If the project sponsor has a very recent letter from the OHPO **for the same project site** (i.e. a small park or specific area within a larger park), a Section 106 Review *may* not be necessary. The existing OHPO letter should contain a statement similar to the following:

“....Based on this, it is our opinion that the proposed project will not affect historic properties. No further coordination is required unless the scope of the work changes.....”

If applicable, a copy of the recent OHPO letter containing the above statement may be included with the application in lieu of the completed Section 106 Review Project Summary Form.

NOTE – The OHPO may require a Phase I Archaeological Survey when a project involves acquisition or development of land that has not been previously developed or is believed to be archaeologically sensitive. Because the cost of the survey varies based on the size of the area and other conditions, applicants should contact OHPO at 614.297.2300 for further guidance.

Ohio Historic Preservation Office

Section 106 Project Summary Form

Guidance

Section 1: General Project Information

- A. 1. **Project Info:** All information will be for new project submittals
2. **Project Name:** Same as Grant Project Title on Form 1 of your LWCF grant application.
3. ODNR will fill in the internal tracking number.
- B. **Project address or vicinity:** Address of the location being acquired or developed, or cross streets if an address is not available.
- C. **City/Township:** Project location, not the applicant location.
- D. **County:** County where the project is located.
- E. **Federal agency and contact person:** National Park Service, no contact person
- F. **Type of federal assistance:** Land and Water Conservation Fund
- G. **State agency and contact name:** ODNR, Tim Robinson
- H. **Type of state assistance:** NA
- I. **Revised code 149.53:** The answer is NO
- J. **Public involvement:** Provide the same information as you provided in the LWCF grant application, question 6.
- K. **Consulting parties that have been contacted:** Self-explanatory (property owners, local officials, etc.)

Section 2: Project Description and Area of Potential Effects (APE)

Please complete this section with as much detail as possible.

- A. If the project is acquisition of land only, check NO
If the project is rehabilitation or development, check YES
1. **General description of width, length and depth of proposed ground disturbing activity:**
Self-explanatory (include access roads, sewer lines, etc.)
 2. **Narrative description of previous land use.....** : Self-explanatory
 3. **Narrative description of current land use....**: Self-explanatory
 4. **Does the landowner know.....**: Self-explanatory
- B. 1. Link to online USGS mapping site: <https://www.usgs.gov/products/maps/overview>
2. **Township/City/Village name:** Project's location

- C. **Provide a street level map....:** Using a copy of the LWCF Boundary Map (Attachment 2, page 28), draw a boundary that approximates the area the project will affect. The APE is the area that will be affected by the project. Consider the compatibility of the project with the surrounding area. For example, a brightly colored climbing wall might visually detract from a nearby historic house.
- D. **Provide a verbal description of the APE....:** See instructions for Section 2 C above. Provide an explanation for the boundaries chosen for the APE. Discuss potential direct and indirect effects that might result within the APE from the project.
- E. **Provide a detailed description of the project....:** Provide a detailed description of project work. Supplement written description with available plans and specifications.

Section 3: Identification of Historic Properties

If an historic or archaeological survey has been completed for the property where the project will be located, or has been completed for property that will be acquired with LWCF monies, please provide a copy of that report.

If an historic or archaeological survey has not been completed, skip Section 3 for purposes of this application. ***If your project is selected for funding, ODNR will complete a map of the project area, including the APE, using OHPO mapping software that shows locations of historic sites. The map will be provided to the OHPO (and to you) along with your completed Section 106 Form.***

If the OHPO map shows areas that have been identified as historically or archeologically significant, additional information listed in Section 3 may be requested.

Section 4: Supporting Documentation

- A. **Photographs....:** Self-explanatory. Please be sure to label the photos as follows: direction of view (N,S,E,W etc.) and include a map showing where you were standing when the photo was taken. Please do not submit street view images from online websites like Google Earth.
- B. **Project plans, specifications, site drawings....:** Self-explanatory
- C. **Copies of summaries of any comments....:** Self-explanatory

Section 5: Determination of Effect

- A. Section 5 (A 1&2 and B) is self-explanatory, however if you have questions, please call ODNR (see contact info on page 1).

Please mail the completed Section 106 Form and all supporting documents to ODNR with your LWCF grant application.

THANK YOU & GOOD LUCK WITH YOUR LWCF GRANT APPLICATION!



