

DATE:	<u>August 1, 2022</u>	1 ST READING:	<u>August 1, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 120-2022</u>	ADOPTED:	<u>August 1, 2022</u>
		EMERGENCY:	<u>August 1, 2022</u>

RESOLUTION NO. 1574-2022

A RESOLUTION ACCEPTING FUNDS FROM THE OHIO DEPARTMENT OF DEVELOPMENT THROUGH THE ABANDONED GAS STATION CLEANUP GRANT PROGRAM IN THE AMOUNT OF \$250,000, AND DECLARING AN EMERGENCY.

WHEREAS, the City acquired Parcel Nos. 07-00-028-103-180, 07-00-028-103-182, 07-00-028-103-184, and 07-00-028-103-186 (collectively the “site”) as part of the Center Ridge Road widening project; and

WHEREAS, the site is the location of two former gas stations where underground storage tanks were removed but where open environmental issues exist, limiting the potential redevelopment of the site; and

WHEREAS, the City of North Ridgeville applied for and has been approved to receive funds in the amount of \$250,000 from the Ohio Department of Development’s Abandoned Gas Station (AGS) Cleanup Grant Program; and

WHEREAS, the grant funds are to be used for assessment and corrective action at the site; and

WHEREAS, the total amount of the grant is for up to \$250,000 with no required local match, and the City will be reimbursed from the grant for the work.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:


SECTION 1. City Council finds that it is in the best interest of the City to accept the Abandoned Gas Station Cleanup Grant, and hereby authorizes the Mayor to accept the funds.

SECTION 2. The AGS Cleanup Program grant funds shall be deposited and applied to the appropriate fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure, the emergency being in order to meet the Ohio Department of Development's project deadline in order to move forward with the project. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022



MAYOR

DATE:	<u>August 1, 2022</u>	1 ST READING:	<u>August 1, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 119-2022</u>	ADOPTED:	<u>August 1, 2022</u>
		EMERGENCY:	<u>August 1, 2022</u>

ORDINANCE NO. 5977-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING THE NEW POLICE STATION AND REAL ESTATE INTERESTS NECESSARY FOR THE SITE, NOT TO EXCEED \$11,650,000.00, AND DECLARING AN EMERGENCY.

WHEREAS, at the November 2, 2021, General Election, the electorate passed a levy to fund the construction of a new police station that will be located at 7070 Ranger Way as a replacement for the antiquated police station that is currently located at 7307 Avon Belden Road; and

WHEREAS, on the question of issuing bonds in the aggregate principal amount of \$12,500,000.00, the citizens of North Ridgeville passed the issue for the purpose of constructing, furnishing, equipping, and otherwise improving a new police station and acquiring, preparing, equipping, and otherwise improving real estate and interests therein for its site and of levying taxes outside the ten-mill limitation to pay the debt charges on those bonds and any anticipatory securities.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to advertise for bids pursuant to the Charter of the City of North Ridgeville and enter into a contract, according to law and in a manner prescribed by law, with the lowest and best bidder for the construction, furnishing, equipping and otherwise improving of the new police station and real estate and interests necessary for the site, not to exceed \$11,650,000.00. The City reserves the right to reject any and all bids as is deemed appropriate to serve the best interest of the municipality as owner and operator of the police station facility.

SECTION 2. The cost of the new police station project shall be paid from the appropriate City fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to move forward with project. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022

Kevin Corcoran

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>August 1, 2022</u>
TEMPORARY NO:	<u>T 98-2022</u>	ADOPTED:	<u>August 1, 2022</u>

Public Hearing on 8-01-2022

ORDINANCE NO. 5978-2022

AN ORDINANCE AMENDING *CHAPTER 1210 PLANNING COMMISSION OF THE NORTH RIDGEVILLE ZONING CODE.*

WHEREAS, this Council created the position of Planning and Economic Development Director to organize activities and implement policies related to the orderly development and growth of the community; and

WHEREAS, it is the recommendation of the Planning and Economic Development Director that various administrative provisions of the City of North Ridgeville Zoning Code be updated to enhance efficiency in the zoning review process and to provide clear guidance to applicants, staff, and decision makers; and

WHEREAS, the administrative procedures related to the function of the Planning Commission should be updated and the authority of the Planning Commission should be expanded to include employment of consultants and similar use determinations; and

WHEREAS, following publication of newspaper notice in conformance with the provisions of Section 9.1 of the Charter and Section 1246.03(d) of the Zoning Code, a public hearing was held on the 1st day of August 2022; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. *Chapter 1210 Planning Commission* of the Zoning Code which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A** and incorporated herein by reference as if fully restated, be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B** and incorporated herein by reference as if fully restated.

SECTION 2. That those ordinances referencing similar uses be amended as set forth in the document attached to this Ordinance as **Exhibit C**, and that any other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly adopted chapter are likewise repealed to the extent of such inconsistency or conflict only.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 4. That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022



MAYOR

EXHIBIT A: Current Chapter 1210**CHAPTER 1210
Planning Commission**

- 1210.01 Secretary of the Planning Commission and Board of Zoning and Building Appeals.
- 1210.02 Action on nonresidential matters.
- 1210.03 Application fees; fee for special meetings.
- 1210.04 Public hearings; notice.
- 1210.05 City Planner review.
- 1210.06 Traffic impact study.

CROSS REFERENCES

Planning Commission generally - see CHTR. Art. VIII

Planning Commission shall be Platting Commission - see Ohio R.C.

713.03 Duties of Clerk of Council re Commission - see ADM. 220.03

Authority re street or alley name changing, vacating or narrowing - see S.U. & P.S.
1022.01, 1022.03

Authority re Subdivision Regulations - see P. & Z. 1022.01, 1224.05(b)(4)

Consideration of amendments to Zoning Code - see P. & Z. 1246.03(c)

Authorization of conditional uses in the B-2 District - see P. & Z.
1266.02(b)

**1210.01 SECRETARY OF THE PLANNING COMMISSION AND BOARD OF
ZONING AND BUILDING APPEALS.**

There is hereby established the combined position of Secretary of the Planning Commission and Secretary of the Board of Zoning and Building Appeals, who shall be appointed by the Mayor, with the approval of Council, and whose duties shall be to keep a complete record of the proceedings of the Commission and the Board, to keep minutes of all meetings of the Commission and the Board and to perform such other duties, under the direction of the Mayor, as are not inconsistent therewith. Such Secretary shall be in the unclassified civil service.

(Ord. 34-60. Passed 2-1-60.)

1210.02 ACTION ON NONRESIDENTIAL MATTERS.

(a) Pursuant to Article VIII, Section 8.8, of the City Charter, it is hereby provided that any matter referred to the Planning Commission of a nonresidential nature shall be acted upon by the Commission within 60 days from the date of referral. If the Commission fails to act within the time allotted, it shall be deemed to have approved such matter.

(b) As used in this section, "nonresidential matter" means any matter referred to the

Commission, in accordance with the Charter or City ordinances, which is primarily concerned with issues of a commercial or industrial nature.

(Ord. 1566-80. Passed 1-7-80.)

1210.03 APPLICATION FEES; FEE FOR SPECIAL MEETINGS.

(a) There is hereby established an application fee to be paid by persons appearing before the Planning Commission.

(Ord. 2231-87. Passed 12-21-87.)

(b) The application fee to be charged shall be as follows:

\$100.00 application fee for single lots

\$300.00 application fee for multiple

lots (Ord. 4552-2008. Passed 7-7-08.)

(c) A fee of two hundred fifty dollars (\$250.00) shall be paid by persons requesting or causing a special meeting of the Planning Commission.

(Ord. 4554-2008. Passed 7-7-08.)

(d) The Building Department is hereby directed to collect the application fee upon submission of an application by persons requesting to appear before the Planning Commission.

(e) The proceedings of application fees shall be placed in a separate fund to be administered by the Planning Commission and earmarked for land use studies.

(Ord. 2231-87. Passed 12-21-87.)

(f) Applicants before the Planning Commission shall pay an additional cost for the mailing of public hearing notices in the amount of one dollar (\$1.00) per notice, over the basic Planning Commission application fee. In addition, applicants shall be charged a cancellation fee of one dollar (\$1.00) per notice, should a cancellation be due to the actions or the request of the applicant.

(Ord. 3445-99. Passed 5-17-99; Ord. 4553-2008. Passed 7-7-08.)

1210.04 PUBLIC HEARINGS; NOTICE.

(a) The Planning Commission shall fix a reasonable time for a public hearing on any application, which shall be within the times specified by its rules and the City Charter. It shall give due notice to the parties in interest, including record title owners of adjacent properties, not less than ten days prior to the date of the Planning Commission public hearing. Upon the hearing of such application, any party may appear in person or by agent or attorney.

(b) An applicant to the Planning commission shall provide a list of the current record title owner(s) adjacent to the property of request. Said list shall include the name, permanent parcel number and mailing address of the record title owner(s). If the mailing address of such record title holder is not on file, then the posted notice of such public hearing shall be deemed adequate notice. The application must be filled out in full, including a complete list of current record title owner(s). Any application submitted containing blanks, omissions or not meeting Zoning Code requirements may be delayed or rejected.

Upon receipt of an application by the Planning Commission, the Chief Building

Inspector shall verify the list of permanent parcel numbers for accuracy. The Chief Building Inspector shall submit a receipt of verification of the permanent parcel numbers to the Clerk of Council within four working days of receipt of an application. Upon receipt of verification of permanent parcel numbers from the Chief Building Inspector, the Clerk of Council shall verify the name and mailing address of the record title owner(s).

(c) The applicant shall be responsible for providing an updated list of current adjacent record title owner(s) to the Clerk of Council twenty-five days prior to the date of any public hearing when the applicant will appear on the agenda.

(d) The City strives for accuracy in the notification of adjacent property owner(s). However, if the City has made an error in the notification process, this will not be cause for rejection of an application. (Ord. 3440-99. Passed 5-17-99; Ord. 5270-2015. Passed 8-17-15.)

1210.05 CITY PLANNER REVIEW.

All preliminary residential subdivision designs of greater than fifteen (15) sublots shall require a review by the City Planner.

(a) The City Planner used shall be the City Planner currently under contract with the City of North Ridgeville.

(b) The City Planner is to review how the development will impact current and future development in the area, the City as a whole, and as compared to the City Master Plan. The City Planner is to also make recommendations on how the development might possibly be modified to reduce impact and better conform to the overall development of the City. The City Planner review is not to include detailed engineering items or detailed zoning items that are normally checked and reviewed by the Engineering Department or the Building Department.

(c) The cost of said review shall be paid directly to the City Planner by the applicant/owner/developer/person or persons submitting the subdivision design.

(d) A copy of the resulting report shall be submitted to the North Ridgeville Planning Commission (NRPC), the Mayor, the Chief Building Official and the City Engineer. (Ord. 4766-2010. Passed 7-19-10.)

1210.06 TRAFFIC IMPACT STUDY.

A traffic impact study shall be required for all major developments involving a new use, change of use and/or expansion of use.

(a) Major developments are defined as developments that have a total traffic generation rate that exceeds the rate shown below for the traffic of the generator at the peak hour of the land use or the peak hour of the roadway, whichever is more significant, as calculated using the latest data and procedures found in the Institute of Transportation Engineers (ITE) "Trip Generation Manual". In case of a unique development where traffic generation rates are expected to be significantly different than those commonly observed at other developments within the same land use category, the developer must present supporting data to the City Engineer for acceptance or refusal. If the latest ITE "Trip Generation

Manual" does not address the traffic impacts of the proposed land use, the developer must present data supporting his trip calculations.

Land Use Type	Peak Hour Trips
Restaurant	150
Convenience Market	150
Convenience Market and Gas Station	150
Supermarket	150
Shopping Center	150
Residential and All Others	100

(b) If the proposed development does not meet or exceed the above calculated trips and if the proposed development is unique in the opinion of the NRPC and may create an undetermined traffic impact, the NRPC may require a Traffic Impact study as described in this code section.

(c) Traffic impact studies shall be prepared by professionals with training and experience in traffic engineering. The developer is to select and pay for the traffic impact preparer professionals and said professionals must be approved by the City Engineer prior to beginning any work. A registered professional engineer must sign and seal the report study.

(d) The study area, time period analyzed, and all other report study items are to be discussed and approved by the City Engineer prior to beginning any work.

(e) The final report is to include improvement recommendations required to maintain or improve current traffic levels and to mitigate the impacts of the proposed development.

(f) A copy of the final report shall be submitted to the North Ridgeville Planning Commission (NRPC), the Mayor, the Chief Building Official and the City Engineer. (Ord. 4766-2010. Passed 7-19-10.)

EXHIBIT B: Amended Chapter 1210**CHAPTER 1210
Planning Commission**

- 1210.01 Secretary.
- 1210.02 Meetings; quorum.
- 1210.03 Public hearings; notice.
- 1210.04 Employment of consultants.
- 1210.05 Traffic impact study.
- 1210.06 Similar use determinations.

1210.01 SECRETARY.

The Secretary of the Planning Commission shall be appointed by the Planning Commission as required in Section 8.5 of the North Ridgeville Charter. The Secretary shall keep a complete record of the proceedings of the Commission, keep minutes of all meetings of the Commission and perform such other duties as may be required.

