

Clifford Winkel, Ward 4/Chair
Bruce F. Abens, Ward 3
Holly A. Swenk, Ward 1



Buildings & Lands Committee
CITY HALL COUNCIL CHAMBERS
AGENDA OF AUGUST 19, 2024
6:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Building and Lands Committee Meeting Minutes dated March 4, 2024
(Committee action required)

NEW BUSINESS

- 2024-78 An Ordinance amending Chapter 830 *Home Occupations* of the North Ridgeville Business Regulation and Taxation Code.
(Introduced by Mayor Corcoran; First Reading on 08-05-2024)

ADJOURNMENT

**NORTH RIDGEVILLE CITY COUNCIL
BUILDING AND LANDS COMMITTEE MEETING MINUTES
CITY COUNCIL CHAMBERS – 6:30 P.M.
MONDAY, MARCH 04, 2024**

To Order and Pledge of Allegiance:

Chairman Clifford Winkel called the Building and Lands Committee meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

Roll Call:

Members present: Chairman Clifford Winkel, Councilman Bruce Abens, and Councilwoman Holly Swenk.

Others Present: Councilman Jason Jacobs, Councilman Eric Shaffer, Councilwoman Georgia Awig, Councilman Martin DeVries, Mayor Kevin Corcoran, Planning and Development Director Kim Lieber, and Assistant Clerk of Council Fijabi Gallam.

Action on Minutes:

Chairman Winkel asked if there were any corrections to the minutes dated January 16, 2024. No discussion was offered. The minutes stand approved as submitted.

Discussion regarding 2024-13:

2024-26 AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 1444 BUILDING PERMITS AND FEES OF THE NORTH RIDGEVILLE BUILDING AND HOUSING CODE AND THE ESTABLISHMENT OF A NEW CHAPTER 1010 ENGINEERING PERMITS AND FEES IN THE STREETS, UTILITIES AND PUBLIC SERVICES CODE.
(Introduced by Mayor Corcoran)

Chair Winkel stated that the purpose of the meeting is to discuss 2024-26, a specific legislative matter. He asked the Planning and Development Director to explain Ordinance Number 2024-24.

Planning and Development Director Kim Lieber presented a summary covering the following points:

- The update of fees connected to the City's sign permit after the new sign code.
- Introduction of credit card fees to the schedule of charges for applicants.
- There were more than a dozen issues – redundancies, inconsistencies, and conflicts for some of the fees.
- Chapter 1444, a section of the Building Code, had an amendment transferring Engineering fees, inspection requirements, and construction standards to the Streets, Utilities, and Public Services Code.
- Building and Engineering work together routinely, but they are different when it comes to transactions.
- Fees were not increased; however, administrative fees were rolled into the base fee permit.
- Chapter 1444 no longer includes a provision for fee waivers related to weather-related work. However, the Mayor retains some discretion to waive permit fees under the Administrative Code chapter.
- In 2023, the City almost lost \$18,000 in permit revenue due to waivers related to weather.
- A proposed addition to Chapter 1010 within the Streets, Utilities, and Public Service Code outlines engineering fees, introducing itemized fees, new permit types, and revised processes.

Chair Winkel noted that the legislation aligns well with practices observed across Ohio and emphasized the city's growth. The legislation is to help the City collect money, do inspections, and streamline duties for the Engineering and Building Division.

No other discussion from the administration.

Councilman Jacobs inquired if the permit types breakdown of plan reviews is consistent with other cities.

Mrs. Lieber clarified that their approach focuses on internal operations rather than comparisons with other communities. She noted that calculations can be adjusted as needed in the future.

No other discussion from the public, administration, or any other Council members.

Moved by Swenk and seconded by Abens to send Ordinance Number 2024-26 back to City Council for consideration as submitted.

A voice vote was taken and the motion carried.

Yes - 3 No - 0

Adjournment:

The meeting was adjourned at 6:41 p.m.