A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Department: Finance

Request: Action Item

Item Background and Purpose:

The County Budget Commission has approved the property tax levy rates and estimated amounts for tax year 2025 to be collected in 2026. City Council is required to adopt a resolution to accept these amounts. Once adopted, the legislation must be provided to the Montgomery County Auditor in accordance with State law. Staff is requesting this legislation to be placed on the October 9th Council meeting agenda.

Financial Impact:

Is Item Budgeted?: No

Funding Source: NA

Attachments:

1. 8177-25 - Attachment
2. 2025-09-25 Property Tax Amounts & Rates Legislation Memo
3. 2025-09-25 Property Tax Amounts & Rates Attachment

RECORD OF RESOLUTIONS

Resolution No. 8177-25

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

_____ moved the adoption of the following Resolution.

WHEREAS, the Council of the City of Moraine, Montgomery County, Ohio, met in regular session on the 9th day of October 2025, at the offices of the City of Moraine with the following members present: Teri Murphy, Mayor; Ora Allen, member; Don Burchett, member; Mike Daugherty, member; Shirley Whitt, member; Jeanette Marcus, member; and David Miller, member, and

WHEREAS, the Budget Commission of Montgomery County, Ohio, has certified its action thereon to this Board, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORAINE, STATE OF OHIO:

SECTION 1: That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and

SECTION 2: That there be and is hereby levied on the tax duplicate of the City of Moraine the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Schedule A – Summary of Amounts Required from General Property Tax Approved by the Budget Commission and County Auditor’s Estimated Tax Rates (attached)

Schedule B – Levies Outside 10 Mill Limitation (attached)

SECTION 3: That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution to the Montgomery County Auditor, and to the City Manager and Finance Director.

SECTION 4: That this Resolution shall take effect and be in force from and after the date of its passage.

_____ seconded the adoption of the following Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Teri Murphy, Mayor:
- Ora Allen, Member:
- Don Burchett, Member:
- Mike Daugherty, Member:
- David Miller, Member:
- Shirley Whitt, Member:
- Jeanette Marcus, Member:

SECTION 5: That this Resolution is adopted the 9th day of October 2025.

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

Page 2

City of Moraine - Tax Year 2025/2026

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION

Carry to Sch A

FUND	Maximum Rate Authorized To Be Levied	County Auditor's Estimate Of Yield Of Levy (Carry To Sch A Column II)	
SPECIAL LEVIES:			

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: September 11, 2025

Subject: Property Tax Amounts & Rates Legislation

Each year, the City Council is required to adopt a Resolution to accept the dollar amounts and property tax rates of our levies to be received the following year. The levy rates have not changed for many years, and the dollar amounts are calculated by the Montgomery County Auditor. This resolution goes to the Montgomery County Auditor in accordance with state law.

I am requesting legislation for the next City Council meeting.

Please see attached for the estimated revenues at a 95% collection rate.

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED
BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(City Council)

Revised Code, Secs, 5705.34 - 5705.35

The Council of the City of _____, Montgomery County,
Ohio met in _____ session on the _____ day of _____ 2025, at the office
of _____ with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, The Budget Commission of Montgomery County, Ohio, has certified
its action thereon to this Board, together with an estimate by the County Auditor of the
rate of each tax necessary to be levied by this Council, and what part thereof is without,
and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of _____
Montgomery County, Ohio, that the amounts and rates, as determined by the Budget
Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City
the rate of each tax necessary to be levied within and without the ten mill limitation as
follows:

Tax Year 2025/2026

and be it further

RESOLVED, That the Clerk of the Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____,
_____,
_____,
_____,
_____,
_____.

Adopted the _____ day of _____, 2025.

Clerk of Council

City
Montgomery County, Ohio

CERTIFICATE OF COPY

Original On File

The State of Ohio, Montgomery County,

I, _____, Clerk of this Council of _____
City, in said County, and in whose custody the Files and Records of said Board required
by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken
and copied from the original minutes _____ now on file with said
Council, that the foregoing has been compared by me with said original document, and
that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 2025.

Clerk of Council

_____ City

Montgomery County, Ohio

Tax Year 2025/2026

No:

COUNCIL OF THE CITY OF

MONTGOMERY COUNTY, OHIO

RESOLUTION

ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY
AUDITOR.

