



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Details (With Text)

**File #:** 1198-98      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/18/1998      **In control:** Columbus City Council

**On agenda:** 5/18/1998      **Final action:** 5/18/1998

**Title:**

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 61180.pdf

Date	Ver.	Action By	Action	Result
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\*Note: Legislative files PRIOR to 2003 are a result of a data transfer from another software program resulting in certain portions of converted text not appearing clearly. Please open the attachment to the file in order to view a copy of the original legislation as passed by Council.  
COMMITTEE

### ZONING

As Of (Date)

INTRODUCED BY

1  
198-98

MATTHEW HABASH  
DATE OF FIRST READING

Ordinance No.  
Resolution No.

Authorized Signature

CITY ATTORNEY This ordinance has been reviewed by the  
Attorneys Office as to its form, and legality wdy.

AIAY 7 1998

30Day

Emergency..... -- Date

By:

FLOOR ACTION  
(Clerks Office Only)

AUDITORS CERTIFICATE

thereby certify that there is in the treasury, or anticipated to  
come into the treasury, and not appropriated for any other pur  
pose, the amount of money specified hereon, to pay the withir  
ordinance.

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Date:

No

MAY 181998

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By

Amt:

City Auditor or Deputy Auditor

### EXPLANATION OF LEGISLATION

CITY COUNCIL  
CITY HALL  
COLUMBUS, OHIO

Rezoning Application Z97-094

HONORABLE MEMBERS OF COUNCIL:

The attached legislation is submitted for Council action.

APPLICANT: Tom Morris; do Gus M. Shihab, Atty.; 500 South Front Street #1140; Columbus, Ohio 43215

PROPOSED USE: Retail commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on February 12, 1998.

CITY DEPARTMENTS' RECOMMENDATION: Approval. City staff recognizes controlled commercial development as an appropriate land use for this location. Nearly 300 acres of land along this portion of Hamilton Road has been zoned since 1991 to the L-C-4, Limited Commercial Districts with the intent to establish a unified, consistent development pattern. The proposed L-C-4 district applies identical use restrictions and development controls as those existing thus continuing the intended character of this commercial corridor.

4XAAargaret Reynolds, 645-4522  
 Building and Development Services  
 Contact. For Questions- Phone Approved (Division Head) (Depart H  
 a~i~ on this Legislation

TITLE (BRIEF DESCRIPTION)

To rezone 5800 HAMILTON ROAD (43230), being 1.86+ acres located on the east side of Hamilton Road, 1600'- Ext north of Thompson Road, From: R, Rural District, To: L-C-4. Limited-Commercial District, and to declare an emergency. Pmewd~ 5/it/sW

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StONE	DATE	COUNCIL ACTION	PRE ENTOFCOUNCIL
VETO	MAY191998	MAY 1998	
		DATE PASSED/ADOPTED	

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this Ordinance as an emergency measure because of the need to begin construction and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety, and;

Am ea4~1 s/is )9t Z9'7-094

WHEREAS, application #Z97-094 is on file with the Building and Development Services Section of The Department of Trade and Development requesting rezoning of 11.86+ acres from R. Rural District, to L-C-4, Limited-Commercial District, and;

WHEREAS, the Development Commission recommends approval of said zoning change, and:

WHEREAS, the City Departments recommend approval of said zoning change because city staff recognizes controlled commercial development as an appropriate land use for this location. Nearly 300 acres of land along this portion of Hamilton Road has been zoned since 1991 to the L-C-4, Limited Commercial Districts with the intent to establish a unified, consistent development pattern. The proposed L-C-4 district applies identical use restrictions and development controls as those existing thus continuing the intended character of this commercial corridor, now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977 and is subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

5800 HAMILTON ROAD (43230), being 11.86+ acres located on the east side of Hamilton Road. 1600+ feet north of Thompson Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being the same tract of land as shown in OR. 20863 6-10.