Date Approved:

Fijabi Gallam, MMC
Assistant Clerk of Council

EXHIBIT A
PART EIGHT - BUSINESS REGULATION AND TAXATION CODE
TITLE TWO. - BUSINESS REGULATION
CHAPTER 830. HOME OCCUPATIONS

CHAPTER 830. HOME OCCUPATIONS¹

830.01 Definitions

As used in this chapter:

- (a) "Home occupation" means any profession or business conducted in a residential dwelling and as an accessory to the principal residential use thereof. Home occupations shall comply in all respects with the regulations provided in Section 830.02.

A home occupation shall not include and shall not be permitted on unimproved land in a Residence District or in any dwelling not currently occupied principally as a residence.

The following activities are not permitted as home occupations:

- (1) The repair and/or storage of vehicles for commercial purposes, including vehicles purchased primarily for resale.
 - (2) The repair and/or storage of heavy machinery and/or heavy equipment for commercial purposes.
 - (3) External wood cutting, external wood splitting and/or external wood processing for commercial purposes.
 - (4) Activities judged by the Chief Building Official and the Board of Zoning and Building Appeals to be similar in nature to the above-listed activities.
- (b) "Living area" means that area of the dwelling which would normally contain active (as opposed to stored) furniture and appliances for the use of the residents, but shall not include basements (unless finished), garages or porches.

(Ord. 4308-2006, 9-5-06)

830.02 Use regulations

- (a) A person may carry on a home occupation only in the dwelling house.
- (b) A home occupation may be permitted and carried on only if it complies with all of the following:
- (1) The home occupation shall comply with all local, State and Federal laws, the City Charter and/or regulations pertinent to the activity pursued;
 - (2) The person conducting such home occupation must, before commencement, receive a permit for such purpose, which permit shall be issued by the Chief Building Official;
 - (3) Such use must not involve any external extension or modification of the dwelling, and the dwelling must be otherwise lawful and conform to all applicable safety, fire, housing and building codes;

¹Cross reference(s)—Licensing of businesses in general - see B.R. & T. Ch. 802; Bed and breakfast inns - see B.R. & T. Ch. 812; Permit fees for dwellings - see B. & H. 1444.03; Use and Occupancy Housing Code - see B. & H. Ch. 1480; Structural requirements for dwellings - see B. & H. 1480.14

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- (4) Except for signage permitted in accordance with Chapter 1286, such use shall not involve any other display that will indicate from the exterior that the building or premises is being used, in part, for any purpose other than that of a residential dwelling;
 - (5) Such use shall be incidental and subordinate to the use of the premises and dwelling for residential purposes and in total shall not use space in excess of the equivalent of twenty-five percent of the floor area of the living area of the dwelling;
 - (6) Such use shall not include any activity resulting in or creating noise, vibration, smoke, pollution, electronic interference or other nuisance or safety hazard to any person or to any adjacent or nearby property;
 - (7) Such use shall not involve the storage of any materials, other than those normally used in the maintenance and use of the property solely as a dwelling, which are hazardous to persons or to adjacent and nearby property in a quantity normally used;
 - (8) (NOTE: Paragraph (b)(8) hereof was repealed by Ordinance 3627-00, passed October 16, 2000)
 - (9) Vehicles used for deliveries to or from a home occupation shall comply with the weight limits established for through traffic on the street upon which the dwelling fronts;
 - (10) Such use shall not result in an increase in frequency of, or a generation of vehicular or pedestrian traffic abnormal to, either the neighborhood or the City;
 - (11) No more than a total of two vehicles of patrons or customers shall be permitted on the premises which is the site of a home occupation at any one time. Such vehicles shall not, alternatively, be parked on a street, sidewalk or other adjacent public thoroughfare. Vehicles used solely for the personal use of the proprietor or owner of the home occupation shall not be included within the limitation of this paragraph;
 - (12) Such use shall not involve the use of utilities, sewers or other community facilities beyond that which would be reasonable to the use of the property solely for residential purposes;
 - (13) Such use shall not involve the storage of equipment, mobile or otherwise, finished materials and/or finished inventory related thereto, unless it is produced on the premises;
 - (14) A person carrying on a home occupation may employ only members of the family in the dwelling and a maximum of one outside employee;
 - (15) Only one automobile, truck or van used primarily for the customary home occupation shall be permitted on the premises, and then only if:
 - A. The gross vehicle weight of such vehicle (including cargo) is 11,000 pounds or less.
 - B. (NOTE: Paragraph (b)(15)B. hereof was repealed by Ordinance 3627-00, passed October 16, 2000)