1210.02 MEETINGS; QUORUM.

(a) All meetings of the Planning Commission shall be open to the public. Meetings of the Commission shall be held at least once a month in accordance with Section 8.6 of the North Ridgeville Charter and at such other times as the Commission may determine, or upon call of the Chairperson.

(b) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

1210.03 PUBLIC HEARINGS; NOTICE.

The Planning Commission shall fix a reasonable time for a public hearing on any application, which shall be within the times specified by its bylaws and the City Charter. It shall give due notice to the parties in interest, including record title owners of adjoining properties, not less than ten (10) days prior to the date of the Planning Commission public hearing. For purposes of this section, "adjoining properties" means all real properties the borders of which are shared in part or in whole with that of the subject property, or that would be shared in part or in whole with that of the subject property but for a street, road or other public thoroughfare separating them. The owner(s), applicant(s) or their authorized agent shall appear at the public hearing in accordance with the requirements established in the Commission's bylaws.

1210.04 EMPLOYMENT OF CONSULTANTS.

The Planning Commission may solicit professional services and employ experts as it finds necessary in connection with the performance of its functions and duties. Expenditures for such services and employment shall be within the amount appropriated for such purposes by Council.

1210.05 TRAFFIC IMPACT STUDY.

A traffic impact study shall be required for all major developments involving a new use, change of use and/or expansion of use.

(a) Major developments are defined as developments with a total traffic generation rate exceeding the rate shown below for the traffic of the generator at peak hour of the land use or peak hour of the roadway, whichever is more significant, as calculated using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. If the latest ITE Trip Generation Manual does not address the traffic impacts of the proposed land use, the developer must present data supporting his trip calculations.

Restaurant, convenience market, gas station, supermarket, shopping center	150 Peak Hour Trips
Residential and all others	100 Peak Hour Trips

(b) If the proposed development does not exceed these rates but if the proposed development is unique and, in the opinion of the Planning Commission, may create an undetermined traffic impact, the Commission may require a Traffic Impact Study as described in this section.

(c) Upon recommendation of the City Engineer, in cases of redevelopment or based on other roadway or site specific circumstances, the Planning Commission may waive the requirement for a Traffic Impact Study or accept a limited scope of study.

(d) Traffic impact studies shall be prepared by a professional engineer, licensed in the State of Ohio. The developer is to select and pay for the professional services. The selection of the traffic engineer, study area, time period analyzed and all other report items are to be discussed and approved by the City Engineer prior to beginning any work.

(e) The final report shall evaluate the ability of the surrounding road network to support the proposed development and include specific onsite and offsite improvement recommendations required to mitigate the impacts of the proposed development.

1210.06 SIMILAR USE DETERMINATIONS.

(a) Since every potential use cannot be addressed in this Zoning Code, the Planning Commission shall have the authority to review those uses that are not specifically listed in a zoning district. Requests for similar use determinations shall be referred by the Planning and Economic Development Director.

(b) The Planning Commission may determine either that a proposed use is substantially similar to another permitted use or a conditional use in a district based on the proposed use activities, character of the business, similarity to existing uses within the city and consistency with the district's purpose, or that a proposed use is not similar to other uses listed within the district. Any determination of the Planning Commission must be approved by Council.

(c) A similar use determination shall be considered an interpretation of the use regulations and not a use variance or zoning amendment. Once a use has been determined to be similar, it shall be submitted to the Clerk of Council to be codified and included in the list of uses for that zoning district.

EXHIBIT C: Similar Use References

1264.02(a)(21)

~~Any other retail business or service, establishment or use, which is determined by the Board of Zoning and Building Appeals to be of the same general character as the above permitted uses.~~

Similar uses as determined in accordance with Chapter 1210.

1266.02(a)(92)

~~Any other retail business or service establishment or use which is determined by the Board of Zoning and Building Appeals to be of the same general character as the above permitted uses.~~

Similar uses as determined in accordance with Chapter 1210.

1268.02(c)

~~Any other retail business or service establishment or use which is determined and approved by the Board of Zoning and Building Appeals to be of the same character as the above permitted uses~~ **Similar uses as determined in accordance with Chapter 1210,** except for the following uses which are expressly prohibited;

1270.02(d)

~~Any other retail business or service establishment or use which is determined and approved by the Board of Zoning and Building Appeals to be of the same character as the above permitted uses~~ **Similar uses as determined in accordance with Chapter 1210,** except for the following uses which are expressly prohibited:

1272.04(e)

~~Any other retail business or service establishment or use which is determined and approved by the Board of Zoning and Building Appeals to be of the same character as the above permitted uses~~ **Similar uses as determined in accordance with Chapter 1210,** except for the following uses which are expressly prohibited:

1274.02(i)

~~Any other use of the same character which is determined and approved by the Board of Zoning and Building Appeals.~~ **Similar uses as determined in accordance with Chapter 1210.**

1276.02(a)(23)

~~Other uses of a like nature.~~

1276.02(a)(25)

~~Special permitted uses in an I-1 District upon approval of the Board of Zoning and Building Appeals.~~

1276.02(c)

~~Any other use of the same character which is determined and approved by the Board of Zoning and Building Appeals.~~ **Similar uses as determined in accordance with Chapter 1210.**

1278.02(a)(18)

~~Other uses of a like nature.~~

1278.02(a)(19)

~~Special permitted uses in an I 1 or I 2 District, upon approval of the Board of Zoning and Building Appeals.~~

1278.02(c)

~~Any other use of the same character which is determined and approved by the Board of Zoning and Building Appeals.~~ **Similar uses as determined in accordance with Chapter 1210.**

DATE: July 5, 2022
INTRODUCED BY: Mayor Corcoran
REFERRED BY:
TEMPORARY NO: T 99-2022

1ST READING: July 5, 2022
2ND READING: July 18, 2022
3RD READING: August 1, 2022
ADOPTED: August 1, 2022

Public Hearing on 8-01-2022

ORDINANCE NO. 5979-2022

AN ORDINANCE AMENDING CHAPTER 1242 ADMINISTRATION, ENFORCEMENT, AND PENALTY OF THE NORTH RIDGEVILLE ZONING CODE.

WHEREAS, this Council created the position of Planning and Economic Development Director to organize activities and implement policies related to the orderly development and growth of the community, including zoning administration; and

WHEREAS, the authority of the Planning and Economic Development Director should be established within the Zoning Code; and

WHEREAS, following publication of newspaper notice in conformance with the provisions of Section 9.1 of the Charter and Section 1246.03(d) of the Zoning Code, a public hearing was held on the 1st day of August 2022; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. *Chapter 1242 Administration, Enforcement and Penalty* of the Zoning Code which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A** and incorporated herein by reference as if fully restated, be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B** and incorporated herein by reference as if fully restated.

SECTION 2. That all other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly amended and adopted sections are likewise repealed to the extent of such inconsistency or conflict only.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 4. That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph,

sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022

Kevin Corcoran
MAYOR

EXHIBIT A: Current Chapter 1242**CHAPTER 1242****Administration, Enforcement and Penalty**

1242.01 Chief Building Official as Administrative Officer.

1242.02 Records and reports of Administrative Officer.

1242.03 Building permits and certificates of occupancy required; certificates for nonconforming uses; issuance of street numbers for structures; time limitation for commencement of work.

1242.04 Fees.

1242.05 Revocation of certificates of occupancy.

1242.99 Penalty; other remedies.

1242.01 CHIEF BUILDING OFFICIAL AS ADMINISTRATIVE OFFICER.

The duty of administering and enforcing the provisions of this Zoning Code is hereby conferred upon the Chief Building Official of the City, who is referred to in this Zoning Code as the Administrative Officer.

(Ord. 335-66. Passed 7-5-66.)

1242.02 RECORDS AND REPORTS OF ADMINISTRATIVE OFFICER.

The Administrative Officer shall keep or cause to be kept a record of his or her Department in regard to any decision, determination, or conclusion reached by him or her in connection with the enforcement of this Zoning Code. It shall also be his or her duty to keep records of all applications for building permits, certificates of occupancy, and the actions taken thereon. A copy of a building permit or a certificate of occupancy issued shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. 335-66. Passed 7-5-66.)

1242.03 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY REQUIRED; CERTIFICATES FOR NONCONFORMING USES; ISSUANCE OF STREET NUMBERS FOR STRUCTURES; TIME LIMITATION FOR COMMENCEMENT OF WORK.

(a) No excavation, erection, construction, addition, alteration, or change of use of any structure or part of a structure, and no occupancy of streets or alleys with building material or temporary structures for construction purposes, shall be undertaken until a building permit, therefore, has been issued by the Administrative Officer. No building permit shall be issued for the above purposes in a business district or industrial district until approval of such plot, building plans and elevations is given by Planning Commission. Upon final approved inspection of the approved plans, a certificate of occupancy shall be issued.

(b) All applications for a building permit shall be accompanied by plot drawing, drawn to scale, showing actual dimensions of the lot to be built upon, the size and location of each building to be erected on each lot and such other information as may be necessary to enable the administrative officer to determine that the proposed structure and use will conform to the provisions of the Zoning Code and Building Code.

(c) No vacant land shall be occupied or used or changed in use until a certificate of occupancy has been issued by the Administrative Officer.

(d) A certificate of occupancy, either for the whole or a part of a new building, additions, alterations or change of use of an existing building shall be issued within ten days after the completion of the new building, addition, alteration, or a change of use of an existing building, in conformity with the provisions of the Zoning Code and Building Code.

(e) A certificate of occupancy for the use or occupancy of vacant land, or for a change in the use of land, shall be applied for and issued before any such land shall be occupied or used, or before such land is changed in use, and such certificate shall be issued within ten days after application has been made, provided that such proposed use is in conformity with the provisions of the Zoning Code.

(f) A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use existing at the time of the passage of this Zoning Code (Ordinance 335-66, passed July 5, 1966), and such certificate shall state that the use does not conform with the provisions of this Zoning Code. For the purpose of complying with this requirement, the Administrative Officer shall mail such certificates to the occupants or owners of all such property within thirty days after the passage of this Zoning Code.

(Ord. 335-66. Passed 7-5-66; 1227-76. Passed 10-18-76; Ord. 3900-03. Passed 5-5-03.)

(g) A structure within the City shall have assigned to it by the Administrative Officer, a street number, designating its location, which shall at all times thereafter be prominently displayed upon such structure so as to be discernible from the street and which shall continue to be so displayed until such time as the structure remains in existence. Such street numbers shall be Arabic numerals, three inches minimum height.

(Ord. 1095-75. Passed 10-6-75; Ord. 3317-98. Passed 4-6-98.)

(h) No building permit shall be issued for any purpose described in these Codified Ordinances after two years have elapsed from the date of Planning Commission approval of any plot, building plans, elevations or variances, or any other required approval of the Planning Commission or the Board of Zoning and Building Appeals, except where the Planning Commission or Board of Zoning and Building Appeals has granted an extension of time to the developer to complete some aspect of the development process. In that event, a building permit may be issued any time after two years have elapsed so long as it is issued within the parameters of the extension so granted. Any permit issue shall become invalid if the work authorized by it is not commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one year after the work is commenced, provided, however, that for cause, one or more extensions of time for a period not exceeding ninety days each may be allowed, in writing, by the Administrative Officer.

(Ord. 4458-2007. Passed 9-4-07.)

1242.04 FEES.

(a) Fees for the issuance of a building permit shall be as provided in Chapter [1444](#) of the Building and Housing Code.

(b) The prevailing fee shall be charged for additional copies.

(Ord. 335-66. Passed 7-5-66; Ord. 3901-03. Passed 5-5-03.)

1242.05 REVOCATION OF CERTIFICATES OF OCCUPANCY.

If a use, occupancy or operation should at any time fail to comply with the ordinances of the City or conditions of the certificate of occupancy, and if any such failure to comply continues beyond a time fixed by the Administrative Officer to correct such default, the certificate of occupancy shall become void, all rights thereunder shall terminate and the continuance of the use, occupancy or operation under such certificate shall cease.

(Ord. 335-66. Passed 7-5-66.)

1242.99 PENALTY; OTHER REMEDIES.

(a) Criminal Penalty. Except as otherwise provided in this Zoning Code, the owner or owners of any building or premises, or part thereof, where anything in violation of this Zoning Code is placed or exists, and any architect, builder or contractor who assists or participates in the commission of any such violation, and all persons or corporations

who violate any of the provisions of this Zoning Code or who fail to comply therewith, or any requirement thereof, or who build in violation of any detailed statement of plans submitted and approved thereunder, shall, for each and every violation or noncompliance, be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Civil Action. In addition to the penalty provided in subsection (a) hereof, whenever any person neglects or refuses to comply with any order of the Administrative Officer issued pursuant to the authority vested in him or her, or whenever any land or building is being used or built so as to be in violation of, or not in conformity with, any provision of this Zoning Code, the Administrative Officer may, at his or her discretion, request the Director of Law to institute and maintain, in the name of the City, an appropriate action at law or in equity to restrain such person from the further building or use of land or buildings which are in violation of this Zoning Code, and/or to obtain an order to terminate any violation of this Zoning Code.