Beginning for reference at a Franklin Couilly monument box (ECUS. 8813) found marking the northwest

corner of a 2.367 Acre tract as conveyed in a deed to A.&M. Tinon (as shown in D.B. 2935 page 431) and being the true place of beginning for this description:

thence with the centerline of Hamilton Road, North 03 degrees 07'56" East a distance of 627.74 feet to a point;

thence with the South line of a 1.121 Acre tract as conveyed in a deed to Oliver and ShirleN Rowe (as shown in OR. 28272 B-b), and being the North line of said 11.861 acre tract, South 85 degrees 46'14" East a distance of 300.54 feet to a point;

thence with the East line of said 1.121 Acre tract, North 02 degrees 48' 19" East a distance of 165.96 feet to a point;

thence with the South line of a 5.112 Acre tract as conveyed in a deed to the New Albany (as shown in OR. 18383 A-12), also being the North line of said 11.861 acre tract, South 86 degrees 59' 33" East a distance of 570.46 feet;

thence with the West line of a 38.599 Acre tract as conveyed in a deed to the Austin Land Corporation (as shown in OR. 22323 B-04), and being a curve to the left. (a delta angle of 02 degrees 01'29". a radius of 500.00 feet). and a chord bearing of South 32 degrees 36' 28" West a distance of 17.67 feet to a point;

thence with the West line of said 38.599 Acre tract, South 33 degrees 36' 52" West a distance of 19.72 feet.

thence with the West line of said 38.599 Acre tract, and being a curve to the left, (with a delta angle of 30 degrees 11' 25", a radius of 1000.00 feet), and a chord bearing of South 18 degrees 31' 09" West a chord distance of 520.85 feet to a point;

thence with the East line of said 11.861 acre tract, and the West line of said 38.599 Acre tract. South 03 degrees 25' 26" West a distance of 254.82 feet to a point:

thence with the North line of said 2.367 acre tract, and the South line of said 11.861 Acre tract, North 86 degrees 51' 08" West a distance of 71.50 feet to the point of beginning containing 12.407 Acres, excepting a 0.546 Acre tract to the City of Columbus for Right of Way purpose, with a total acreage of 11.861 Acres

Z97-094

This description was prepared by the Harmon Surveying Company in February 1997, and not based on an actual field survey, and is subject to change. This description was prepared for zoning use only, and not for a Title Transfer

Subject, however, to any and all legal easements of record.

To Rezone From: R, Rural District,

To: L-C-4, Limited-Commercial District.

Section 2. That a Height District of Thirty-five (35) feet is hereby established on the 1.-CA. Limited-Commercial District on this property

Section 3. That the Director of the Department of Trade and Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building and Development Services Section and shall register a copy of the approved L-C-4, Limited-Commercial District and Application among the records of the Building and Development Services Section as required by Section 337003 of the Columbus City Codes; said text being titled, "LIMITATION OVERLAY TEXT - DEVELOPMENT PLAN" signed by Gus M. Shihab, Attorney for the Applicant, dated February 17, 1998, and reading as follows

LIMITATION OVERLAY TEXT  
DEVELOPMENT PLAN

PROPOSED DISTRICT: L-C-4  
PROPERTY ADDRESS: 5600 Hamilton Road  
OWNER: Thomas L. Price  
APPLICANT: Tom Morris  
DATE OF TEXT: February 17, 1998  
APPLICATION NUMBER: Z97-094

- I. INTRODUCTION: The subject property is located on the East side of Hamilton Road, south of Dublin-Granville Road and north of Thompson Road. The site contains approximately 11.861 acres.
- II. PERMITTED USES: Unless otherwise indicated within this Limitation Text, the permitted uses for this site are contained in Section 3355.02 (C-4) of the Columbus Zoning Code.
1. The following uses are excluded from this site:
- a. adult bookstore
  - b. adult only motion picture
  - c. adult only entertainment
  - d. book bindery
  - e. bus or truck terminal
  - f. ice house
  - g. poultry killing
  - b. stables
  - tinsmith