(Ord. 4308-2006, 9-5-06.; Ord. 4747-2010, 5-3-10; Amended by Ord. 6087-2023 on 7/24/2023)

830.03 Permit required; fee; renewals

- (a) No home occupation shall be permitted to operate unless the person conducting it first obtains a permit to operate from the Chief Building Official as provided in Section 830.02(b)(2).
- (b) A fee of fifty dollars (\$50.00) is hereby established for the original issuance or a permit.

(Ord. 4308-2006, 9-5-06)

830.04 Conditions for issuance of initial permit

The Chief Building Official shall issue an initial permit to the permittee when the following conditions have been met:

- (a) All conditions set forth in Sections 830.02 and 830.03 have been satisfactorily complied with and completed and evidence of such compliance and completion is filed with the Chief Building Official; and
- (b) The permittee has tendered the fee for the original issuance of a permit as provided in Section 830.03(b); and
- (c) If the Chief Building Official denies the permit, the applicant may appeal that decision to the Board of Zoning and Building Appeals by filing notice of an appeal with the Clerk of Council no later than fifteen days from the date of the denial. A timely filed appeal shall be heard at the next regularly scheduled meeting of the Board of Zoning and Building Appeals. Notice requirements for posting of meetings shall not apply to this appeal.

(Ord. 4308-2006, 9-5-06)

830.05 Permit duration

The permit required under this chapter shall be valid from the date of issuance providing the Chief Building Official does not become aware of any complaints or violations regarding the permit, in which case Section 830.06 applies.

(Ord. 4308-2006, 9-5-06)

830.06 Right of entry of chief building official; inspections; compliance with permit; fraud; revocation of permit

- (a) The Chief Building Official and/or his or her representative are hereby authorized to enter upon and inspect the premises on which a home occupation is conducted at reasonable hours, from time to time, to determine whether the applicant or permittee is in compliance with the provisions of this chapter.
- (b) If the Chief Building Official or its authorized agent determines that the permittee is not complying with the conditions of the permit issued pursuant to this chapter, it shall order the permittee to correct the offending condition or use or otherwise to comply with such permit. Upon failure by the permittee to comply with the order of the Chief Building Official within five days from the date of the order, Sundays and legal holidays excluded, the permittee's permit shall be null and void and shall be immediately revoked by the Chief Building Official. Such action by the Chief Building Official shall be in addition to the penalty provided in Section 830.99.
- (c) The Chief Building Official is further authorized and directed to revoke any permit issued under this Chapter upon notice for any fraud, misrepresentation or false statement contained in the application for the permit or for the renewal thereof. The revocation of a permit by the Chief Building Official may be appealed pursuant to the procedure provided in Section 830.04(c).

(Ord. 4308, 9-5-06)

**830.07 Decisions of board of zoning and building appeals and chief building official final;
existing home occupations; violations; injunctive relief**

- (a) Decisions of the Board of Zoning and Building Appeals and the Chief Building Official relating to violations of this Chapter, including appeals from the denial of issuance of, or the revocation of, permits, shall be final within the City.
- (b) Any home occupation in existence without a permit upon the passage of this chapter shall be discontinued immediately or shall be disclosed immediately to the Chief Building Official and comply with the provisions of this chapter within six months of the passage of this chapter.
- (c) No person, firm or corporation shall violate, or assist in the violation of, any of the provisions of this chapter. In the event of any such violation or the imminent threat thereof, the City, in addition to any remedies provided by law, may institute a suit for a preliminary and/or permanent injunction to prevent or terminate such violation.