(c) Remedies Cumulative. The exercise of the rights and remedies granted in subsections (a) and (b) hereof shall in no way preclude or limit the City or any other person from exercising any other right or remedy now or hereafter granted to them or either of them under the laws of the State or the ordinances of the City.

(Ord. 335-66. Passed 7-5-66.)

(d) (1) The general lien procedures contained in Chapter [215](#) shall apply to the Zoning Code where appropriate.

(2) No person shall fail to comply with any notice or citation of violation as required herein. Where a subsequent violation of the same or substantially similar nature occurs on the same property with the same ownership within two years of the prior similar violation, the owner, tenant or person in charge of the property may be cited to the appropriate court for the violation without receipt of additional prior notice provided that the original written notice of violation for the offense detailed the right of appeal process and indicated that a property lien could result if the violation was not corrected or otherwise made to comply.

(3) Where a subsequent violation of the same or a substantially similar violation occurs on the same property with the same ownership as the prior violation, each subsequent violation shall be a misdemeanor of the fourth degree and shall be subject to a fine of up to two hundred and fifty dollars (\$250.00) and a jail sentence of up to thirty (30) days or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 4478-2007. Passed 11-5-07.)

EXHIBIT B: Amended Chapter 1242

CHAPTER 1242

Administration, Enforcement and Penalty

- 1242.01 Administration.
- 1242.02 Enforcement.
- 1242.03 Schedule of fees.
- 1242.99 Penalty; other remedies.

1242.01 ADMINISTRATION.

The duty of administering the provisions of the Zoning Code is hereby conferred upon the Planning and Economic Development Director.

(a) In carrying out the administrative duties of this Zoning Code, the Planning and Economic Development Director shall also act in accordance with the requirements of any other City regulations regarding code enforcement, and shall cooperate with the Chief Building Official in the enforcement of the requirements of this ordinance.

(b) The Planning and Economic Development Director shall interpret the terms, requirements and processes of this Code. The interpretation of the text shall be narrow and based on common understanding of terms. Any determination of the Director may be appealed to the Board of Zoning and Building Appeals, in accordance with Chapter 1244 of the Codified Ordinances.

(c) In the absence of the Planning and Economic Development Director, the Chief Building Official shall serve as his or her designee.

1242.02 ENFORCEMENT.

The duty of enforcing the provisions of the Zoning Code is hereby conferred upon the Chief Building Official.

(a) The Chief Building Official may promulgate such rules and regulations as he or she may determine as necessary to supplement or aid in the interpretation of the requirements of the Zoning Code. Rules of the Chief Building Official shall have the same force and effect as provisions of the Zoning Code.

(b) In addition to any other power given to the Chief Building Official or his designee by law or ordinance, the Chief Building Official is empowered and authorized to investigate any reported violation of the provisions of the Zoning Code.

(c) The Chief Building Official shall keep, or cause to be kept, in accordance with applicable records retention requirements, a record of the Building Department in regard to any decision, determination or conclusion reached by him or her in connection with the enforcement of the Zoning Code.

1242.03 SCHEDULE OF FEES.

(a) Council shall, by ordinance, establish a schedule of fees, charges and deposits for zoning reviews, appeals, conditional use permits, variances, development plan reviews, rezoning applications and other matters pertaining to this Zoning Code.

(b) An appropriate fee established by the Council shall accompany any application. Additionally, a separate deposit may be collected from the applicant and used to reimburse another party retained by the City to provide expert consultation and advice including, but not limited to, legal, planning and engineering professionals regarding the application. The amount of the deposit shall be based on a reasonable estimate to provide such services; however, the Council may, by ordinance, adopt a minimum deposit. Any unused portions of this fee shall be returned to the applicant after the City has paid all costs for consultant services.

(c) Fees for the issuance of a building permit shall be as provided in Chapter 1444 of the Building and Housing Code.

1242.99 PENALTY; OTHER REMEDIES.

(a) Criminal Penalty. Except as otherwise provided in this Zoning Code, the owner or owners of any building or premises, or part thereof, where anything in violation of this Zoning Code is placed or exists, and any architect, builder or contractor who assists or participates in the commission of any such violation, and all persons or corporations who violate any of the provisions of this Zoning Code or who fail to comply therewith, or any requirement thereof, or who build in violation of any plans submitted and approved thereunder, shall, for each and every violation or noncompliance, be guilty of a misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues from the date of the Notice of Violation.

(b) Civil Action. In addition to the penalty provided in subsection (a), whenever any person neglects or refuses to comply with any order of the Chief Building Official issued pursuant to the authority vested in him or her, or whenever any land or building is being used or built so as to be in violation of, or not in conformity with, any provision of this Zoning Code, the Chief Building Official may, at his or her discretion, request the Director of Law to institute and maintain, in the name of the City, an appropriate action at law or in equity to restrain such person from the further building or use of land or buildings which are in violation of this Zoning Code, and/or to obtain an order to terminate any violation of this Zoning Code.

(c) Remedies Cumulative.

(1) The general lien procedures contained in Chapter 215 shall apply to the Zoning Code where appropriate.

(2) No person shall fail to comply with any notice or citation of violation as required herein. Where a subsequent violation of the same or substantially similar nature occurs on the same property with the same ownership within two years of the prior similar violation, the owner, tenant or person in charge of the property may be cited to the appropriate court for the

violation without receipt of additional prior notice provided that the original written notice of violation for the offense detailed the right of appeal process and indicated that a property lien could result if the violation was not corrected or otherwise made to comply.

(3) Where a subsequent violation of the same or a substantially similar violation occurs on the same property with the same ownership as the prior violation, each subsequent violation shall be a misdemeanor of the fourth degree and shall be subject to a fine of up to two hundred and fifty dollars (\$250.00) and a jail sentence of up to 30 days or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(4) The exercise of the rights and remedies granted in this Section shall in no way preclude or limit the City or any other person from exercising any other right or remedy now or hereafter granted to them or either of them under the laws of the State or the ordinances of the City.

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>August 1, 2022</u>
TEMPORARY NO:	<u>T 100-2022</u>	ADOPTED:	<u>August 1, 2022</u>

Public Hearing on 8-01-2022

ORDINANCE NO. 5980-2022

AN ORDINANCE CREATING A NEW *CHAPTER 1243 PERMITS AND DEVELOPMENT REVIEW OF THE NORTH RIDGEVILLE ZONING CODE.*

WHEREAS, this Council created the position of Planning and Economic Development Director to organize activities and implement policies related to the orderly development and growth of the community; and

WHEREAS, it is the recommendation of the Planning and Economic Development Director that various administrative provisions of the City of North Ridgeville Zoning Code be updated to enhance efficiency in the zoning review process and to provide clear guidance to applicants, staff, and decision makers; and

WHEREAS, following publication of newspaper notice in conformance with the provisions of Section 9.1 of the Charter and Section 1246.03(d) of the Zoning Code, a public hearing was held on the 1st day of August 2022; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. A new *Chapter 1243 Permits and Development Review* of the Zoning Code be adopted which reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A**.

SECTION 2. That all other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly amended and adopted sections are likewise repealed to the extent of such inconsistency or conflict only.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 4. That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect,

impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022



MAYOR

EXHIBIT A: New Chapter 1243**CHAPTER 1243****Permits and Development Review**

- 1243.01 Building permits required.
- 1243.02 Certificates of occupancy and zoning compliance.
- 1243.03 Development plan required.
- 1243.04 Application procedure.
- 1243.05 Development plan requirements.
- 1243.06 Review criteria.
- 1243.07 Amendments; expiration; extension.

1243.01 BUILDING PERMITS REQUIRED.

(a) No excavation, erection, construction, addition, alteration or change of use of any structure or part of a structure, and no occupancy of any street with building material or temporary structures for construction purposes, shall be undertaken until a building permit has been issued by the Chief Building Official.

(b) All applications for a building permit shall be accompanied by plot drawing, drawn to scale, showing actual dimensions of the lot to be built upon, the size and location of each building to be erected on each lot and such other information as may be necessary to enable the Chief Building Official to determine that the proposed structure and use will conform to the provisions of the Zoning Code, the Ohio Building Code and Residential Code of Ohio, as applicable.

1243.02 CERTIFICATES OF OCCUPANCY AND ZONING COMPLIANCE.**(a) Certificate of Occupancy.**

(1) When Required. Upon completion and final approved inspection of construction, alterations, additions and new construction including development projects requiring approval under this Chapter, a Certificate of Occupancy shall be issued.

(2) Application. The application for building permit filed with the Chief Building Official shall constitute the application for a Certificate of Occupancy.

(3) Issuance. A Certificate of Occupancy, either for the whole or a part of a new building, additions, alterations or change of use of an existing building shall be issued within ten (10) days after the completion of the new building, addition, alteration or prior to a change of use of an existing building, in conformity with the building permit.

(b) Certificate of Zoning Compliance.**(1) When Required.**

A. Change in Use or New Business. Regardless of whether or not a building permit is required for construction activities, any change of use, establishment of a new use or new business occupancy must be reviewed and issued a Certificate of Zoning Compliance.

B. Development Plan. Upon completion of construction, all alterations, additions and new construction for development projects requiring approval under this Chapter must be reviewed and issued a Certificate of Zoning Compliance.

(2) Application.

A. Change in Use or New Business. In the event the owner or occupant of an existing building or building unit desires to change the use or business of the same, he or she shall file an application for a Certificate of Zoning Compliance which shall set forth a description of the land and buildings, the present use and the proposed new use.

B. Development Plan. In the event the owner or occupant proposes changes to property or buildings that constitute a development plan under this Chapter, the application for building permit shall constitute the application for a Certificate of Zoning Compliance.

(3) Issuance. A Certificate of Zoning Compliance shall be issued within ten (10) days after the application has been made or the improvements related to the approved development plan under this Chapter have been completed, provided such proposed use is in conformity with the provisions of this Zoning Code and any conditions imposed by Council on the development plan have been met.

(4) Revocation. If a use, occupancy or operation should at any time fail to comply with the zoning ordinances of the City or conditions of the Certificate of Zoning Compliance, and if any such failure to comply continues beyond a time fixed by the Chief Building Official to correct such default, the Certificate of Zoning Compliance shall become void, all rights thereunder shall terminate and the continuance of the use, occupancy or operation under such certificate shall cease.

1243.03 DEVELOPMENT PLAN REQUIRED.

(a) Applicability. Development plan review shall be required for any permitted use involving development or improvement of property and any conditional use, other than a one-family or two-family residential dwelling or residential accessory structure, as provided in this section. Development plan review is not required where a proposal would otherwise be governed by the city's Subdivision Regulations. Alternative review procedures shall be used if specifically provided for elsewhere in this Zoning Code. For all other proposals, the reviewing authority shall be as follows:

(1) Administrative Review. The Planning and Economic Development Director shall review and act upon development plans involving:

- A. Building additions less than 500 square feet and accessory structures;
- B. Exterior alterations to buildings that are substantially consistent with the existing building design;
- C. Changes in use of any existing building, provided the use is permitted in the district and does not require the submittal of a traffic impact study; or
- D. Site changes to landscaping, lighting or parking areas that are zoning compliant.

E. In lieu of administrative review, the Planning and Economic Development Director, at his or her discretion, may refer projects to the Planning Commission and Council for review and approval.

(2) Council Review. Council shall, after receiving a recommendation from the Planning Commission, review and act upon all development plans, other than those provided for in (a)(1)(A) through (D), involving:

- A. Any new principal structure or any building additions 500 square feet or greater;
- B. Substantial exterior alterations;
- C. Any conditional use in any district;
- D. Any proposal involving a rezoning request;
- E. Any proposal involving zoning variances other than signage;
- F. Any change in use, addition or alteration requiring the submittal of a traffic impact study; or
- G. As otherwise required by this Zoning Code.

(b) Compliance with Approved Plans. No site development, improvement or construction activities shall be commenced or permitted that fail to comply with approved development plans, including all conditions imposed or variances issued, except upon amendment as approved pursuant to Section 1243.07(a). Any deviation from final approved development plans shall be subject to an immediate Stop Work Order and penalties provided in Section 1242.99.

1243.04 APPLICATION PROCEDURE.

(a) Pre-Application. Prior to submitting an application, it is highly recommended that an interested developer contact the city administration to discuss the proposed development project as it relates to city requirements, review standards and review schedule.

(b) Application and Pre-Hearing Review. Any development plan application shall include all required exhibits as set forth in Section 1243.05 and be submitted to the Building Department, along with the required fees and deposits. Upon receipt of a complete application, the Chief Building Official shall provide the application and associated materials to the Planning Commission Secretary, who shall distribute said materials to all appropriate city departments for review. The applicant shall attend a pre-hearing review meeting to discuss the proposed project, zoning requirements and related standards. The applicant may be required to submit revised exhibits, as determined in the meeting.

(c) Variances. Should the development plan necessitate a variance, the applicant shall make separate application to the Board of Zoning and Building Appeals, which shall review the request at a public hearing held in accordance with the requirements of Chapter 1244.

(d) Action by Planning Commission. Where Council approval is required, any development plan shall first be reviewed and recommended by the Planning Commission. The Planning Commission shall review the development plan at a public hearing held in accordance with the requirements of Chapter 1210. The Commission shall consider the criteria in Section 1243.06, along with any comments received from City departments and the public. The Planning

Commission shall make a recommendation to Council on the application. If the Planning Commission fails to act within 60 days from the date of referral, which is defined as the date upon which the matter first appears on a Planning Commission agenda, the development plan shall be deemed approved.

