ORDINANCE 08-112 INTRODUCED BY: Willey, McKee, Antoskiewicz

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1286 NONCONFORMING USES, SECTION 1286.06 EXTENSION PROHIBITED, AND DECLARING AN EMERGENCY

WHEREAS: In order to clarify the issue of nonconforming lot size, it has been determined to be necessary to amend the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1286 Nonconforming Uses, Section 1286.06 Extension Prohibited; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1286 Nonconforming Uses, Section 1286.06 Extension Prohibited is hereby amended to hereinafter read as follows:

1286.06 EXTENSION PROHIBITED.

(a) No nonconforming building shall be enlarged or structurally altered except to make it a conforming building, provided that the ~~new~~ construction, alterations or enlargements may be permitted on any lot that is nonconforming with respect to minimum lot area and/or minimum lot width and/or minimum lot setbacks as long as such ~~new~~ construction, enlargement, or alteration is in conformance with all other regulations in this Planning and Zoning Code.

(b) A nonconforming use may not be extended within a building, enlarged or added to in any manner.

(c) A lot of record which conforms to the lot size requirements of the Zoning Code as it existed on November 2, 2004,, but is subsequently determined to be nonconforming as a result of amendments to the Zoning Code lot size requirements is a buildable lot and may not be denied building permits on that basis alone.

Section 2. Section 1286.06 Extension Prohibited is hereby amended as provided for herein and all other provisions of Chapter 1286 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to amend the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1286 Nonconforming Uses, Section 1286.06 Extension Prohibited in order to clarify the issue of nonconforming lot size.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

First reading June 3, 2008
Second reading June 17, 2008
Sponsorship withdrawn December 2, 2008

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS: