

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 10-84

INTRODUCED BY: Marnecheck, Willey, Nickell, Kasaris,  
Antoskiewicz

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON,  
PART 12 PLANNING AND ZONING CODE, CHAPTER 1262 ADMINISTRATION, ENFORCEMENT  
AND PENALTY BY CREATING A NEW SECTION 1262.12 LICENSING PERMITS,  
AND DECLARING AN EMERGENCY

WHEREAS: It has been determined to allow Licensing Permits to be issued for certain prohibited main uses, which use while prohibited and in derogation of the Zoning Code, may under certain circumstances be permitted for a limited period of time, for all industrial and business districts; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1262 Administration, Enforcement and Penalty by creating a new Section 1262.12 Licensing Permits; 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 1262 Administration, Enforcement and Penalty is hereby amended by creating a new Section 1262.12 Licensing Permits which shall hereinafter read as follows:

## **1262.12 LICENSING PERMITS**

- (a) *A licensing permit shall be defined as a limited use permit which does not grant any property right beyond the limited permit period.*
- (b) *Licensing Permits shall be required for certain prohibited main uses, which use while prohibited and in derogation of the Zoning Code, may under certain circumstances be permitted for a limited period of time, not to exceed two years in the following districts only: All Industrial and Business Districts*
- (c) *Licensing Permit applications shall be submitted to the Building Commissioner for review and thereafter to the Planning Commission. The Planning Commission shall hold a hearing thereon, notice of which shall be published in a newspaper of general circulation, and mailed to the owners of the property contiguous to and across the street from, or within 500 feet of, the parcel for which a licensing permit is requested at least 15 days before the hearing. The Planning Commission shall take action upon such application within sixty days from the date of the public hearing on such application, unless a longer time is approved by the Commission and applicant.*
- (d) *Conditions and standards*  
*An application for a licensing permit shall not be approved unless all the following conditions and standards are complied with as set forth:*
  - 1. *Applicant provides an affidavit acknowledging that the proposed use is prohibited pursuant to the Zoning Code and further acknowledges and waives any right, claim, interest, for the continued use after the licensing permit period.*
  - 2. *That the proposed use shall not extend, enlarge, expand or intensify from its approved operation without express modification of the licensing permit*
  - 3. *Compliance with all federal, state and local regulations and permit processes.*
  - 4. *Planning Commission will consider the following factors:*
    - a. *the effect of the temporary use upon neighboring lands;*
    - b. *whether the property is currently being used under an existing permitted use;*
    - c. *whether the proposed use would create a nuisance;*
    - d. *whether the proposed location and extent of the temporary use is properly located taking into consideration surrounding properties;*
    - e. *whether the proposed licensed permit use would discourage the appropriate use and/or impair the value of surrounding properties;*
    - f. *whether the proposed use would violate the noise, smoke, dust, odors, fumes, set back requirements or other standards of the district.*
- (e) *Effective period*  
*The licensing permit shall become null and void if substantial use is not commenced within six months from Planning Commission approval. In any event no licensing permit shall be granted in excess of two years, unless an extension is granted by Planning Commission.*

Section 2. Chapter 1262 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 1262 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 it is immediately necessary to amend the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1262 by creating a new Section 1262.12 Licensing Permits to allow Licensing Permits to be issued for certain prohibited main uses, which use while prohibited and in derogation of the Zoning Code, may under certain circumstances be permitted for a limited period of time, for all industrial and business districts.

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.

/s/ Vincent A. Gentile  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: October 19, 2010

DATE APPROVED: October 20, 2010

First reading July 6, 2010  
Second reading July 20, 2010  
Third reading October 19, 2010

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

YEAS: Gentile, Nickell, Petrusky, Willey,  
Marnecheck, Antoskiewicz, Kasaris

NAYS: none