(Ord. 4308-2006, 9-5-06)

830.08 Transferring of permits

No permit or renewal thereof issued under the provisions of this chapter may be sold within the premises or dwelling from or on which the home occupation is being conducted, nor may it otherwise be sold, conveyed or assigned to any party other than the permittee named therein.

(Ord. 4308-2006, 9-5-06)

830.99 Penalty

- (a) Whoever maintains an office or carries on a home occupation in the dwelling house used by him or her as his or her private residence without first securing a home occupation permit as provided in Section 830.02(b) shall be fined twenty-five (\$25.00) per day for each day he or she carries on such unauthorized use.
- (b) Whoever violates any of the other provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each such offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 4308-2006, 9-8-06)

EXHIBIT B
PART EIGHT - BUSINESS REGULATION AND TAXATION CODE
TITLE TWO. BUSINESS REGULATION
CHAPTER 830. HOME OCCUPATIONS

CHAPTER 830. HOME OCCUPATIONS

830.01 Definitions

As used in this chapter:

- (a) "Home occupation" means any profession or business conducted in a residential dwelling and as an accessory to the principal residential use thereof. Home occupations shall comply in all respects with the regulations provided in Section 830.02.
- (b) "Living area" means that area of the dwelling which would normally contain active (as opposed to stored) furniture and appliances for the use of the residents, but shall not include basements (unless finished), garages or porches.

830.02 Use regulations

- (a) Prohibited Uses. The following activities are not permitted as home occupations:
 - (1) The maintenance, repair and/or storage of vehicles, heavy machinery and/or heavy equipment for commercial purposes, including vehicles purchased primarily for resale.
 - (2) Tow truck services.
 - (3) Wood cutting, splitting and/or processing.
 - (4) Animal care or boarding facilities, including kennels.
 - (5) Contractor storage yards.
 - (6) Machine shops and other industrial uses.
 - (7) Any use involving toxic, flammable, combustible, explosive, corrosive or other potentially harmful chemicals or materials.
 - (8) Any use expressly prohibited in the North Ridgeville Zoning Code or by Council ordinance.
 - (9) Activities judged by the Chief Building Official to be similar in nature to the above-listed activities or which by their operation or nature are not incidental to or compatible with residential activities.
- (b) Requirements. A home occupation may be permitted and carried on only if it complies with all of the following:
 - (1) A home occupation shall not include and shall not be permitted on unimproved land in a Residence District or in any dwelling not currently occupied principally as a residence.
 - (2) A person may carry on a home occupation only in the dwelling house. No home occupation shall be conducted in an accessory building.
 - (3) The home occupation shall comply with all local, State and Federal laws, the City Charter and/or regulations pertinent to the activity pursued.
 - (4) The residential character of the dwelling exterior shall not be changed. The home occupation must not involve any external extension or modification of the dwelling, and the dwelling must be otherwise lawful and conform to all applicable safety, fire, housing and building codes.

- (5) Such use shall be incidental and subordinate to the use of the premises and dwelling for residential purposes and in total shall not use space in excess of the equivalent of twenty percent of the floor area of the living area of the dwelling.
 - (6) Such use shall not include any activity resulting in or creating noise, vibration, smoke, pollution, electronic interference or other nuisance or safety hazard to any person or to any adjacent or nearby property.
 - (7) Outdoor storage or display of materials, good, supplies or equipment related to the conduct of the home occupation shall be prohibited.
 - (8) Vehicles used for deliveries to or from a home occupation shall comply with the weight limits established for through traffic on the street upon which the dwelling fronts.
 - (9) Such use shall not result in an increase in frequency of, or a generation of vehicular or pedestrian traffic abnormal to, either the neighborhood or the City. Such use may not generate traffic expressly related to the home occupation between the hours of 8:00 p.m. and 8:00 a.m.
 - (10) No more than a total of two vehicles of patrons or customers shall be permitted on the premises which is the site of a home occupation at any one time. Such vehicles shall not, alternatively, be parked on a street, sidewalk or other adjacent public thoroughfare. Vehicles used solely for the personal use of the homeowner shall not be included within the limitation of this paragraph.
 - (11) Such use shall not involve the use of utilities, sewers or other community facilities beyond that which would be reasonable to the use of the property solely for residential purposes.
 - (12) A person carrying on a home occupation may employ only members of the family in the dwelling and a maximum of one outside employee.
 - (13) Only one automobile, truck or van used primarily for the customary home occupation shall be permitted on the premises, and then only if the gross vehicle weight of such vehicle (including cargo) is 11,000 pounds or less.
- (c) Conditions. The Chief Building Official may impose conditions to mitigate any potential adverse impacts of the home occupation to the adjacent land uses and/or to ensure that the use complies with the Codified Ordinances.
- (d) Signs. Any exterior signage shall comply with the requirements of Chapter 1286.