(e) Decision. The reviewing authority, as identified in Section 1243.03(a), shall consider the development plan against the requirements of the Zoning Code, the review standards of this chapter and the standards for conditional use permits, as applicable.

(1) For Administrative Review projects, the Planning and Economic Development Director shall review the application and staff comments received and shall either approve the development plan as submitted; approve the development plan with conditions or reject the development plan, if applicable requirements and standards have not been met.

(2) For Council Review projects, Council shall review the application, staff report and comments by the Planning Commission and public and make a final decision on the application.

(f) Appeals. Appeals of administrative reviews shall be made by an applicant's request for referral to the Planning Commission. Any decision of Council shall be final and may only be reviewed by a Court of Common Pleas, pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.

1243.05 DEVELOPMENT PLAN REQUIREMENTS.

Any development plan, prepared by a licensed design professional, shall contain the information set forth below, as applicable.

(a) A topographical survey of the property, showing land owned and proposed for development, surrounding streets, adjoining streets, adjoining lots and their use and ownership.

(b) A grading plan.

(c) A site plan drawn to scale and designed in accordance with the planning standards, regulations and criteria established in this Zoning Code, to include:

(1) Adjacent streets and adjoining properties within 100 feet of the site including zoning classifications, lot lines, buildings, parking and drives;

(2) The location, size and use of all existing and proposed buildings and structures, including accessory buildings and uses, other site improvements and open space, along with notations of setbacks and lot coverage;

(3) The location and configuration of off-street parking and loading areas, the arrangement of access roads and drives, location of pedestrian walks, proposed traffic regulatory signs and pavement markings and type of pavement;

(4) Calculations for required parking;

(5) The proposed location and design of streets, including the location of existing utilities to be maintained or added and the location, details for all utility installations and connections to present or proposed facilities; and

(6) A summary table showing total acres of the proposed development, the number of acres devoted to each type of land use including streets and open space.

- (d) A detailed landscape plan, to include:
 - (1) An existing conditions plan showing natural features and tree cover, with identification of trees to be removed and trees to be preserved;
 - (2) A planting plan including number, location, type and size of all proposed shrubs, trees and other plant material with planting details, and noting any required open space areas, setbacks, buffer strips or required screening; and
 - (3) The location, setbacks, height and specifications of any proposed fencing or screen walls.

- (e) Building details, to include:
 - (1) Location, setbacks, height and exterior dimensions of all existing and proposed buildings or structures;
 - (2) Preliminary architectural plans for all proposed buildings and structures, exterior elevations, building floor plans with dimensions, building materials and colors; and
 - (3) Location, setbacks, height, dimensions and screening of any outdoor storage areas and facilities, dumpsters and service areas.

- (f) A site lighting plan, including a photometric plan, lighting locations and fixture details.

- (g) Dimensions and locations of all permanent signs along with detail of any sign base for signs requiring a permit.

- (h) Existing or proposed covenants running with the land, deed restrictions, shared facilities agreements, restrictions or easements, etc., if any.

- (i) Phasing schedule, if applicable.

1243.06 REVIEW CRITERIA.

Any application shall be evaluated to determine if the development plan complies with the review criteria outlined below.

- (a) The plan is consistent with any plan or goals for the orderly development of the City and will result in a harmonious grouping of buildings and necessary site improvements within the proposed development and in relationship to existing and proposed uses on adjacent property;

- (b) The development is designed so as to reasonably minimize hazards to adjacent property and to reasonably reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible;

- (c) Lighting is provided for safe and convenient use of streets, walkways, driveways and parking areas in a manner designed to minimize direct light, glare and excessive glow, which unreasonably interferes with the use and enjoyment of adjacent property;

- (d) Adequate provision is made for emergency vehicle access and circulation, fire hydrants and water supply;

(e) Points of ingress and egress and internal vehicular and pedestrian circulation routes are designed to promote safe and efficient access to and from the development and circulation within the development, including cross access between properties where feasible;

(f) The landscape is preserved in its natural state, as far as practicable, by minimizing unnecessary tree and soil removal, and any grade changes are in keeping with the general appearance of neighboring developed areas;

(g) Where non-residential uses abut residential uses, appropriate buffering and screening is provided;

(h) Storm water is managed within and through the site so as to maintain, as far as practicable, existing swales, water courses and drainage areas, and shall comply with any other design criteria established by the City Engineer or other governmental entity with jurisdiction over such matters;

(i) Water and sewer installations comply with all city specifications and requirements and all interior utility service is underground; and

(j) Any proposed signs are of an appropriate size, scale and design in relationship with the proposed structures and are located to maintain vehicle and pedestrian safety.

1243.07 AMENDMENTS, EXPIRATION AND EXTENSIONS.

(a) Amendments to Development Plans. Proposed changes to a development plan approved administratively may be approved by the Planning and Economic Development Director in consultation with the City Engineer, Chief Building Official and/or any other city official having jurisdiction over the subject of the proposed change. Minor changes to a development plan approved by Council may likewise be approved by the Planning and Economic Development Director upon determining that the proposed revision(s) will not alter the basic design and character of the development plan, nor any specified conditions imposed as part of the original approval. Major changes to a development plan approved by Council shall be reviewed in the same manner as the original application, including review by the Planning Commission and Council.

(b) Expiration.

(1) Development Plans. Building permits must be obtained within one year of the date of final plan approval or the approval expires, along with the approval of any related variances. Upon expiration, no person shall acquire any vested property interest in or upon the land whatsoever, nor otherwise acquire any vested right to proceed with construction based upon such expired final development plan approval. Upon expiration, any variances from this Zoning Code that may have been issued in support thereof shall likewise expire, shall not vest any property right, and shall not run with the land.

(2) Permits. Any approval for a permit issued shall become invalid if the work authorized for it is not commenced within 12 months after its issuance; however one extension is allowed for

an additional 12 months provided the extension is requested 10 days before the 12 month approval expires, or if the work authorized by such permit is delayed or suspended for a period of six months after the work is started, the approval becomes invalid.

(c) Extensions. Upon request from the approval holder, the Chief Building Official may grant one extension of up to one additional year provided that a written request for an extension is made prior to the date of expiration of the original development plan approval, there are no changes in the project and the zoning of the property is the same as when the project was approved.

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>August 1, 2022</u>
TEMPORARY NO:	<u>T 101-2022</u>	ADOPTED:	<u>August 1, 2022</u>

Public Hearing on 8-01-2022

ORDINANCE NO. 5981-2022

AN ORDINANCE AMENDING CHAPTER 1244 BOARD OF ZONING AND BUILDING APPEALS OF THE NORTH RIDGEVILLE ZONING CODE.

WHEREAS, this Council created the position of Planning and Economic Development Director to organize activities and implement policies related to the orderly development and growth of the community; and

WHEREAS, it is the recommendation of the Planning and Economic Development Director that various administrative provisions of the City of North Ridgeville Zoning Code be updated to enhance efficiency in the zoning review process and to provide clear guidance to applicants, staff, and decision makers; and

WHEREAS, following publication of newspaper notice in conformance with the provisions of Section 9.1 of the Charter and Section 1246.03(d) of the Zoning Code, a public hearing was held on the 1st day of August 2022; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. *Chapter 1244 Board of Zoning and Building Appeals* of the Zoning Code which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A** and incorporated herein by reference as if fully restated, be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B** and incorporated herein by reference as if fully restated.

SECTION 2. That all other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly amended and adopted sections are likewise repealed to the extent of such inconsistency or conflict only.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

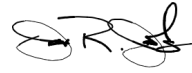
SECTION 4. That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any

court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022



MAYOR

EXHIBIT A: Current Chapter 1244**CHAPTER 1244****Board of Zoning and Building Appeals**

1244.01 Establishment; composition.

1244.02 Officers.

1244.03 Meetings; quorum.

1244.04 Adoption of rules, regulations and bylaws; records.

1244.05 Powers and duties; variances.

1244.06 Authority to administer oaths, compel the attendance of witnesses and the production of evidence.

1244.07 Appeals from decisions of the Administrative Officer.

1244.08 Limitation of powers re legislative matters.

1244.09 Public hearings; notice; fees.

1244.10 Special meeting fee.

1244.01 ESTABLISHMENT; COMPOSITION.

There is hereby established a Board of Zoning and Building Appeals, consisting of five members appointed in accordance with the City Charter. As used in this Zoning Code, the word "Board" means the Board of Zoning and Building Appeals.

(Ord. 335-66. Passed 7-5-66.)

1244.02 OFFICERS.

Officers of the Board of Zoning and Building Appeals shall consist of a Chairperson and Vice-Chairperson, who shall be elected annually. The Board shall appoint a Secretary who need not be a member of the Board.

(Ord. 335-66. Passed 7-5-66.)

1244.03 MEETINGS; QUORUM.

(a) All meetings of the Board of Zoning and Building Appeals shall be open to the public. Meetings of the Board shall be held at least once a month when there is business to transact and at such other times as the Board may determine, or upon call of the Chairperson. There shall be a fixed place of meeting.

(b) A majority of the members of the Board shall constitute a quorum for the transaction of business.

(Ord. 335-66. Passed 7-5-66.)

1244.04 ADOPTION OF RULES, REGULATIONS AND BYLAWS; RECORDS.

The Board of Zoning and Building Appeals shall adopt rules, regulations and bylaws for the transaction of its business and shall keep a record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions. Every rule and regulation, and the amendment or repeal thereof, and every order, requirement, decision or determination of the Board, shall immediately be filed in the office of the Board and become a public record.

(Ord. 335-66. Passed 7-5-66.)

1244.05 SPECIFIC FUNCTIONS; POWERS AND DUTIES; VARIANCES.

The function of the Board of Zoning and Building Appeals shall be to:

(a) Review and determine appeals de novo from decisions of the Administrative Officer in the enforcement of the provisions of this Zoning Code. Upon such appeal, the Board may reverse or affirm, wholly or partly, or may modify, any such order, requirement, decision or determination.

(Ord. 335-66. Passed 7-5-66.)

(b) Make variances from the provisions of this Zoning Code in cases where the strict application of the provisions of the Zoning Code would result in practical difficulty or unnecessary hardship. No variances granted which authorize a use of property in any manner different from that permitted in the zoning district in question shall be for a period greater than twelve months. The Board shall review all such variances every twelve months and may cancel, renew, wholly or partly, or modify any such variances based on the findings of the yearly review. This annual review provision shall not apply to variances which authorize the permanent erection of any structure, including dwellings, garages and fences, or the installation of utility lines, unless specifically set forth in the ruling of the Board. Further, no variance from the provisions or requirements of this Zoning Code shall be authorized by the Board unless the Board finds that all of the following facts and conditions exist:

(1) That there are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district.

(2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this Zoning Code or the public interest.

(4) That such variance shall in no manner or guise be construed to mean a change of use but shall mean only a variation or modification from the provisions of this Zoning Code.

(Ord. 687-71. Passed 4-19-71.)

(c) Interpret the provisions of this Zoning Code where there is doubt as to its meaning or application.

(d) Grant conditional zoning permits for the use of land, buildings or other structures if such permits for such uses are provided for in this Zoning Code.

(1) When authorizing a conditional zoning permit or permitting a conditional use as provided herein, the Board may prescribe such additional conditions as are, in its opinion, necessary for the protection of adjacent properties and the public interest. In all conditional uses granted, the conditions imposed by the Board of Zoning Appeals, in addition to subsection (d)(2)A., B., and C. below, shall be met upon commencement of the conditional use. Any conditional use not used for the purpose granted for a period of one year shall expire.

(2) In considering an application for a conditional use, the Board shall establish that:

A. The proposed use at the particular location is necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;

B. Such use will not, under the circumstances of the particular case, be detrimental or injurious to property or improvements in the vicinity; and

C. The proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, if any are so specified.

(e) Exercise such other powers as may be granted to the Board by this Zoning Code, by any amendment thereto or by the general laws of the State.

(Ord. 335-66. Passed 7-5-66; Ord. 3869-02. Passed 12-16-02.)

1244.06 AUTHORITY TO ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF EVIDENCE.

The Chairperson of the Board, or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence pertinent to any issue before the Board.

(Ord. 335-66. Passed 7-5-66.)

1244.07 APPEALS FROM DECISIONS OF THE ADMINISTRATIVE OFFICER.

(a) An appeal from a decision of the Administrative Officer may be made to the Board of Zoning and Building Appeals by any person aggrieved or by any officer of the City affected by any decision of the Administrative Officer. The appellant shall file with the Administrative Officer and with the Board a notice of appeal, specifying the grounds thereof. Such appeal shall be taken within a reasonable time as provided by the rules or the Board. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record of the action appealed from.

(b) The Board shall fix a reasonable time for the hearing of an appeal, which shall be within the time specified by its rules. It shall give public notice thereof as well as due notice to the parties in interest, including owners of adjoining properties. It shall decide the same within a reasonable time. Upon the hearing of such appeal, any party may appear in person or by agent or attorney.

(Ord. 335-66. Passed 7-5-66.)