Z97-094

- III. DEVELOPMENT STANDARDS: Unless otherwise indicated within this Limitation Text, the applicable development standards for this site are contained in Section 3355.03 ((7-4) of the Columbus Zoning Code.
- A. Density. Height. Lot and/or Setback commitments.
- 1. The permitted maximum density shall not exceed the ratio of 12,000 gross square feet of building per net acre of site.
  - 2. The setback along Hamilton Road shall be forty (40) feet for parking and maneuvering areas and sixty (60) feet for all buildings.
  - 3. Height district shall be a maximum of thirty-five (35) feet as measured per the Columbus Zoning Code. The absolute maximum height of any structure shall not exceed sixty (60) feet.
- B. Access. Loading. Parking and/or other Traffic related commitments.
- 1. Hamilton Road shall contain a right-of-way of 120 feet.
  - 2. One full service curbcut shall be permitted along Hamilton Road. Such full service curbcut shall be located along the southern terminus of this property- Applicant/Developer shall provide for cross egress and ingress easement from this full service curbcut to the parcel immediately adjoining to the south.
  - 3. The site shall be limited to one Right-in and right-out curbcut on Hamilton Road which has a minimum spacing and separation of 200 feet, taken from centerline to centerline - to the full service curbcut.
  - 4. Any development having full access to Hamilton Road shall construct an additional lane on Hamilton Road if required by the City of Columbus, Division of Traffic. The additional lane shall run for the length of full-outage to facilitate turning traffic on to and off of Hamilton Road. Construction shall be done at time of development and to specifications of the City of Columbus. The commitment included in this sub-paragraph shall be waived by the City of Columbus if a lane has been constructed on the opposite side of Hamilton Road along the entire frontage of this property at the time of issuance of zoning clearance for this rezoning application.
  - 5. Parking and loading requirements shall be as those specified within the Columbus Zoning Code under Chapter 3342,
  - 6. The view of all loading docks shall be fully screened on all sides from any adjacent roadway, building, or parking lot achieving ninety per cent (90%) opacity to a minimum height of seven (7) feet from finished grade.
  - 7. One full service curbcut shall be permitted on the future extension of Newlery Road along the northern property line.

8. The Applicant/Developer shall install a four (4) foot wide pedestrian side walk within the eventual right-of-way of Hamilton Road along the entire frontage of the property on Hamilton road.

C. Buffering. Landscaping. Open space and/or Screening commitments.

1. From the east edge of the proposed Hamilton Road right-of-way, a forty (40) foot green space corridor shall be established. Landscaping within the forty (40) foot green space corridor shall resemble an orchard and be based on the following standard:

