

**THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING**

March 13, 2017

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. REPORT OF MAYOR

4. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

5. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS

6. REPORT OF COMMITTEES

ZONING & PLANNING COMMITTEE:

1. ORDINANCE 15-16 AN ORDINANCE CREATING NEW CHAPTER 1333
"DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES
ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OF
PART THIRTEEN "BUILDING CODE" OF THE CODIFIED
ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.
SECOND READING.
2. ORDINANCE 16-16 AN ORDINANCE CREATING NEW CHAPTER 1334
"DEMOLITION OR REMOVAL OF RESIDENTIAL
STRUCTURES" OF PART THIRTEEN "BUILDING CODE" OF
THE CODIFIED ORDINANCES OF THE CITY OF SOUTH
EUCLID, OHIO. **SECOND READING.**
3. ORDINANCE 02-17 AMENDING SECTION 751.02 "CHANGES" OF CHAPTER 751
"REGULATIONS FOR NONCONFORMING USES" OF TITLE
FIVE "REGULATIONS COVERING NONCONFORMING USES
AND NONCONFORMING BUILDINGS" OF PART SEVEN
"PLANNING AND ZONING CODE" OF THE CODIFIED
ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.
SECOND READING.

7. COMMUNICATIONS OF CITY COUNCIL

8. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS

9. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-16
INTRODUCED BY: Goodman
REQUESTED BY: Russell

September 26, 2016
Second Reading: March 13, 2017

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1333 "DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 1333 "Demolition or Removal of Principal Structures on Commercial or Industrial Properties" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

CHAPTER 1333 - DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES.

(a) Requirements Before Demolition or Removal of Principal Structures on Commercial or Industrial Properties.

No demolition or removal of a principal structure in a C1 Limited Commercial, C2 General Commercial, C3 Special Commercial, C-C Cedar District, M-G Mayfield-Green District, M-1 Limited Manufacturing and M-2 General Manufacturing shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Building Commissioner, the Fire Chief, and the City Engineer; or

(2) The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Three and Title Four of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

- A. The new development plans are consistent with the code, and
- B. The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.
- C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

(b) Demolition or Removal Delay Period.

The time period before a demolition or removal permit can be issued in a C1, C2, C3, C-C, M-G, M-1 and M-2 is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new development plans. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake meaningful and continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

- (c) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.
- (d) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2016 2017.

Jane Goodman, President of Council

Attest:

Approve:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 16-16
INTRODUCED BY: Goodman
REQUESTED BY: Russell

September 26, 2016
Second Reading: March 13, 2017

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1334 "DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 1334 "Demolition or Removal of Residential Structures" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

CHAPTER 1334 - DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES.

(a) South Euclid consists of very distinctive neighborhoods that were settled at different times during its development each with its own distinctive housing patterns, which are reflective of the time period during which these neighborhoods were nurtured during the growth of the City. Many of these residential neighborhoods are easily recognizable by their consistency of characteristics such as height, setbacks and side yards as well as their distinctive exterior façade design elements which over the years created a neighborhood environment and streetscape that brought neighbors together.

As a result, the City encourages conservation, preservation, redevelopment, and revitalization of residential neighborhoods to preserve their unique environments and for the public welfare of the City. The City acknowledges as a matter of public policy that the preservation and protection of residential neighborhoods is required for the health, safety and welfare of the people.

(b) **Requirements Before Demolition or Removal of Principal Structures on Residential Properties.**

No demolition or removal of a principal structure in an R-75, R-60, R-50, R-40 Single Family Districts, R-O Residential Office District and M-F Multi-Family District shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Commissioner, the Fire Chief, and the City Engineer; or

(2) The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Two of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

A. The new development plans are consistent with the code, and

B. The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.

C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

(c) Demolition or Removal Delay Period.

The time period before a demolition or removal permit can be issued in an R-75, R-60, R-50, R-40, R-O and M-F district is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new principal structure. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake meaningful and continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

(d) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.

(e) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 02-17
INTRODUCED BY: Goodman
REQUESTED BY: Russell

February 13, 2017
Second Reading: March 13, 2017

AN ORDINANCE

AMENDING SECTION 751.02 "CHANGES" OF CHAPTER 751 "REGULATIONS FOR NONCONFORMING USES" OF TITLE FIVE "REGULATIONS COVERING NONCONFORMING USES AND NONCONFORMING BUILDINGS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid desires to modify portions of the Planning and Zoning Code to allow for more effective governance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 751.02 "Changes" of Chapter 751 "Regulations for Nonconforming Uses" of Title Five "Regulations Covering Nonconforming Uses and Nonconforming Buildings" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

751.02 CHANGES.

Any change in a nonconforming use shall comply with the applicable regulations of this Planning and Zoning Code. A change in ownership or occupancy shall not in itself constitute a change of use. When a previously nonconforming use has been changed to a conforming use, such nonconforming use shall not thereafter be changed to a nonconforming use. A nonconforming use may not be changed, except in accordance with the following provisions:

- (a) A nonconforming use that is subject to termination in accordance with the requirements of this Code shall not be substituted for another nonconforming use.
- (b) A nonconforming use of land involving a building or structure, where the assessed value of the buildings or structures is more than twenty thousand dollars (\$20,000), shall not be changed to another nonconforming use.
- (c) A nonconforming retail use located within a Residential District may be changed to a residential use, except a multiple-family use, unless such use is located within a district permitting multiple-family uses.
- (d) A nonconforming manufacturing use located within a Residential District may be changed to a residential use, except a multiple-family use, unless such use is located within a district permitting multiple-family uses.
- (e) A nonconforming retail or manufacturing use located within a Commercial District may be changed to any use permitted in that particular zoning district or in the next most restrictive Commercial District from that in which the nonconforming use is located.
- (f) The change of nonconforming uses as provided in this section shall not extend the time for the termination of nonconforming uses.

(g) Notwithstanding the provisions of Part Seven Title Two of the Planning and Zoning Code, a nonconforming two-family building located in an "A Single-Family" zoning district may be rebuilt to the previously-existing size and footprint and used for two-family purposes, and the Building Commissioner may issue applicable building permits accordingly, even if the building is destroyed to an extent exceeding sixty percent (60%) of its market value, provided the following conditions are met:

- (1) No later than thirty (30) days after the event causing damage or destruction of the building, the owner, mortgagee or other person having a legal interest in the property provides written proof to the City of the existence of insurance or financing adequate to reconstruct/repair the building and written notice of its intent to so reconstruct/repair the building; and

(2) The owner, mortgagee or other person having a legal interest in the property applies for all necessary building permits for the reconstruction/repair of the property no later than ninety (90) days after the event causing damage or destruction of the property; and

(3) The reconstruction or repair of the property is substantially completed within one (1) year of the event causing damage or destruction of the property.

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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