1244.08 LIMITATION OF POWERS RE LEGISLATIVE MATTERS.

Nothing in this Zoning Code shall give the Board of Zoning and Building Appeals the power to act for Council in legislative matters.

(Ord. 335-66. Passed 7-5-66.)

1244.09 PUBLIC HEARINGS; NOTICE; FEES.

(a) An applicant to the Board of Zoning and Building Appeals shall provide a list of the current record title owner(s) adjacent to the property of request. Said list shall include the name, permanent parcel number and mailing address of the record title owner(s). If the mailing address of such record title holder is not on file, then the posted notice of such public hearing shall be deemed adequate notice. The application must be filled out in full, including a complete list of current record title owner(s). Any application submitted containing blanks, omissions or not meeting Zoning Code requirements may be delayed or rejected.

(b) Upon receipt of an application by the Board of Zoning and Building Appeals, the Chief Building Inspector shall verify the list of permanent parcel numbers for accuracy. The Chief Building Inspector shall submit a receipt of verification of the permanent parcel numbers to the Clerk of Council within five working days of receipt of an application. Upon receipt of verification of permanent parcel numbers from the Chief Building Inspector, the Clerk of Council shall verify the name and mailing address of the record title owner(s).

(c) The applicant shall be responsible for providing an updated list of current adjacent record title owner(s) to the office of the Clerk of Council fourteen days prior to the date of any public hearing when the applicant will appear on the agenda.

(d) The City strives for accuracy in the notification of adjacent record title owners. However, if the City has made an error in the notification process, this will not be cause for rejection of an application.

(Ord. 3441-99. Passed 5-17-99.)

(e) Applicants before the Board of Zoning and Building Appeals shall pay an additional cost for mailing public hearing notices in the amount of one dollar (\$1.00) per additional notice over the basic charge, if the required notices exceed eight. In addition, applicants shall be charged a cancellation fee of one dollar (\$1.00) per notice, should a cancellation be due to the actions or request of the applicant.

(Ord. 3106-95. Passed 7-17-95; Ord. 4556-2008. Passed 7-7-08.)

1244.10 SPECIAL MEETING FEE.

A fee of two hundred fifty dollars (\$250.00) is to be paid by any person, group, or business entity requesting or causing a special meeting of the Board of Zoning Appeals to be called, except if the Board of Zoning Appeals or any member of the Board of Zoning Appeals or the City Administration calls a special meeting, the fee is not required.

(Ord. 4557-2008. Passed 7-7-08.)

EXHIBIT B: Amended Chapter 1244

CHAPTER 1244

Board of Zoning and Building Appeals

1244.01 Secretary.

1244.02 Meetings; quorum.

1244.03 Adoption of rules, regulations and bylaws; records.

1244.04 Public hearings; notice.

1244.05 Powers and duties.

1244.06 Authority to administer oaths, compel the attendance of witnesses and the production of evidence.

1244.07 Limitation of powers regarding legislative matters.

1244.01 SECRETARY.

The Secretary of the Board of Zoning and Building Appeals shall be appointed by the Board as required in Section 9.3 of the North Ridgeville Charter. The Secretary shall keep a complete record of the proceedings of the Board, keep minutes of all meetings of the Board and perform such other duties as may be required.

1244.02 MEETINGS; QUORUM.

(a) All meetings of the Board of Zoning and Building Appeals shall be open to the public. Meetings of the Board shall be held at least once a month when there is business to transact and at such other times as the Board may determine, or upon call of the Chairperson.

(b) A majority of the members of the Board shall constitute a quorum for the transaction of business.

1244.03 ADOPTION OF RULES, REGULATIONS AND BYLAWS; RECORDS.

The Board of Zoning and Building Appeals shall adopt rules, regulations and bylaws for the transaction of its business and shall keep a record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions. Every rule and regulation, and the amendment or repeal thereof, and every order, requirement, decision or determination of the Board, shall immediately be filed in the office of the Board and become a public record.

1244.04 PUBLIC HEARINGS; NOTICE.

The Board shall fix a reasonable time for the hearing of an appeal, which shall be within the time specified by its rules. It shall give public notice as well as due notice to the parties in interest, including owners of adjoining properties. For purposes of this section, "adjoining properties" means all real properties the borders of which are shared in part or in whole with that of the subject property, or that would be shared in part or in whole with that of the subject property but for a street, road or other public thoroughfare separating them. The owner(s), applicant(s) or their authorized agent shall appear at the public hearing in accordance with the requirements established in the Board's bylaws.

1244.05 POWERS AND DUTIES.

The duties of the Board of Zoning and Building Appeals shall be to:

(a) Review and determine appeals de novo from decisions of the any administrative officer in the enforcement of the provisions of the Zoning Code and the Residential Code of Ohio. Upon such appeal, the Board may reverse or affirm, wholly or partly, or may modify, any such order, requirement, decision or determination.

(b) Make variances from the provisions of the Zoning Code in cases where the strict application of the provisions of the Zoning Code would result in practical difficulty or unnecessary hardship. No variance from the provisions or requirements of the Zoning Code shall be authorized by the Board unless the Board finds that all of the following facts and conditions exist:

(1) That there are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district.

(2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this Zoning Code or the public interest.

(c) Perform such other duties and functions as may from time to time be imposed upon it by ordinance or resolution or the general laws of Ohio.

1244.06 AUTHORITY TO ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF EVIDENCE.

The Chairperson of the Board, or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence pertinent to any issue before the Board.

1244.07 LIMITATION OF POWERS REGARDING LEGISLATIVE MATTERS.

Nothing in this Zoning Code shall give the Board of Zoning and Building Appeals the power to act for Council in legislative matters.

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>August 1, 2022</u>
TEMPORARY NO:	<u>T 102-2022</u>	ADOPTED:	<u>August 1, 2022</u>

Public Hearing on 8-01-2022

ORDINANCE NO. 5982-2022

AN ORDINANCE AMENDING *CHAPTER 1246 AMENDMENTS OF THE NORTH RIDGEVILLE ZONING CODE.*

WHEREAS, this Council created the position of Planning and Economic Development Director to organize activities and implement policies related to the orderly development and growth of the community; and

WHEREAS, it is the recommendation of the Planning and Economic Development Director that various administrative provisions of the City of North Ridgeville Zoning Code be updated to enhance efficiency in the zoning review process and to provide clear guidance to applicants, staff, and decision makers; and

WHEREAS, zoning amendments include the potential for both rezoning of parcels of land and zoning text amendments so petition procedures should be established for both types of amendments; and

WHEREAS, following publication of newspaper notice in conformance with the provisions of Section 9.1 of the Charter and Section 1246.03(d) of the Zoning Code, a public hearing was held on the 1st day of August 2022; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. *Chapter 1246 Amendments* of the Zoning Code which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A** and incorporated herein by reference as if fully restated, be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B** and incorporated herein by reference as if fully restated.

SECTION 2. That all other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly amended and adopted sections are likewise repealed to the extent of such inconsistency or conflict only.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 4. That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022



MAYOR

EXHIBIT A: Current Chapter 1246

CHAPTER 1246**Amendments****1246.01 Amendment by ordinance.****1246.02 Initiation.****1246.03 Procedure.****1246.01 AMENDMENT BY ORDINANCE.**

Council may, by ordinance, after public notice and hearings as provided in Section 9.1 of the City Charter, amend, supplement or change the regulations, district boundaries or classification of property now or hereafter established by this Zoning Code or by amendments thereof.

(Ord. 335-66. Passed 7-5-66.)

1246.02 INITIATION.

Any proposed amendments, supplements or changes of this Zoning Code may be initiated by any person, firm or corporation filing a petition therefor, by the Planning Commission passing a resolution therefor or by the introduction of an ordinance therefor in Council.

(Ord. 335-66. Passed 7-5-66.)

1246.03 PROCEDURE.

(a) Initiation by Petition. Any person desiring a change in the zoning of property shall file with the Clerk of Council:

(1) A petition for a zoning change.

(2) The plat must be drawn on a scale to fit on 24 x 36 paper. If more than two sheets are required, an index sheet of the same dimensions must be filed, showing the entire plat on one sheet, with all areas shown on other sheets indicated thereon.

All copies of the plat drawings required by Planning Commission shall include one full size 24 x 36 original set and nine additional copied sets to be of lesser size as long as legible and no smaller than 11 x 17.

(3) An ordinance approved, in writing, as to form by the Law Director, containing the following:

A. A legal description of the area;

B. The location of the area in relation to City streets and numbers or its distance from an indicated intersection;

C. The name or names of the property owner or owners within the land to be rezoned if there are ten owners or less. If there are more than ten property owners, then the name of the petitioner shall be recited in the ordinance.

D. In the caption of the ordinance, a brief description of the land as to its location and the names of the property owners if there are ten or less. If there are more than ten property owners, then the caption shall contain the name of a petitioner.

(4) A fee of two hundred thirty-five dollars (\$235.00) to defray the costs of notices and other expenses connected with the hearings required by this section. In addition to the aforesaid fee, the applicant shall pay for the actual cost of the legal advertising, with the applicant providing Council with proof of the payment of the same prior to the public hearings.

(5) A list of the names and addresses of the owners of property, as they appear upon the County Treasurer's tax list or as they appear in his or her index of tax mailing addresses, lying within 500 feet of the perimeter of the area, zone or district proposed to be changed.

(Ord. 614-70. Passed 7-6-70; Ord. 4126-2005. Passed 3-21-05; Ord. 5388-2016. Passed 7-18-16.)

(b) Initiation by Resolution or Ordinance.

(1) If an amendment, supplement or change is initiated by action of the Planning Commission, such change, amendment or supplement shall be prepared in ordinance form for introduction in Council. Upon its introduction, Council shall set a date for a public hearing of the same and shall provide for the proper notice thereof, all as provided by the City Charter and this Zoning Code.

(2) If the amendment is initiated by its introduction as an ordinance in Council, the ordinance shall forthwith be referred to the Planning Commission for action thereon.

(c) Consideration by Planning Commission. The Planning Commission shall consider the change, supplement or amendment referred to it and shall act upon the matter, as is provided by the City Charter, within sixty days from the date of referral, unless a different period of time is provided by Council. If the Planning Commission fails to act within the time allotted, it shall be deemed to have approved such matter. Any provisions of any resolution, ordinance or order disapproved by formal action of the Planning Commission shall require a two-thirds vote of all members of Council for adoption or authorization.

(d) Date and Notice for Public Hearing. Upon receipt of a notice of an action from the Planning Commission regarding a proposed ordinance amending this Zoning Code or the Zoning Map, or upon the introduction of such an ordinance when initiated by the

Planning Commission, Council shall establish a date for a public hearing of such ordinance. The date of such public hearing shall be not less than thirty days after the date that the hearing is established. The Clerk of Council shall give notice of such public hearing as required by the City Charter and such additional notice as may be directed by the Council at the time the date of the public hearing is established. Any notice given shall set forth the time and place of the public hearing and a summary of the proposed amendment. A copy of the proposed ordinance or amended Zoning Map and all reports in connection therewith shall be on file for public inspection in the office of the Clerk of Council.

(e) Procedure at Public Hearing. At the public hearing provided for in subsection (d) hereof, any interested person shall be heard who desires to present reasons for and/or against the adoption of a proposed amendment, subject, however, to reasonable regulations of Council or rulings from the presiding officer. Council, by motion, may recess from time to time the public hearing, but no further notice by mail or advertisement shall be given for the time or place of any subsequent recessed public hearing of such proposed amendment. Council need not take final action on such proposed amendment at the time of the public hearing.

(f) Action by Council. At any time after the conclusion of the public hearing required by this chapter, Council may adopt the proposed ordinance by the affirmative vote of at least a majority of its members eligible to vote, provided that the proposed ordinance was initiated by the Planning Commission or had received the prior approval by the Planning Commission. If the proposed ordinance or any part thereof has been disapproved by the Planning Commission, it shall be adopted only if it receives the affirmative vote of two-thirds of all members of Council eligible to vote.

(Ord. 335-66. Passed 7-5-66.)

EXHIBIT B: Amended Chapter 1246**CHAPTER 1246****Amendments**

1246.01 Amendment by ordinance.

1246.02 Initiation.

1246.03 Procedure.

1246.01 AMENDMENT BY ORDINANCE.

Council may, by ordinance, after public notice and hearings as provided in Section 9.1 of the City Charter, amend the regulations, district boundaries or classification of property now or hereafter established by this Zoning Code or by amendments thereof.

1246.02 INITIATION.

Any proposed amendments of this Zoning Code may be initiated by any property owner or their authorized agent by filing a petition, by recommendation of the Planning Commission or by the introduction of an ordinance by Council.

1246.03 PROCEDURE.

(a) Initiation by Petition. Any property owner desiring a change in the zoning classification of a property or proposing a change in the text of this Zoning Code shall file with the Clerk of Council an application accompanied by all required exhibits. Any complete application shall be forwarded to the Law Director to be prepared in ordinance form for introduction in Council.

(1) Zoning Map Amendment. Required exhibits include:

- A. A plat of the property drawn to scale with dimensions;
- B. A map showing the location of the property within the city;
- C. A legal description of the property;
- D. The name(s) of all property owners within the area proposed to be rezoned;
- E. A statement of the applicant's rationale for the proposed rezoning including existing and proposed zoning classifications; and
- F. The required fee, as established by Council.