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Z97-094

- a. Within the forty (40) foot green space corridor, there shall be a minimum of three (3) foot high continuous uniform earthen mound and a four (4) board (54 inch high) white board fence except for areas of egress and ingress roadways. The mound shall have a minimum 8:1 slope that will begin at the right-of-way. The mound will also have a 4:1 maximum slope on the opposite side, which will begin approximately twelve (12) feet from the setback line and have an approximate width of four (4) feet.
  - b. Two rows of ornamental trees shall be planted within the green space corridor in an orchard fashion at an approximate spacing of fifteen (15) feet on centers both ways. The first row of trees shall be planted twenty (20) feet from the right-of-way. Trees may be planted in pairs or staggered.
  - c. Minimum size at installation shall be two (2) inch caliper, measured six (6) inches from the base of the tree, or multi-stem ornamental trees.
2. All parking areas along Hamilton Road shall have headlight screening with a minimum height of 36 inches measured from the elevation of the nearest section of the adjacent parking area. Headlight screening shall be in the form of earthen mounding.
  3. All major entries shall be demarked by utilizing the fencing and landscape material noted in C-1.
  4. Tree plantings shall be required within site parking and service areas. The number of trees required shall be determined by the following applicable ratios of total inches of tree caliper (minimum of 2 inch caliper per tree) to total site coverage by buildings and pavement.
    - a. 0 to 20,000 square feet: 6 inches of trunk size plus 1 inch additional for every 400 (1 square feet of total site coverage by buildings and pavement.
    - b. 20,001 to 100,000 square feet: 10 inches of trunk size plus 1 inch additional for every 4,000 square feet of total site coverage by buildings and pavement over 20001 square feet.
    - c. Over 100,000 square feet: 10 inches of trunk size plus 1 inch additional for every 6,500 square feet of total site coverage by buildings and pavement over 100,000 square feet.
  5. At least 50% of required tree planting shall be integrated within parking or service areas. Existing trees of 3 inch caliper or greater may offset 2/3 of this requirement. Maximum possible green space shall be provided to minimize extensive unbroken hard surface areas.
  6. Landscape islands are required within parking lots and shall be provided at a rate of 5 square feet of landscaped area per 100 square feet of vehicular use area in such a manner as to visually break up large expanses of pavement.
  7. The landscaping required in items 5, 6, and 7 may be used to offset the parking lot landscaping requirements contained in Chapter 3342 of the Columbus Zoning Code.
  8. Minimum tree size shall be no less than 2 inch caliper for street and/or shade trees, 4 feet to 6 feet in height for evergreen trees and 1 inch caliper for ornamental trees.
  9. If landscaping is used to screen service area containing dumpsters, 90% opacity is required.

for all non-servicing sides and must be protected from service vehicles. Screening shall be 1 foot above height of structure to be screened but not less than seven (7) feet above finish grade.

10. A fifty (50) foot no build zone buffering shall be established along the eastern property line. Within such no-build zone, Applicant/Developer shall install a double row of staggered evergreen trees, five (5) feet in height at installation to provide a seventy five per cent (75%) opacity in a three-year period.

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11. A fifty (50) foot no build zone shall also be established along the property lines of the abutting residential property which generally exists at the northwestern corner of this property, and which is currently zoned residential. This no build zone shall be occupied by natural material, grass, trees or shrubs. However, the Applicant/Developer shall be relieved from this commitment if the aforementioned residential property is rezoned to any non residential zoning category.

12. The Applicant/Developer shall align the existing tree line located along the northern property line with pine trees, five (5) feet at installation, or deciduous trees two (2) inch in caliper, measured six (6) inches from the base of the tree, twenty (20) feet (10 centers).

II. Building design and/or Interior-Exterior treatment commitments.

Within 300 feet of Hamilton Road, the following architectural requirements shall apply. However, the requirements do not apply to buildings in which at least 80% of their ground floor footprint lies outside designated zone.

1. A residential appearing roof shall be required and structures that appear to have flat roofs shall specifically be prohibited. A residential appearing roof shall be defined as a roof structure with a minimum pitch of 6:12 and a maximum roof of 12:12. The height of the roof element shall not be less than 40% of the overall height of the building as measured from finish floor to top of roof. Once the roof element has reached the 40% level, then the roof may be flattened or depressed so long as the flattened or depressed portion of the roof is not visible from adjacent parking, service areas or roadways. The sloped roof noted above shall be finished with one of the following materials: dimensional asphalt shingles, wood shakes, slate, composite slate, tile, standing metal seam, or copper.
2. A maximum of three building material types shall be utilized for the exterior of any building including roof material. Minor accenting of structures through the use of a fourth building material shall be permitted. At least 30% of each structure located on an outparcel developed in conjunction with or as a part of a single identified shopping center shall be constructed of materials common to other such outparcel structures. This will achieve overall architectural uniformity.
3. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside a permitted structure.
4. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view by same materials utilized on building roof or exterior. Color shall also match building exterior or roof. Mechanical or other utility equipment on the ground shall be fully screened from view by wall, fence or landscape material utilizing the same material or character of the building.
5. Building illumination shall be permitted provided such light source is concealed. No colored light shall be used to light the exterior of any building.
6. Blank facades on rear of buildings will not be permitted, therefore, articulation such facades with recesses, fenestrations, fences or pilasters is required. Such articulation shall be evenly spaced along the building elevation at a distance no greater than 20 feet-0 inches.
7. All buildings shall be inished utilizing the same materials on all sides of the exterior.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. All external outdoor lighting shall be cut-off type fixtures (downlighting). However, buildings and landscaping may be illuminated with uplighting from a concealed source.
2. All external outdoor lighting fixtures to be used shall be from the same or similar