(City Council)

Adopted _____, 2025

Clerk of Council

Filed _____, 2025

County Auditor

By _____
Deputy

City of Moraine - Tax Year 2025/2026

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount Approved By Budget Commission Inside 10 M. Limitation	Amount To Be Derived From Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
City of Moraine - Tax Year 2025/2026	Column I	Column II	III	IV
General Fund J44, J44-1.....	625,480		1.90	
General Fund J44-2.....	16,195		1.10	
General Fund K47-1.....	888		0.91	
Police Pension Fund.....	103,470		0.30	
Fireman's Fund.....	103,470		0.30	
TOTAL	849,503			

City of Moraine - Tax Year 2025/2026

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION

Carry to Sch A

FUND	Maximum Rate Authorized To Be Levied	County Auditor's Estimate Of Yield Of Levy (Carry To Sch A Column II)	
SPECIAL LEVIES:			

A Resolution authorizing the submittal of an application(s) for Federal IIJA Funds through the Miami Valley Regional Planning Commission for the 2030 Asphalt Paving Program.

Department: Community Development

Request: Action Item

Item Background and Purpose:

MVRPC has announced that they will begin soliciting applications for STP and STP Resurfacing funds for SFY30-31. Applications will be due on October 9th, 2025.

An application for STP resurfacing funds will be submitted for the 2030 Asphalt Paving Program. Curb ramps and curb repair will be completed prior to this project. This project will include resurfacing, pavement striping, and other related maintenance. This funding will likely be for 2030 construction. The City's portion of this project will be approximately 40% of the total cost of the project. See cost breakdown below:

Total Project Cost	\$800,000.0
	0
STP Funds	\$480,000.0
	0
City Funds	\$320,000.0
	0

I recommend creating the necessary legislation to allow the City of Moraine to apply for STP Funding.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: Engineering Capital Improvement Plan

Attachments:

1. 2025 STP Submittal Legislation Memo to CM
2. Sample Resolution for 2025 STP Application

RECORD OF RESOLUTIONS

Resolution No. 8178-25

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION(S) FOR FEDERAL IIJA FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR THE 2030 ASPHALT PAVING PROGRAM.

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the City of Moraine has committed to a timely project development schedule; and

WHEREAS, the City of Moraine will commit the necessary resources to support the estimated local cost portion of the project and the following project will be submitted to MVRPC, shown in order of priority:

- 1. 2030 Asphalt Paving Program: Estimated Local Share \$320,000.00; and

WHEREAS, the City of Moraine requests the following exemptions from MVRPC’s Complete Streets Policy for the proposed project funding application:

- 1. Resurfacing (Exemption 4) – Where the project consists of maintenance, repair, or resurfacing of an existing cross-section only. (Cyclist and pedestrian exemption).

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That this Resolution shall serve to authorize the transmittal and submittal of application(s) for the following listed transportation project to MVRPC for funding consideration in the Transportation Improvement Program (TIP):

- 1. 2030 Asphalt Paving Program: Estimated Local Share \$320,000.00.

SECTION 2: That the City Manager is hereby authorized to sign on behalf of the City the application(s) for funds as referred to in Section 1 of this Resolution.

SECTION 3: That the City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein, and provide any additional information sought by reviewing agencies during the time the application is under review. The City Manager is further directed and authorized to cause compliance with all reporting requirements required by the Miami Valley Regional Planning Commission (MVRPC) as required as part of the funding process.

SECTION 4: That upon application approval, the City hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

SECTION 5: That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

RECORD OF RESOLUTIONS		
	Resolution No. 8178-25	
<u>SECTION 6:</u>	That the Clerk is hereby directed to forward a certified copy of this Resolution to the City Manager, City Engineer, Finance Director, and Clerk of the MVRPC.	
<u>SECTION 7:</u>	That this Resolution shall become effective immediately upon its passage.	



CITY OF MORaine DEPARTMENTAL CORRESPONDENCE

DATE: September 19th, 2025

TO: Michael Davis, City Manager

FROM: Lauren Alvarado, City Engineer

SUBJECT: STP Fund Application for Council Agenda

MVRPC has announced that they will begin soliciting applications for STP and STP Resurfacing funds for SFY30-31. Applications will be due on October 9th, 2025.