(2) Zoning Text Amendment. Required exhibits include:

- A. Proposed text amendment;
- B. A statement of the applicant's rationale for the proposed text amendment; and
- C. The required fee, as established by Council.

(b) Initiation by Ordinance. Planning Commission or Council may initiate amendments to this Zoning Code or the Zoning Map.

(1) If an amendment is initiated by action of the Planning Commission, such amendment shall be prepared in ordinance form for introduction in Council. Upon its introduction, Council shall set a date for a public hearing of the same and shall provide for the proper notice thereof, all as provided by the City Charter and this Zoning Code.

(2) If the amendment is initiated by its introduction as an ordinance in Council, the ordinance shall forthwith be referred to the Planning Commission for action thereon.

(c) Consideration by Planning Commission. The Planning Commission shall consider any amendment referred to it by Council and shall act upon the matter, as is provided by the City Charter, within sixty days from the date of referral, unless a different period of time is provided by Council. If the Planning Commission fails to act within the time allotted, it shall be deemed to have approved such matter.

(d) Date and Notice for Public Hearing. Upon receipt of a notice of an action from the Planning Commission regarding a proposed ordinance amending this Zoning Code or the Zoning Map, Council shall establish a date for a public hearing of such ordinance. The Clerk of Council shall give notice of such public hearing as required by the City Charter and such additional notice as may be directed by the Council at the time the date of the public hearing is established. Any notice given shall set forth the time and place of the public hearing and a summary of the proposed amendment. A copy of the proposed ordinance or amended Zoning Map and all reports in connection therewith shall be on file for public inspection in the office of the Clerk of Council.

(e) Procedure at Public Hearing. At the public hearing provided for in subsection (d) hereof, any interested person shall be heard who desires to present reasons for and/or against the adoption of a proposed amendment, subject, however, to reasonable regulations of Council or rulings from the presiding officer. Council, by motion, may recess from time to time the public hearing, but no further notice by mail or advertisement shall be given for the time or place of any subsequent recessed public hearing of such proposed amendment. Council need not take final action on such proposed amendment at the time of the public hearing.

(f) Action by Council. At any time after the conclusion of the public hearing required by this chapter, Council may adopt the proposed ordinance by the affirmative vote of at least a majority of its members eligible to vote, provided that the proposed ordinance was initiated by the Planning Commission or had received approval by the Planning Commission. If the proposed ordinance or any part thereof has been disapproved by the Planning Commission, it shall be adopted only if it receives the affirmative vote of two-thirds of all members of Council eligible to vote.

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>August 1, 2022</u>
TEMPORARY NO:	<u>T 103-2022</u>	ADOPTED:	<u>August 1, 2022</u>

Public Hearing on 8-01-2022

ORDINANCE NO. 5983-2022

AN ORDINANCE CREATING A NEW *CHAPTER 1247 CONDITIONAL USES OF THE NORTH RIDGEVILLE ZONING CODE.*

WHEREAS, this Council created the position of Planning and Economic Development Director to organize activities and implement policies related to the orderly development and growth of the community; and

WHEREAS, it is the recommendation of the Planning and Economic Development Director that various administrative provisions of the City of North Ridgeville Zoning Code be updated to enhance efficiency in the zoning review process and to provide clear guidance to applicants, staff, and decision makers; and

WHEREAS, because certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district, it is important for review standards and approval procedures regarding conditional uses to be well defined; and

WHEREAS, following publication of newspaper notice in conformance with the provisions of Section 9.1 of the Charter and Section 1246.03(d) of the Zoning Code, a public hearing was held on the 1st day of August 2022; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. A new *Chapter 1247 Conditional Uses* of the Zoning Code be adopted which reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A**.

SECTION 2. That those ordinances referencing conditional uses be amended as set forth in the document attached to this Ordinance as **Exhibit B**, and that any other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly adopted chapter are likewise repealed to the extent of such inconsistency or conflict only.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 4. That, if any section, paragraph, sentence, clause, phrase, term, provision, or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022

Kevin Corcoran

MAYOR

EXHIBIT A: New Chapter 1247**CHAPTER 1247
Conditional Uses**

- 1247.01 Intent.
- 1247.02 Application.
- 1247.03 Review procedures.
- 1247.04 Standards of approval.
- 1247.05 Expiration and revocation.

1247.01 INTENT.

Certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district. If properly controlled and regulated, these uses can be compatible within the zoning district. To provide this necessary control, such uses shall be designated as conditional uses and allowable only upon review and approval of a conditional use permit by Planning Commission and Council. Because of the uniqueness or special nature of a conditional use with respect to location, design, size and impact, each use that comes under review shall be considered individually.

1247.02 APPLICATION.

Requests for approval of a conditional use shall be submitted to the Building Department on an application form for that purpose along with the associated fee and the following attachments:

(a) A complete development plan containing all the applicable data required by Chapter 1243.

(b) Supporting statements, evidence, data, information and exhibits that address the standards for evaluating conditional use applications.

(c) Any additional information deemed necessary by the City to determine the impact of the proposed conditional use on adjacent properties, public infrastructure and the community as a whole. Information may include, but is not limited to traffic impact analyses, environmental impact assessments, market studies, fiscal impact analyses or reports and/or testimony by officials representing state, county or local departments of public safety, health, highways or roads and/or environment. Any additional studies deemed necessary by the City may be completed by an individual or firm of the City's choosing, but at the applicant's expense, as provided for in Section 1242.03(b).

1247.03 REVIEW PROCEDURES.

Any application for a conditional use permit shall follow the procedures for development plan review in accordance with the requirements of Sections 1243.03 and 1243.04.

1247.04 STANDARDS OF APPROVAL.

Planning Commission and Council shall review the particular circumstances and facts applicable to each proposed conditional use with respect to the following general standards:

(a) The proposed use is physically and operationally compatible with the surrounding neighborhood and adjoining uses.

(b) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district. A use which produces smoke, fumes, glare or odor shall be considered detrimental to other persons or property if it is objectionable to a reasonable person of ordinary sensibilities.

(c) The use can be accommodated on the site consistent with all applicable design standards and in conformance with all development regulations for the district in which it will be located.

(d) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(e) On-site and off-site traffic generation and circulation patterns shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(f) The use will be adequately served by public facilities and services including, but not limited to, water, sewer, electric, gas, schools, streets, fire and police protection, storm drainage and public parks and trails.

(g) Additional Conditions. During their review, Planning Commission and Council may impose requirements on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:

- (1) Location of activities that generate potential adverse impacts such as noise, odor and glare;
- (2) Vehicular access, on-site parking and circulation;
- (3) Hours of operation and deliveries;
- (4) Location of loading and delivery zones;
- (5) Light intensity and hours of full illumination;
- (6) Litter control and placement of trash receptacles; and
- (7) Privacy concerns of adjacent uses.

1247.05 EXPIRATION AND REVOCATION.

(a) Expiration of Permit. A conditional use permit shall be valid for so long as all of Council's final conditions of approval are observed. A conditional use permit shall expire where the construction of a building or related site improvements are not started within

one year following the date of approval or where the normal operation of the use has been discontinued for 12 or more months. Time shall be calculated as beginning on the day following the last day in which the use was in normal operation and shall run continuously thereafter.

(b) Revocation of Permit. Upon determination by the Chief Building Official that there are reasonable grounds for revocation of a conditional use permit, a hearing shall be set before Council or before the Buildings and Lands Committee of Council, if so referred.

(1) Notice and Hearing. Notice shall be given by the Clerk of Council in the same manner required for a public meeting to consider approval as specified in Chapter 1210. At the public hearing, Council shall hear testimony of City staff and the owner of the use or structure for which the permit was granted, or the owner's representative. At the public hearing, the testimony of any other interested person shall also be heard.

(2) Findings and Decision. Council may revoke the permit upon making the finding that the permit was issued on the basis of erroneous or misleading information or misrepresentation, the terms or conditions of approval of the permit have been violated and/or that other laws or provisions have been violated. Any decision of Council shall be final and may only be reviewed by a Court of Common Pleas, pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.

EXHIBIT B: Conditional Use References

1250.02(b)

The following uses shall be deemed conditional uses in an R-1 District ~~and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions as the Board may require:~~

1250.02(b)(7)(A)

No application for a Senior Citizen Planned Residential Development as an R-1 Conditional use which includes plans for the development of a project that does not strictly comply with the following requirements shall be approved ~~by the Board of Zoning and Building Appeals:~~

1250.02(b)(7)(B)

No application for a Senior Citizen Planned Residential Development as an R-1 Conditional use which includes plans for the erection, existence or maintenance of buildings, or for uses other than the following, shall be approved ~~by the Board of Zoning and Building Appeals:~~

1252.02(b)

The following uses shall be deemed conditional uses in an R-2 District ~~and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may require:~~

1254.03

In an R-3 Multiple Family Residence District, the following uses shall be classified as conditionally permitted uses ~~and may be permitted by the Board of Zoning and Building Appeals, subject, however, to the following conditions and the general conditions set forth in Section 1244.05:~~

1256.03

In an R-4 Multiple Family Residence District, the following uses shall be classified as conditionally permitted uses ~~and may be permitted by the Board of Zoning and Building Appeals, subject, however to the following conditions and the general conditions as set forth in Section 1244.05:~~

1258.02(b)

A home occupation use shall be deemed a conditional use in an R-5 District ~~and shall be permitted upon approval by the Board of Zoning and Building Appeals.~~

1260.02(b)

The following uses shall be deemed conditional uses in an RS-1 District ~~and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may require:~~

1262.02(b)

The following uses shall be deemed conditional uses in an RS-2 District ~~and shall be permitted upon approval by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may require:~~

1264.02(b)

The following uses shall be deemed to be conditional uses in this district, ~~subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.~~

1266.02(b)

~~Conditional Uses Requiring Planning Commission Authorization.~~ The following uses shall be deemed to be conditional uses in this district, ~~subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.~~

1268.02(b)

~~Conditional Uses Requiring Board of Zoning and Building Appeals Authorization.~~ The following uses shall be deemed to be conditional uses in this district, ~~subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.~~

1270.02(b)

The following uses shall be deemed to be conditional uses in this district, ~~subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.~~

1272.04(b)

The following uses shall be deemed to be conditional uses in this district, ~~subject to any listed conditions in this chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.~~

1276.02(b)

The following uses shall be deemed conditional uses in an I-2 District ~~and shall be permitted upon recommendation by the Planning Commission and upon the issuance of a permit therefor by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may require:~~ Airplane landing fields, airstrips, airplane hangars and customary accessory uses thereto, excluding, however, the mass assembly and manufacture of aircraft.

1278.02(b)

The following uses shall be deemed conditional uses in an I-3 District ~~and shall be permitted upon recommendation by the Planning Commission and upon the issuance of a permit therefor by the Board of Zoning and Building Appeals, subject to the following conditions and such other conditions as the Board may request:~~

1284.14

Temporary structures shall be deemed a conditional use in a single-family detached and cluster development and shall be permitted ~~upon approval by the Board of Zoning and Building Appeals~~ if such structures are deemed necessary for construction operations of the dwellings of the area, provided that:

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>August 1, 2022</u>
TEMPORARY NO:	<u>T 104-2022</u>	ADOPTED:	<u>August 1, 2022</u>

Public Hearing on 8-01-2022

ORDINANCE NO. 5984-2022

AN ORDINANCE REPEALING SECTIONS 1444.10, 1444.20, 1444.25(G), AND 1444.25(H) OF THE BUILDING AND HOUSING CODE AND ESTABLISHING A NEW FEE SCHEDULE FOR VARIOUS ZONING-RELATED APPLICATIONS AND REVIEWS.

WHEREAS, fees associated with applications for Planning Commission, the Board of Zoning and Building Appeals, and other zoning related reviews are located in various sections of the Zoning Code and Building Code; and

WHEREAS, application fees located in sections of the Zoning Code have not been modified since 2005 and 2008; and

WHEREAS, it is the recommendation of the Planning and Economic Development Director to establish a single, separate fee schedule for said applications and reviews; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:


SECTION 1. Sections 1444.10, 1444.20, 1444.25(g), and 1444.25(h) of the Building Code be repealed as set forth in the document attached to this Ordinance as **Exhibit A**.

