

**BUILDING & BUILDING CODES COMMITTEE MINUTES
OCTOBER 21, 2014**

The Building & Building Codes Committee meeting was held on October 21, 2014, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:07 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Dan Kasaris, Larry Antoskiewicz; Council: Dan Langshaw, Paul Marnecheck, Steve Muller; Administration: Mayor Robert Stefanik, Community Development Director Thomas Jordan, Assistant Law Director Donna Vozar, Safety Director Bruce Campbell; Other: James Rymut, Luke Darby.

APPROVAL OF MINUTES

Moved by Mr. Antoskiewicz, seconded by Mr. Kasaris to **approve the September 16, 2014 minutes** as received. Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. **City Hall update/project**

Mr. Jordan said that we are still scheduled to move in on November 7, 2014 and should be operational on November 10, 2014. The training for the City Hall employees on the various AV, IT, security systems, etc. equipment is scheduled for November 3rd. Mr. Antoskiewicz suggested that we set something up for Council to get their keys on November 4th since we have meetings that night. Mr. Jordan gave a status update on the project.

2. **Fence Ordinance**

Mr. Kulchytsky said that the intention behind reworking our sign ordinance is not to change the types of fences permitted, but to better clarify and define the different types of fences, to categorize what can be done and to also resolve some issues currently contained in our code such as installation methods, setbacks, etc. He said that he will have a draft ready by the beginning of next week. He said that the ultimate result will one chapter that is dedicated only to fencing that will define the fence types and address the provisions applicable to each zoning district. Mr. Nickell said that he knows that there have been issues regarding setbacks on corner lots. Mr. Kulchytsky said that this new code will address those problems. Mr. Nickell also said asked if we will be addressing things such as the actual construction of the fence and the quality of materials used. Mr. Kulchytsky said we don't regulate the actual construction of the fence. Mr. Nickell asked about the discussion held at the last meeting about requiring a survey prior to allowing a fence to be installed. Mr. Kulchytsky said that they have added significant language addressing the responsibility of the owner, or contractor, or applicant to locate the fence within the appropriate yard. We are not requiring a survey be performed. Mr. Nickell asked if we will specify whether the fence has to be on the property line or so many inches/feet away from the property line. Mr. Kulchytsky said that we do not specify this other than stating that it is to be located solely on the property of the person installing the fence. Mr. Kasaris asked if these fences will be inspected b the city. Mr. Kulchytsky said that there will be inspections. It will be incumbent on the applicant to call us for inspections as it is with any other project. General discussion of various fencing types occurred. *(Due to audio recording failure, the remaining portion of this discussion was not recorded.)*

3. **Open permit process**

(Due to audio recording failure, this portion of the meeting was not audio taped. Mrs. Vozar presented a synopsis of what she presented to Council on this matter).

The code and contractor performance bond provides for the city to attach a contractor's performance bond, under certain circumstances and after an opportunity to be heard. The current proposal before the committee seeks to expand the code and bond language to grant

third parties a right to claim under the bond under certain circumstances, specifically the Building Commissioner determination that no municipal expenditure of funds will occur necessitating the attachment of the bond. The motivation for the modification is based upon residents unsuccessfully attempting to attach the bond despite no claim being asserted by the city for the bond funds.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **recommend approval of the proposed legislation**. Yeas: 3. Nays: 0. **Motion carried.**

NEW BUSINESS

1. **Chapter 872 Massage Establishments/Chapter 876 Tattoo & Body Piercing Establishments.**
Mrs. Vozar explained that this is being presented in order to clarify the location of these types of establishments are actually stated in our ordinances. She explained that this is similar to what we have done in the past for other businesses. She said that she has discussed with the Building Department, the Mayor, and President of Council the different districts that we could permit these businesses in. She said that their recommendation is to restrict these to General Industrial Districts. The legislation on the agenda this evening would need to be amended to include language that states that these establishments shall be located only in General Industrial areas and to include no frontage on York Road in addition to Rt. 82. She said this will allow for sufficient area for these establishments within the city, but not allowing frontage on the main roads. Mr. Kasaris asked where these establishments would be permitted in our city. Mr. Kulchytsky said that General Industrial District is rather large and there are other side tributary streets that can be utilized for frontage. This does not affect any properly permitted businesses currently doing business in the city, this would just be from now moving forward. Mr. Kasaris asked what other cities do. Mr. Kulchytsky said that most typically use General Industrial districts. Mr. Nickell asked about businesses that do sports massages, chiropractic massages, etc. Mr. Kulchytsky said that there is a difference and our code defines this. Mrs. Vozar explained that if there is a business that believes they are a similar use to one of our permitted uses in another zoning district, they can certainly apply for a similar use determination with the Planning Commission. Mr. Kasaris asked if a masseuse would qualify as a home occupation. Mr. Kelly said that the definition of home occupations has increased dramatically in recent years and feels this would probably qualify. Mr. Kasaris asked if this legislation would regulate home occupations. Mr. Kelly said no. Mr. Kulchytsky felt that this was a very different topic. Mr. Kasaris asked if we should address home occupations in this legislation. Mrs. Vozar said that if you look at what home occupations are permitted in residential districts to determine if this would meet the qualifications. We are not looking to amend these qualifications at this time.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **recommended approval of Ordinance 14-125 with the amendments as discussed**. Yeas: 3. Nays: 0. **Motion carried.**

ADJOURNMENT

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz, to **adjourn the October 21, 2014 meeting**. Yeas: 3. Nays: 0. **Motion carried.** Meeting adjourned at 7:01 p.m.