manufacturer type or family to ensure aesthetic compatibility. All light poles and standards shall be in dark brown, dark green, bronze or black.

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Z97-094

3. Parking lot lighting shall be no higher than twenty-eight (28) feet
  4. Building mounted lighting within service areas shall be designed in such a way that no light spillage offsite occurs.
  5. Landscaping at entries to parking lots and buildings shall be uplighted by ground mounted concealed fixtures.
  6. All dumpsters will be fully enclosed and screened from all adjoining uses and the right-of-way. One side of said dumpsters can be screened by a movable gate system.
  7. All utilities shall be installed underground.
- F. Graphics and Signage commitments.
1. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code, as it applies to the appropriate zoning district. Any variance to the sign requirements other than those sign requirements listed below shall be submitted to the Columbus Graphics Commission.
  2. The height of ground supported signage shall not exceed 20 feet for all retail centers. A retail center shall be defined as a building that contains two or more stores dedicated to retail sales.
  3. The height of ground supported outparcel signage shall be limited to seven feet as measured from the grade level at the right-of-way line (including sign posts, sign face, and ornamentation). The maximum area of the sign face shall be fifty (50) square feet per side and will be placed within the setback area at the right-of-way line. All signage shall be mounted on 8 x 8-inch wooden posts. If illuminated, the source shall be external and concealed. No internal illumination shall be allowed.
  4. All other signage shall be behind the required 40 foot setback with the exception of one directional entry and exit sign located at each entrance which shall be ground type only and limited to four (4) square feet in area per face and located at a minimum of five (5) feet front street right-of-way. In no case shall such signage interfere with maintaining safe clear sight distances at driveway entries and exits. Identification logo or name shall not be displayed on directional signage.
  5. No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.
  6. No roof signs shall be permitted nor should a sign extend higher than the building.
  7. No flashing, traveling, co-op. trailer type graphics, tethered balloons, banners, pennants, animated or intermittently illuminated signs shall be used.
  8. No off premise graphics or billboards are permitted.
  9. All graphic monuments shall be landscaped with hedges, bushes, annuals, or perennials, or combination thereof.
  10. Street addresses shall be incorporated into the standard sign and prominently displayed on the building. Addresses shall be in Arabic numerals and readable from Hamilton Road.

Section 4. Title. . . . . i. . . . . ne iii 101CC 'lull' allu Cii iei lire Cclii 1C51 pci Lou div, n~J 1>

That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after

passage if the Mayor neither approves nor vetoes the same. Am44 .sl,tiiis'

STAFF REPORT  
DEVELOPMENT COMMISSION  
ZONING MEETING  
CITY OF COLUMBUS, OHIO  
FEBRUARY 12, 1998

5. APPLICATION: Z97-094  
Location: 5800 HAMILTON ROAD (43230), being 11.86? acres located on the east side of Hamilton Road, 1600+ feet north of Thompson Road.  
Existing Zoning: R, Rural District (annexation pending).  
Request: L-C-4. Limited Commercial District.  
Proposed Use: Retail commercial development.  
Applicant(s): Tom Morris: do Gus M. Shihab, Atty.; 500 South Front Street. Suite I 40: Columbus. Ohio 43215.  
Property Owner(s): Thomas K. Price. do Gus M. Shihab, Ally.; 500 South Front Street. Suite 1140: Columbus. Ohio 43215.