SECTION 2. A new fee schedule be adopted as set forth in the document attached to this Ordinance as **Exhibit B**.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: August 1, 2022



PRESIDENT OF COUNCIL

ATTEST: *Nicholas Ciofani*
CLERK OF COUNCIL

APPROVED: 08 / 03 / 2022

Kevin Corcoran
MAYOR

EXHIBIT A

CHAPTER 1444

Building Permits and Fees

- 1444.01 Outdoor advertising signs.
- 1444.02 Farm buildings and greenhouses.
- 1444.03 Residential uses.
- 1444.04 Business, industrial and commercial uses.
- 1444.05 Plan approval fees.
- 1444.06 Ground area used as part of a business.
- 1444.07 Fences.
- 1444.08 Swimming pools.
- 1444.09 Storage tank installation or removal.
- ~~1444.10 Appeals from decisions of Chief Building Official.~~
- 1444.11 Demolition of buildings.
- 1444.12 Miscellaneous permit fees.
- 1444.13 Extra inspections.
- 1444.14 Fees for starting work prior to obtaining permits.
- 1444.15 Additional property inspections by City Engineer; issuance of certificates of occupancy upon payment of fees.
- 1444.16 Cash deposit or bond to guarantee completion of grade.
- 1444.17 Grading plan approval prior to building permit issuance; seeding and mulching; conflicts of laws.
- 1444.175 Attestation of surveyor required prior to issuance of certificate of occupancy.
- 1444.18 Waiver of permit fees.
- 1444.19 Fireplace, chimney or flue stove construction.
- ~~1444.20 Parcel divisions.~~
- 1444.21 Foundation and finish grade inspections; grade changes.
- 1444.22 Subdivision plan review and inspections; appeal of cost estimates.
- 1444.23 Surface drainage fund fees. (Removed)
- 1444.24 Assessments of the Ohio Board of Building Standards.
- 1444.25 Building Department administrative fees.
- 1444.26 Park and recreation fees.
- 1444.27 Planned Community Development Fees.

CROSS REFERENCES

Notice to Mayor or prosecuting attorney of refusal to examine buildings - see Ohio R.C. 737.35
Inspections; access to buildings - see Ohio R.C. 737.36

Building permit required for construction - see P. & Z. 1242.03

Building permits for construction in the I-1 District - see P. & Z. 1274.12

Department of Buildings - see B. & H. Ch. 1440

Review of building permits for construction in flood hazard areas - see B. & H. 1464.03(e)

1444.01 OUTDOOR ADVERTISING SIGNS.

(a) The fee for a building permit for outdoor advertising signs shall be as follows:

(1) For temporary signs, per thirty-day period, the fee shall be twenty-five dollars (\$25.00).

(2) For renewal of temporary signs, the fee shall be twenty-five dollars (\$25.00).

(3) For all other signs, a permit shall be issued at the rate of two dollars (\$2.00) per square foot, with a minimum fee of fifty dollars (\$50.00), and with an additional fee of fifty dollars (\$50.00) for electrical signs.

(b) The fees set forth in this section shall be doubled for the issuance of those permits for signs which have been installed prior to the permit application.

(c) Permit fees for temporary signs which remain on display for more than three days after the display period ends shall be doubled for the next renewal period.

(d) All temporary business signs shall be prohibited, except as provided in Section 1286.09(d) of the Planning and Zoning Code.

(e) The following categories of signs shall not require a permit fee:

(1) Directional signs of six square feet and under.

(2) Real estate signs of six square feet and under.

(3) Permanent and temporary signs for civic, religious, philanthropic, educational and government institutions, or signs for fund raising drives or special events of the same, so long as such signs comply with other sections of this Building and Housing Code.

(4) The repair, maintenance or repainting of signs, or the replacement of broken, defective or unsafe parts of the same.

(5) The changing of copy on an existing sign, or the replacement or alteration of an existing sign, provided that such sign is not increased in size, that such sign conforms to the Zoning Code, and that there is not a change in the type of business, in which cases the full permit fee shall be applicable. However, where a second separate sign is added to an existing pole with another sign already installed thereon, only the area of the added sign shall be subject to a permit fee, so long as the configuration of the first sign is not changed radically.

(6) All signs under four square feet.

(7) All paper window signs and window lettering.

(Ord. 5601-2019. Passed 1-22-19.)

1444.02 FARM BUILDINGS AND GREENHOUSES.

The fee for a building permit for farm buildings and greenhouses shall be one-hundred dollars (\$100.00) for any structure, plus three dollars (\$3.00) for each 100 square feet, or part thereof, of floor area. (Ord. 5601-2019. Passed 1-22-19.)

1444.03 RESIDENTIAL USES.

The fee for a building permit for residential uses involving the construction of structures, including dwellings, garages and accessory buildings, shall be as follows:

(a) Residential - New Dwelling.

(1) Dwelling fee\$ 750.00, plus \$5.00 per 100 square feet

(Ord. 5633-2019. Passed 4-15-19.)

(2) Plumbing fee\$ 150.00

(3) Electric fee\$ 150.00

(4) Heating fee\$ 150.00

(5) Air conditioning fee \$ 150.00

(6) Duct work fee\$ 100.00

(7) Fireplace fee\$ 75.00

(8) Plan approval fee\$ 150.00

(9) Occupancy fee\$ 75.00

(Ord. 5601-2019. Passed 1-22-19.)

(10) #1. Re-inspection fee\$ 100.00

#2. Re-inspection fee.....\$ 200.00

#3. Re-inspection fee.....\$ 400.00

#4. Re-inspection fee.....\$ 500.00

(Ord. 5633-2019. Passed 4-15-19.)

(b) Residential - Additions/Alterations.

(1) Addition/alteration fee \$150.00, plus \$5.00 per 100 sq. ft.

(2) Plumbing fee \$ 95.00

(3) Electric fee \$ 95.00

(4) Heating fee \$ 95.00

(5) Air conditioning fee \$ 95.00

(6) Duct work fee \$ 75.00

(7) Fireplace fee \$ 75.00

(8) Plan approval fee \$ 60.00

(9) Occupancy fee \$ 60.00

(10) Re-inspection fee \$ 100.00

(11) Re-roof fee \$ 75.00

(12) Siding fee \$ 75.00

(c) Accessory Building/Structures. Building fee \$75.00, plus \$3.00 per 100 square feet. (Plumbing, electric, HVAC fees, etc. per additions/alteration fees.)

(d) Basement Foundation (Existing) \$ 100.00

(Ord. 5601-2019. Passed 1-22-19.)

1444.04 BUSINESS, INDUSTRIAL AND COMMERCIAL USES.

The fee for a building permit for business, industrial and commercial uses shall be as follows:

(a) Commercial - New Buildings.

- (1) Building fee \$900.00, plus \$7.50 per 100 square feet.
- (2) Plan approval fee \$525.00, plus \$7.50 per 100 square feet.
- (3) Plumbing fee \$225.00, plus \$7.50 per trap
- (4) Electric fee \$225.00, plus \$7.50 per 100 square feet.
- (5) Heating fee \$225.00 per unit.
- (6) Air conditioning fee ... \$225.00 per unit.
- (7) Duct work \$150.00
- (8) Parking lot fee \$75.00, plus \$2.00 per 100 square feet.
- (9) Fireplace fee \$100.00
- (10) Occupancy fee \$150.00
- (11) Re-inspection fee \$225.00

(b) Commercial - Addition/Alteration.

- (1) Addition - building fee \$525.00, plus \$7.50 per 100 square feet.
- (2) Alteration - building fee \$525.00, plus \$7.50 per 100 square feet.
- (3) Plan approval fee \$525.00, plus \$7.50 per 100 square feet.
- (4) Plumbing fee \$225.00, plus \$7.50 per trap
- (5) Electric fee \$225.00, plus \$7.50 per 100 square feet.
- (6) Heating fee \$225.00 per unit.
- (7) Air conditioning fee \$225.00 per unit.
- (8) Duct work fee \$150.00
- (9) Fireplace \$100.00
- (10) Parking lot fee \$75.00, plus \$2.00 per 100 square feet.
- (11) Occupancy fee \$150.00
- (12) Re-inspection fee \$225.00

(c) Commercial - Accessory Building. Building fee \$150.00, plus \$2.00 per 100 square feet. (Plumbing, electric, HVAC fees per addition/alteration fees.)

(Ord. 5601-2019. Passed 1-22-19; Ord. 5841-2021. Passed 7-6-21.)

1444.05 PLAN APPROVAL FEES.

(a) A plan approval fee of five hundred twenty five dollars (\$525.00), plus seven dollars and fifty cents (\$7.50) per 100 square feet of floor area (new work or renovation), shall be charged for the examination of plans for all business, commercial or industrial buildings, including, but not limited to, apartment houses, places of assembly and business, industrial, commercial and institutional buildings. This fee shall be paid at the submission of application & plans for plan approval. (Ord. 5633-2019. Passed 4-15-19.)

(b) A plan approval fee of one hundred and fifty dollars (\$150.00) shall be charged for all one, two and three-family dwellings.

(c) There is hereby established a fee of one hundred and fifty dollars (\$150.00) for the resubmittal of commercial plans for review.

(d) A plan approval fee of one hundred fifty dollars (\$150.00) shall be charged for the Building Department for fire alarm and fire suppression (sprinkler) systems.

(e) A plan approval fee of one hundred fifty dollars (\$150.00) shall be charged for the Fire Department for fire alarm and fire suppression (sprinkler) systems.

(Ord. 5601-2019. Passed 1-22-19; Ord. 5842-2021. Passed 7-6-21.)

1444.06 GROUND AREA USED AS PART OF A BUSINESS.

Where ground area is used in one's business, such as for material storage, a commercial parking lot, a used car lot or related uses, the fee for a building permit for such area shall be seventy - five dollars (\$75.00), plus two dollars (\$2.00) per 100 square feet.

(Ord. 5601-2019. Passed 1-22-19.)

1444.07 FENCES.

The fee for a building permit for fences shall be seventy five dollars (\$75.00).

(Ord. 5601-2019. Passed 1-22-19.)

1444.08 SWIMMING POOLS.

(a) (1) The fee for a building permit for residential above-ground swimming pools shall be one hundred dollars (\$100).

(2) The fee for a building permit for residential in-ground swimming pools shall be one hundred dollars (\$100), plus a plumbing fee of seventy-five dollars (\$75.00).

(b) The fee for a building permit for commercial in-ground swimming pools shall be one hundred and fifty dollars (\$150.00), plus two dollars (\$2.00) per 100 square feet, plus a plumbing fee of one hundred and fifty dollars (\$150.00).

(Ord. 5601-2019. Passed 1-22-19.)

1444.09 STORAGE TANK INSTALLATION OR REMOVAL.

The fee for a building permit for the installation or removal of storage tanks shall be one hundred dollars (\$100.00) per tank.

(Ord. 5601-2019. Passed 1-22-19.)

~~1444.10 APPEALS FROM DECISIONS OF CHIEF BUILDING OFFICIAL.~~

~~— Fees for appeals from decisions of the Chief Building Official relating to home occupations, nonconforming uses, variances and conditional zoning permits shall be seventy-five dollars (\$75.00) each.~~

~~(Ord. 5601-2019. Passed 1-22-19.)~~

1444.11 DEMOLITION OF BUILDINGS.

The fee for a permit for the demolition of a building shall be seventy five dollars (\$75.00) for an application, two hundred dollars (\$200.00) with a violation notice.
(Ord. 5601-2019. Passed 1-22-19.)

1444.12 MISCELLANEOUS PERMIT FEES.

The following permit fees shall be collected by the Chief Building Official prior to the issuance of the applicable permit:

(a) Plumbing Permits.

- (1) Sewer, residential lateral inspection \$ 75.00
- (2) Water meter inspection \$ 75.00
- (3) Lawn sprinkler system \$ 75.00
- (4) Hot water tank inspection \$ 75.00 residential
\$ 100.00 commercial

(b) Electrical Permits.

(1) Residential:

Electric service only \$ 75.00 (2) Commercial and

industrial:

Electric service only \$ 225.00
(3) Temporary electric \$ 75.00

(c) Heating Permits.

(1) Residential:

Replacements (per heating unit) \$ 75.00

(2) Commercial and industrial:

Replacements (per heating unit) \$225.00

1444.13 BUILDING AND HOUSING CODE 34

(d) Air Conditioning Permits.

(1) Residential:

Replacements \$ 75.00

(2) Commercial and industrial (per unit):

Replacements \$ 225.00

(e) Footer Tile Permits.\$ 75.00

(f) Driveway Permits.\$ 75.00

(g) Alarm System (Burglar) Permits. \$ 75.00

(h) Fire Sprinkler System and Fire

Protection System (Alarm) Permits (Building

Department permit inspection fee)..... \$150.00 + 2.00
per 100 sq. ft.

(i) Fire Inspection Permit for Fire Sprinkler

System and Fire Protection System (Alarm)

- Permit (Fire Department permit inspection fee) \$150.00, plus \$2.00 per 100 sq. ft. (for sprinkler system), \$150.00, plus \$5.00 per device (for alarm systems)
 - (j) Antennas (Dish-Type) Permits. \$ 75.00
 - (k) General Inspection Permits.
 - (1) Residential \$ 75.00
 - (2) Commercial \$ 150.00
 - (l) Driveway Pipe Fee.\$ 150.00
 - (m) Waterproofing/Dampproofing (existing foundation). \$ 75.00
 - (n) Application and Resubmittal Fees (new construction).
 - (1) Residential 1, 2, and 3 family dwellings.. \$150.00
 - (2) Commercial (OBC)..... \$225.00
 - (o) Application & resubmittal fees (additions & alterations over 500 sq. ft.)
 - (1) Residential \$60.00
 - (2) Commercial \$ 225.00
 - (p) New Business Permit..... \$50.00
- (Ord. 5601-2019. Passed 1-22-19; Ord. 5843-2021. Passed 7-6-21 ; Ord. 5940-2022. Passed 4-4-22.)