An application for STP resurfacing funds will be submitted for the 2030 Asphalt Paving Program. Curb ramps and curb repair will be completed prior to this project. This project will include resurfacing, pavement striping, and other related maintenance. This funding will likely be for 2030 construction. The City's portion of this project will be approximately 40% of the total cost of the project. See cost breakdown below:

Total Project Cost	\$800,000.00
STP Funds	\$480,000.00
City Funds	\$320,000.00

I recommend creating the necessary legislation to allow the City of Moraine to apply for STP Funding.

CITY OF MORaine

RESOLUTION NO. 1

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR FEDERAL IJA FUNDS
THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the City of Moraine has committed to a timely project development schedule; and

WHEREAS, the City of Moraine will commit the necessary resources to support the estimated local cost portion of the following project and the following project will be submitted to MVRPC:

- 2030 Asphalt Paving Program - Estimated Local Share \$320,000

WHEREAS, the City of Moraine requests the following exemptions from MVRPC's Complete Streets Policy for the proposed project funding applications:

1. Resurfacing (Exemption 4) – Where the project consists of maintenance, repair or resurfacing of an existing cross-section only. (Cyclist and pedestrian exemption)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MORaine, THAT:

SECTION I.

This Resolution shall serve to authorize the transmittal and submittal of applications for the following transportation project to MVRPC for funding consideration in the Transportation Improvement Program (TIP):

- 2030 Asphalt Paving Program - Estimated Local Share \$320,000

SECTION II.

The City Manager is hereby authorized to sign on behalf of the City the application for funds as referred to in Section I of this Resolution.

SECTION III.

The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein, and provide any additional information sought by reviewing agencies during the time the application is under reviewed. The City Manager is further directed and authorized to cause compliance will all reporting

requirements required by the Miami Valley Regional Planning Commission (MVRPC) as required as part of the funding process

SECTION IV.

Upon application approval, the City hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

SECTION V.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION VI.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE City of Moraine this ____ day of _____, 2025.

_____ City Manager

ATTEST:

_____ Clerk of Council

A Resolution declaring the items listed on the attached 2025 list to be surplus and no longer needed for municipal purposes and authorizing the City Manager to dispose of such items through GovDeals Auction or donation to a non-profit organization or thru a trade-in program.

Department: Administration

Request: Resolution

Item Background and Purpose:

The Resolution authorizes the disposal of listed items which are no longer of value or useful to the City.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. 8179-25 - Exhibit A

RECORD OF RESOLUTIONS

Resolution No. 8179-25

A RESOLUTION DECLARING THE ITEMS LISTED ON THE ATTACHED 2025 LIST TO BE SURPLUS AND NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SUCH ITEMS THROUGH GOVDEALS AUCTION OR DONATION TO A NON-PROFIT ORGANIZATION OR THRU A TRADE-IN PROGRAM.

WHEREAS, the City Manager has advised Council that the items on the attached 2025 list are surplus and no longer needed for any municipal purposes; and

WHEREAS, the City Manager has recommended that said items be disposed of through GovDeals Auction or donated to a non-profit organization or through a trade-in program.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

It is the legislative determination of this Council that the items listed on Exhibit A are no longer needed for any municipal purpose and should be disposed of through GovDeals Auction or donated to a non-profit organization or thru a trade-in program.
- SECTION 2:

That the City Manager is hereby authorized to be disposed of through GovDeals Auction or donated to a non-profit organization or thru a trade-in program.
- SECTION 3:

That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director.
- SECTION 4:

That this Resolution shall take effect and be in force from and after the date of its passage.

ID Number	Description	Depart/Loc	Make	VIN/Model Number	Condition	Other Misc	Open Date	Close Date
25-030	Lot of Fitness Equipment	Parks			see desc	bike, crunch machine		
25-031	Lot of Disc Golf Baskets	Parks			see desc	18 baskets, without ground base		
25-032	2012 Subaru	Confiscated	Subaru	453BMCC69C3017929	see desc	2012 Subaru Legacy SEDAN 4-DR, 2.5L H4 SOHC 16V., Starts and runs		
25-033	Hydraulic Truck Conveyor	Streets			see desc			
25-034	Vehicle Lift	Streets	Quality Lifts	Q100000	see desc	10,000lb capacity, Stone hydraulics AB-1534, 230 VAC		