BACKGROUND:

- o This rezoning request was tabled at the January 8, 1998 Development Commission hearine.
- o This 11.86+ acre site is presently developed with two single family dwellings and several outbuildings fronting the east side of Hamilton Road. Approximately 7 1/2 acres has been zoned in the 1k, Rural District since annexation in 1978 while the balance of the site is pending annexation from Plain Township at this time. The applicant requests to rezone to the L-C-4, Limited Commercial District to permit relai l commercial development.
- o Land to the north consists of single family dwellings on deep lots in Plain Township and acant property in the L-C-4, Limited Commercial District. Single family residences on deep lots lie to the south also in Plain Township. Undeveloped land to the east is zoned in the R, Rural District. Land to the west, across Hamilton Road, is largely undeveloped and zoned in the L-C-4, Limited Commercial District.
- o The existing L-C-4 zoning districts on the east side of Hamilton Road (Z90- 166 and Z93- 129 t as well as those on the west side (Z93-029 and `L94-1208) include common use restrictions and site design elements which establish a unified, consistent development pattern along this portion of the Hamilton Road corridor. The submitted limitation text applies identical controls as those existing L-C-4 districts and continues that intended pattern.
- o Hamilton Road is identified by the Columbus Thoroughfare Plan as a 4-2D arterial requiring a minimum 60 feet of right of way from centerline.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

City staff recognizes controlled commercial development as an appropriate land use for this location. Nearly 300 acres of land along this portion of Hamilton Road has been zoned since 1991 to the L-C-4. Limited Commercial Districts with the intent to establish a unified, consistent development pattern. The proposed L-C-4 district applies identical use restrictions and development controls as those existing thus continuing the intended character of this commercial corridor.

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STATE OF 01110  
COUNTY OF FRANKIIN

APPLICATION# 397- 4) 9?'

Gus N. Shihab, Esq. \_\_\_\_\_ belig tirsi duly cautioned arid sworn  
NAME

500 5. Front St. Suite 1140 Columbus, Ohio 43215  
COMPLETE ADDRESS

deposes and slates that (he/skoj Gus M. Shi hab, Es q. ~ u~ APPLICANT or DULY AU]ICRIZED ATTORNEY  
FOR SAME and the following ls a ~sl of all persons, oilier partnerships, corporations or entities having a 5% or more inlorest in the  
project which ls the subject of this applica;ion and tlwir mailing addresses:

fIAME COMPLETE MAILING ADDRESS

Tom Morris dO Gus N. Shihab 500 S. Front St. Suite 1140  
Columbus, Ohio 43215

ThomRs 1. Prig, ~ r, ~Q/O\_Gus N. Shihab 500 5. Front St. Suite 1140  
Columbus, Ohio 43215

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FLOOR AMENDMENT OF 30 DAY LEGISLATION TO EMERGENCY

Tide of Ordinance No. ~ amended to reflect emergency measure and  
emergency declaration by City Council;

Preamble to Ordinance No. ,ZSl't is amended hi accordance with City Charter  
Section 22 to declare that there is an emergency hi the usual daily operation of the  
Department of 7)on.o A-(n'JLXT~ hi that it is immediately  
emergency measure because \_\_\_\_\_

necessary to pass this o~inance as an \_\_\_\_\_  
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and that this ordinance is for the same reason necessary for the immediate preservation of the  
public peace, property, health or safety;

Body of ordinance is amended to provide new section that declares Ordinance No.  
to be an emergency measure for the reasons stated hi the preamble, which are incorporated  
by reference, and shall be effective upon passage and signature of the Mayor, or 10 days

after passage if neither signed nor vetoed by the Mayor.

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