1444.13 EXTRA INSPECTIONS.

(a) Inspections Required by Residential Code of Ohio. For the inspections required of the Chief Building Official under the Residential Code of Ohio, as adopted in Section 1423.01, when extra inspections are made necessary by reason of deficient or defective work or otherwise through fault or error on the part of the holder of a permit or his or her employees, and for each and every further inspection for which the holder of the permit or his or her employees is entirely responsible, a one hundred dollar (\$100.00) fee shall be charged.

(b) Inspections Required by Ohio Building Code. For the inspections required of the Chief Building Official under the Ohio Building Code, as adopted in Section 1420.01, when extra inspections are made necessary by reason of deficient or defective work or otherwise through fault or error on the part of the holder of a permit or his or her employees, and for each and every further inspection for which the holder of the permit or his or her employees is entirely responsible, a two hundred and twenty five dollar (\$225.00) fee shall be charged.

- (c) Deposit for re-inspection, paid upon permit.
 - Residential \$500.00
 - Commercial..... \$900.00

(Ord. 5601-2019. Passed 1-22-19.)

1444.14 FEES FOR STARTING WORK PRIOR TO OBTAINING PERMITS.

Where work for which a permit is required is started prior to obtaining such permit, the fees required by such permit shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Building and Housing Code.

(Ord. 5601-2019. Passed 1-22-19.)

1444.15 ADDITIONAL PROPERTY INSPECTIONS BY CITY ENGINEER; ISSUANCE OF CERTIFICATES OF OCCUPANCY UPON PAYMENT OF FEES.

- (a) All appropriate inspections, including property grade elevation, rear yard drainage and other related items, shall be done by the City Engineer, at no additional fees to the applicant.
 - (b) Upon inspection, if any or all of the inspected items are found to be insufficient or denied for any just cause, and additional inspections are required, the fees of such inspections shall be assessed to the applicant. Fees that are assessed shall be assessed at the exact amounts levied to the City by the City Engineer.
 - (c) Deposit for re-inspection, paid upon permit:
 - Residential \$500.00
 - Commercial \$900.00
 - (d) No occupancy certificate shall be issued until all fees are paid in full.
- (Ord. 5601-2019. Passed 1-22-19; Ord. 5811-2021. Passed 3-15-21.)

1444.16 CASH DEPOSIT OR BOND TO GUARANTEE COMPLETION OF GRADE.

- (a) In lieu of finished grade completion prior to occupancy, a two-thousand dollar (\$2,000) cash deposit or a two-thousand dollar (\$2,000) bond shall be required for the first acre and \$1000.00 for each additional acre thereafter of disturbed area (minimum (\$2000.00), guaranteeing the completion of the finished grade no later than six months after issuance of the certificate of occupancy.
 - (b) The builder shall have the ability to have a revolving performance bond on file with the Building Department. The revolving bonds may not exceed twenty-five thousand dollars (\$25,000) per builder.
 - (c) An owner/occupant may execute a document authorizing the City to place a lien on the property if the finished grade is not completed as provided in subsection (a) hereof.
 - (d) As used in this section, the term "owner/occupant" includes only those persons who have or hold title to the property and will occupy such property.
- (Ord. 5601-2019. Passed 1-22-19.)

1444.17 GRADING PLAN APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE; SEEDING AND MULCHING; CONFLICTS OF LAWS.

- (a) When a building is proposed to be constructed on a lot for which the City does not have on file an approved grading plan, as a condition for the issuance of a building permit, a grading plan for the entire lot must be submitted to and approved by the City Engineer.
- (b) The grading plan shall show the existing and proposed ground elevations, the elevations of adjacent buildings, the location of the proposed building, the method of handling storm water runoff, and any other information the City Engineer deems necessary to analyze the drainage impacts of the construction.

(c) Seeding and/or mulching will also be specified to comply with the approved grading plan. Seeding will include a uniform perennial vegetative cover as approved by the City Engineer. Acceptable mulching includes straw, burlap, erosion-control matting or as otherwise approved by the City Engineer. The main purpose of seeding and/or mulching shall be to control soil erosion and reduce storm water runoff associated with bare soil.

(d) Within twenty-one (21) calendar days, weather permitting, after approval of the final grading, the owner will seed and mulch all bare soil and plant trees. In the meantime, appropriate methods must be utilized by the owner to control soil erosion, such as bales of straw, straw mulch or other approved methods. Upon timely request made to the City Engineer, tree planting may be postponed to a date certain, not to exceed 180 days from the date of the request if the postponement is found to be necessary due to seasonal climate concerns in order to ensure and promote the viability of the tree species.

(e) As used in subsection (d) hereof, "owner" includes only those persons who have title to the property, be it the developer, builder or homeowner.

(f) If any provision of this section is in conflict with the Ohio Environmental Protection Agency's (O.E.P.A.) regulations, including, but not limited to, the Storm Water Pollution Prevention Plan (SWP3), the more stringent regulations shall apply.

(g) Violation of any requirement of this section shall be subject to a fine of fifty dollars (\$50.00) per day for each day the violation continues. A violator shall first be sent a notice of violation by certified mail, and if refused, by regular mail. If compliance is not forthcoming within a reasonable amount of time as determined by the City Engineer, a citation may be issued. (Ord. 5601-2019. Passed 1-22-19.)

1444.175 ATTESTATION OF SURVEYOR REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

Prior to the issuance of a certificate of occupancy, and at the time of final grade inspection for any newly constructed residential dwelling or commercial building, the owner or contractor shall first submit to the Chief Building Official a statement made under oath and sealed by an Ohio registered surveyor attesting that the final site elevations and building locations are in accordance with previously approved grading plans, permits and authorizations relating to the subject project.

(Ord. 5601-2019. Passed 1-22-19.)

1444.18 WAIVER OF PERMIT FEES.

The Building Department is authorized to waive any fee for a building permit under circumstances brought about as a result of property damage or loss caused by fire, severe weather conditions and other unforeseen causes.

(Ord. 5601-2019. Passed 1-22-19.)

1444.19 FIREPLACE, CHIMNEY OR FLUE STOVE CONSTRUCTION.

The fee for a building permit for the construction or replacement of a fireplace, chimney and/or flue stove shall be seventy five dollars (\$75.00).

(Ord. 5601-2019. Passed 1-22-19.)

~~1444.20 PARCEL DIVISIONS.~~

~~—The fee for the division of any parcel of land shall be seventy five dollars (\$75.00).~~

~~(Ord. 5601-2019. Passed 1-22-19.)—~~

1444.21 FOUNDATION AND FINISH GRADE INSPECTIONS; GRADE CHANGES.

(a) The fee for foundation and/or finished grade inspection shall be three hundred and twenty five dollars (\$325.00).

(b) Any change of grade shall be approved by the City Engineer, and the fee for the same shall be seventy five dollars (\$75.00).

(Ord. 5601-2019. Passed 1-22-19.)

1444.22 SUBDIVISION PLAN REVIEW AND INSPECTIONS; APPEAL OF COST ESTIMATES.

(a) A subdivider or his or her agent shall be required to deposit with the City Engineer a sum of money in an amount determined by the City Engineer for each application, before a plan will be considered for review. Costs are to be computed according to the following rates:

Residential subdivisions:

Preliminary	\$375.00
Final	\$975.00, plus \$35.00 per lot

Multifamily:

Apartments, etc.	\$950.00, plus \$30.00 per unit
Commercial site plan (one building)	\$1,125.00
Industrial site plan (one building)	\$1,125.00
Plot plans, lot splits and other map reviews	\$ 225.00

(b) The charge against any project shall be based on the actual time spent in review of such plans and inspection services provided, as determined from the time records of the City Engineer. Costs are to be computed on the basis of the rates on file with the Clerk of Council.

(c) In the event the subdivider desires to contest the estimate of costs submitted by the City Engineer, he or she may do so by appealing to Council within ten days from the date of the estimate, and Council shall make a final decision after hearing evidence from both sides. The appeal shall be in writing. (Ord. 5601-2019. Passed 1-22-19.)

1444.23 SURFACE DRAINAGE FUND FEES. (Removed)

1444.24 ASSESSMENTS OF THE OHIO BOARD OF BUILDING STANDARDS.

The City shall collect, on behalf of the Ohio Board of Building Standards, an assessment, which may be amended from time to time, as required by the Board of Building Standards, in conjunction with fees for the acceptance and approval of plans and specifications for any construction governed by the Ohio Building Code, as adopted in Section 1420.01 and the Residential Code of Ohio as adopted in Section 1423.01.

(Ord. 5601-2019. Passed 1-22-19.)

1444.25 BUILDING DEPARTMENT ADMINISTRATIVE FEES.

Building Department administrative fees, which shall be in addition to general building permit fees for the issuance of certain classes of building permits as provided in this chapter, are hereby established as follows:

- (a) New residential dwelling permits: \$15.00
- (b) Additions/alterations permit fees: \$10.00
- (c) Detached garages, sheds, pole barns,
Accessory buildings and decks \$ 5.00
- (d) Farm buildings and greenhouses: \$10.00
- (e) Commercial:
 - (1) New \$25.00
 - (2) Additions/alterations \$20.00
 - (3) Accessory buildings \$ 5.00
- (f) Miscellaneous fees (residential
and commercial): \$ 5.00
- ~~(g) Board of Zoning and Building Appeals: \$ 5.00~~
- ~~(h) Planning Commission: \$ 5.00~~

(Ord. 5601-2019. Passed 1-22-19.)

1444.26 PARK AND RECREATION FEES.

(a) Purpose. Council hereby declares that the fees required to be paid by this section are assessed for the planning, acquisition, improvement, expansion and operation of public parks, playgrounds and recreation facilities to serve the increasing population of the City, and to provide the means for additional revenues with which to finance such public facilities.

(b) Definitions. As used in this section:

(1) "Dwelling unit" means each single-family dwelling and each habitation unit of an apartment, duplex or multiple-dwelling structure designated as a separate place for habitation of a family. The term "dwelling unit" also includes each guest room or condominium designed as a separate habitation for one or more persons.

(2) "Person" means every person, firm or corporation engaging in construction activities himself, herself or itself or through the services of any employee, agent or independent contractor.

(3) "Trailer space" means each space, area or building in a trailer park, mobile home park or other place designed or intended as a place to accommodate any mobile home, trailer, van, bus or other vehicle or mobile structure, when the same is being used as a living quarters for human beings.

(c) Fee for New Dwelling Units or Trailer Spaces. In addition to any other fees prescribed in these Codified Ordinances, every person constructing any new dwelling unit in the City shall pay to the City the sum of two hundred fifty dollars (\$250.00) for each dwelling unit or trailer space.

(d) Payment of Fee; Refunds. The fee provided in subsection (c) hereof shall be due and payable upon application to the City for a building permit for the construction of any such dwelling unit or addition or trailer space, provided, however, that there shall be a refund of such fees in the event the building permit is not approved or is not used for such construction.

(e) Allocation of Funds. All of the funds collected pursuant to this section shall be used, as allocated by Council, solely for public parks, playgrounds and recreational purposes, such as, but not limited to, the following:

- (1) The purchase of land and interest in land;
 - (2) The development of parks and buildings for use thereon;
 - (3) The acquisition and development of other varieties of open space;
 - (4) The acquisition and development of parkways and median islands;
 - (5) The acquisition and development of bicycle trails, riding trails and other types of trails for recreational use;
 - (6) The acquisition and development of recreational facilities and equipment;
 - (7) Operating costs of public parks, playgrounds and recreational facilities.
- (Ord. 5601-2019. Passed 1-22-19.)

1444.27 PLANNED COMMUNITY DEVELOPMENT FEES.

(a) All applicants for proposed PCD Planned Community Development areas shall reimburse the City in full for all expenses incurred in connection with the proposed plans and/or modifications to such plans, including, without limitation, the cost of professional, legal and consulting services, fees and expenses engaged in reviewing the plan, the preparation of departmental reports and plan reviews, inspections, the publication and mailing of public notices, and any other reasonable expenses directly attributable thereto.

(b) At the time of submitting a proposed development plan to the Clerk of Council's office for consideration, the applicant shall deposit the amount of five thousand dollars (\$5,000).

(c) Failure to pay the above costs within thirty days of invoice shall stop all processing and review of the site development plans, or shall cause suspension of all development activities on

the site.

(Ord. 5157-2014. Passed 7-21-14.)

EXHIBIT B**Planning and Zoning Fee Schedule**

Planning Commission Fees		
General Application	\$150	Base fee for development plans, conditional uses, lot splits, consolidations and major subdivisions
Preliminary Subdivision Plat	+\$150	Additional fee for major subdivisions
Final Subdivision Plat	+\$250	Additional fee for major subdivisions
Special Meeting	+\$250	Additional fee for special meeting requests
Board of Zoning & Building Appeals Fees		
Residential (Single Dwelling) Application	\$75	All variances and appeals
Residential (All Others) or Commercial Application	\$125	All variances and appeals
Special Meeting	+\$250	Additional fee for special meeting requests
Other Fees		
New Business Application	\$50	Change in business or new business where no Planning Commission review is required
Amendment Application	\$50	Minor changes to approved plans
Rezoning Request	\$400	All rezonings and text amendments
Cancellation/Re-Notification Fee	\$100	Charged if applicant tables/delays appearance after notices have been sent
Credit Card Convenience Fee	Per vendor	Additional fees may be passed through to cover credit card fees charged by vendor