830.03 Permit required; fee

Any person who wishes to conduct a home occupation must, before commencement, receive a permit for such purpose, which shall be issued by the Chief Building Official. The permit application shall be submitted to the Building Division along with a \$50 application fee.

830.04 Issuance of permits; denials

- (a) The Chief Building Official shall issue a permit to the applicant when all conditions set forth in Sections 830.02 and 830.03 have been satisfactorily complied with and completed and evidence of such compliance and completion is filed with the Chief Building Official.
- (b) If the Chief Building Official denies the permit, the applicant may appeal that decision to the Board of Zoning and Building Appeals by filing notice of an appeal no later than fifteen days from the date of the denial.

830.05 Permit duration

The permit required under this chapter shall be valid from the date of issuance and remain valid providing the Chief Building Official does not become aware of any complaints or violations regarding the permit, in which case Section 830.06 applies.

830.06 Right of entry of Chief Building Official; inspections; compliance with permit; fraud; revocation of permit

- (a) The Chief Building Official and/or his or her representative are hereby authorized to enter upon and inspect the premises on which a home occupation is conducted at reasonable hours, from time to time, to determine whether the applicant or permittee is in compliance with the provisions of this chapter.
- (b) If the Chief Building Official determines that the permittee is not complying with the conditions of the permit issued pursuant to this chapter, he shall order the permittee to correct the offending condition or use or otherwise to comply with such permit. Upon failure by the permittee to comply with the order of the Chief Building Official within five days from the date of the order, Sundays and legal holidays excluded, the permittee's permit shall be null and void and shall be immediately revoked by the Chief Building Official. Such action by the Chief Building Official shall be in addition to the penalty provided in Section 830.99.
- (c) The Chief Building Official is further authorized and directed to revoke any permit issued under this Chapter upon notice for any fraud, misrepresentation or false statement contained in the application for the permit. The revocation of a permit by the Chief Building Official may be appealed pursuant to the procedure provided in Section 830.04(b).

830.07 Decisions of Board of Zoning and Building Appeals and Chief Building Official final; existing home occupations; violations; injunctive relief

- (a) Decisions of the Board of Zoning and Building Appeals and the Chief Building Official relating to violations of this Chapter, including appeals from the denial of issuance of, or the revocation of, permits, shall be final within the City.
- (b) Any home occupation in existence without a permit upon the passage of this chapter shall be discontinued immediately or shall be disclosed immediately to the Chief Building Official and comply with the provisions of this chapter within six months of the passage of this chapter.
- (c) No person, firm or corporation shall violate, or assist in the violation of, any of the provisions of this chapter. In the event of any such violation or the imminent threat thereof, the City, in addition to any remedies provided by law, may institute a suit for a preliminary and/or permanent injunction to prevent or terminate such violation.

830.08 Transferring of permits

No permit issued under the provisions of this chapter may be sold within the premises or dwelling from or on which the home occupation is being conducted, nor may it otherwise be sold, conveyed or assigned to any party other than the permittee named therein.

830.99 Penalty

- (a) Whoever carries on a home occupation without first securing a home occupation permit as provided in Section 830.03 shall be guilty of a minor misdemeanor and shall not be fined more than the maximum allowed under the Ohio Revised Code. A separate offense shall be deemed committed each day during or on which the home occupation is conducted without permit.
- (b) Whoever violates any of the other provisions of this chapter is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.