

**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.**

**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.

(c) 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).

(d) 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.

(e) 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

EXHIBIT A – Current Chapter 1210

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**

- Amended 1210.01 to be consistent with Charter; in sections 8.5 and 9.3, PC and BZBA are appointing authorities for Secretary.
- Moved content of “Action on Nonresidential Matters” to new 1243.
- Removed fees section. Fees can be established by separate Council ordinance. If they are in the zoning code, any amendment is a laborious procedure. Ordinances can be amended more easily and it keeps all zoning-related fees in one place. Removed provision that PC application fees be placed in a separate fund to be administered by PC and earmarked for land use studies.
- Removed requirement for applicants to provide notification list. This can be done by the Planning Commission Secretary. Staff already checks every adjoining owner twice.
- Defined adjoining properties for purpose of notice.
- Removed “City Planner Review” section.
- Kept/streamlined Traffic Impact Study section, but this can move to a traffic/parking section when the remainder of the code is updated. Gave ability for Engineer to recommend waiving requirement (thinking about redevelopment scenarios where new use exceeds threshold but is infilling existing space with similar trip generation).

1210.01 Secretary.

1210.02 Meetings; quorum.

1210.03 Public hearings; notice.

1210.04 Traffic impact study.

#### 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. The Secretary shall be in the unclassified civil service.

#### 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.

(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 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 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

**EXHIBIT B:** Amended Chapter 1210

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.

**1210.06 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 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.

## **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 street or alleys with building material or temporary structures for construction purposes, shall be undertaken until a building permit therefor 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.

## **EXHIBIT A: Current Chapter 1242**

(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.



## **EXHIBIT A: Current Chapter 1242**

(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

## **EXHIBIT A: Current Chapter 1242**

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

- Added Planning Director as administrator; enforcement remains with Chief Building Official.
- Gave Director the authority over similar use determinations; BZBA will hear appeals of decisions by Director. Once a similar use determination is made, the use should be permitted in the district by right.
- Moved section on Building Permits and Certificates of Occupancy, etc. to new 1243.
- Expanded the Fees section, to be established by Council ordinance.
- Increased criminal penalty fee from \$50 to \$150.
- \*Need to move assignment of addresses section to Building Code.

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) Similar Uses. Since every potential use cannot be addressed in this Zoning Code, each district may accommodate similar uses in accordance with the following procedure.

(1) All applications for a use not specifically addressed in a zoning district shall be submitted to the Planning and Economic Development Director for review and a decision.

(2) The Director may determine 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. If the Director finds that the proposed use is substantially similar to a use established in a district, the application shall be processed in the same manner as the similar use.

(3) If a proposed use is determined not to be similar to other uses listed within the district, the Director will deny the application. If the applicant disagrees with the Director's determination regarding the proposed use, the applicant may choose to take one of the following actions:

## **EXHIBIT B: Amended Chapter 1242**

A. The applicant may appeal the determination of the Director to the Board of Zoning and Building Appeals pursuant to Chapter 1244; or

B. The applicant may petition Council to request a zoning text amendment to address the proposed use and any applicable standards pursuant to Chapter 1246.

(4) The determination of whether a proposed use is similar to another listed use 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.

### **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.**

**EXHIBIT B:** Amended Chapter 1242

(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.

## **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.

## **EXHIBIT A: Current Chapter 1244**

(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.

## **EXHIBIT A: Current Chapter 1244**

(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.)



## **EXHIBIT A: Current Chapter 1244**

### **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).

## **EXHIBIT A: Current Chapter 1244**

(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**

- Removed Establishment section, redundant from Charter. Linked Secretary to Charter.
- Cleaned up Powers and Duties section, eliminated conditional use decisions.
- Combined Appeals from Decisions of Admin Officer into Powers and Duties.
- Eliminated Fees sections, since that is now referenced in 1242.

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. The Secretary shall be in the unclassified civil service.

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,

## **EXHIBIT B: Amended Chapter 1244**

“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.

## **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;

EXHIBIT A: Current Chapter 1246

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

EXHIBIT A: Current Chapter 1246

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

- Clarified that proposed amendments can be initiated by property owner or their agent (no longer “any person, firm or corporation”) to ensure petitioner has standing to request such zoning change.
- Added that petitions can be made for zoning text changes, not solely zoning map changes.
- Specifically stated that complete applications/petitions will be introduced as legislation, current code is silent on what happens once submitted.
- Cleaned up submittal requirements for petitions. Fee will be moved to new fee ordinance.

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.



**EXHIBIT B:** Amended Chapter 1246

(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 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 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.

## EXHIBIT C1: New Chapter 1243

### CHAPTER 1243

#### Permits and Development Review

- Edited the Certificate of Occupancy section to be clearer. Any new business must apply (even taking over an existing tenant unit) so we can conduct zoning review and keep a record.
- New Development Plan sections will give developers road map from project concept to permit, to help them understand all the necessary steps.
- Established two-tier process for development plans: (1) administrative approval for limited changes and improvements to property, (2) PC and Council approval for new construction and more substantial changes. Code outlines how these two processes will work.
- Clearly specified requirements for development plan submittals.
- Created review criteria for development plans.
- Included more specific language regarding expiration and extensions. Amended approval to be for one year instead of two, consistent with conditional use permits. Clarified that any variances granted in conjunction with a development plan expire with the development plan.

1243.01 Building permits required.

1243.02 Certificates of occupancy.

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.

(a) 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. 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 Occupancy.

## EXHIBIT C1: New Chapter 1243

(b) 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 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 provisions of the Zoning Code and Building Code.

(c) Corrective Action. 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 Chief Building Official 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.

### 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 1,000 square feet and accessory structures;
- B. Exterior alterations to existing buildings;
- 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 1,000 square feet or greater;
- B. Any conditional use in any district;
- C. Any proposal involving a rezoning request;
- D. Any proposal involving zoning variances other than signage;
- E. Any change in use, addition or alteration requiring the submittal of a traffic impact study; or
- F. 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

## EXHIBIT C1: New Chapter 1243

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

## **EXHIBIT C1: New Chapter 1243**

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.

## **EXHIBIT C1: New Chapter 1243**

(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

## EXHIBIT C1: New Chapter 1243

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. Minor changes to a development plan approved by Council may 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 by 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.

## EXHIBIT C2: New Chapter 1247

### CHAPTER 1247 CONDITIONAL USES

- Conditional uses are more often the jurisdiction of PC and Council. Conditional uses are not deviations from the code or appeals. Conditional uses would otherwise be permitted by right except for the potential of greater impacts to surrounding properties. It makes sense to combine the review of a conditional use with the development plan. While the BZBA is encouraged to view applications through a limited scope (how the subject premises is unique), the PC is encouraged to consider and examine broader community impacts related to traffic, noise, lighting, etc. Possible conditions (offsite road improvements, enhanced buffering, limiting hours of operation) are also more PC related.
- This section provides CUP process, standards of approval, ability to impose conditions and how to address expiration and revocation.

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



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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;

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- (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.

(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.