

BUILDING & BUILDING CODES COMMITTEE MINUTES
APRIL 18, 2023

The Building & Building Codes Committee meeting was held on April 18, 2023, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:03 p.m.

PRESENT: **Committee Members:** Chair John Nickell, Vice Chair Heidi Webber, Joanne Krejci; **Council:** Paul Marnecheck, Linda Barath, Mike Vos, Jeremy Dietrich; **Administration:** Mayor Larry Antoskiewicz, Finance Director Jenny Esarey, City Engineer Justin Haselton, Assistant Law Director Donna Vozar, Economic Development Director Tom Jordan, Fire Chief Robert Chegan, Police Chief Keith Tarase, Building Commissioner Dave Smerek, City Planner Ian Russell; **Other:** Butch Stuart, Cathy Miller.

APPROVAL OF MINUTES

Approval of March 21, 2023 Building and Building Code Committee minutes. Moved by Mr. Nickell, seconded by Ms. Krejci. Vote: Yeas: 3 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

See report.

Mr. Jordan went over the highlights of his report. We spoke to the current owner of Carrie Cerino's this week. They are considering their options; tearing it down, renovating it, or developing it in phases. We do not wish for it to have a bad appearance while they consider their options, therefore we reminded the owner that he needed to maintain it. The new owner of Mr. Divots has already received site plan approval and they have an approved permit; they are under reconstruction. Ms. Barath brought up some social media posts where it showed that they were open at 7:00 a.m. and she wanted to know the hours pertaining to the driving range. Mr. Smerek believed the hours are from 10:00 a.m. to 11:00 p.m. on the weekends, and 10:00 a.m. to 10:00 p.m. on the weekdays.

Mr. Jordan advised that Council would be getting updates for the TCD. The Law Department has completed their review. We also have a small internal review. Those important updates will be coming to Council through legislation as well as an item on the Building and Building Codes agenda. He reported on the York Road baseball fields, in which the bid was accepted. We are finalizing the contract and the final lights will be replaced there; the old ones are being converted to LED. He mentioned that the poles had been falling down and it was taken care of. We believe we may have received an additional grant for Memorial Park.

Mayor Antoskiewicz stated that Councilman Gallagher informed him that it looks as though our application for an additional \$50,000 for the walking trails has been approved; through the Community Development Supplemental Grant. We should receive a letter in the mail in a week or two. Mr. Marnecheck asked if that was the casino money. The Mayor concurred; that is the source of the money. Mr. Jordan agreed as well.

2. Memorial Park Update/Splash Pad

Mr. Jordan reported that they were out yesterday making repairs to the Splash Pad; such as working on fabricating lockable lids for the chlorine tank and some repairs they needed in the control area. Missing parts have now arrived and are ready to be installed. They are due to come back out for the next couple of days to continue getting it ready. He contacted the Department of Health, which the State Department of Health comes out and approves the permit and finalizes the construction permit. Then the local Board of Health approves it for its operation. The City will be an operator of a 'Spray Park', which is the term that the Board of Health uses; we have to get that approved. We are moving toward the Memorial Day weekend opening.

We are getting some basic signage, which part of it is required under the Department of Health standards. Everything will be finished.

Mr. Jordan discussed the big phase for the trail, which would be under design. There is also some utility location work that needs to be done in the park, which will be completed over the summer. We will get that out to bid with Council's consent in the near future. It was his hope that the work would begin in the fall. We want people to be able to use the park this summer, as well as the Splash Pad and new pavilion.

Mr. Nickell asked if any delays were expected with the Health Department. Mr. Jordan stated no, he has the application finished and he has the check. However, he cannot predict how an inspection will go; he assumes it will go well. He spoke on the contract terms with Cook Construction, in which they are to provide the City with a working and operating Splash Pad. Mr. Nickell raised question if there is an age limit for the Splash Pad. Mr. Jordan indicated that small children must be accompanied by an adult; anyone under 12 years old. Ms. Krejci asked about the hours of operation, whether it would be 10 a.m. to 6 p.m., seven days a week. Mayor Antoskiewicz noted that it would be open from Memorial Day until Labor Day. He shared that we did some research, whereas after six o'clock does not really generate many people; for example, the one in Broadview Heights. Ms. Krejci wanted to know if we would need to have someone there running it all the time. Mr. Jordan indicated yes, initially; we will see how it goes. Mayor Antoskiewicz added that we are still looking into the parameters on that; it has to be checked every four hours. He mentioned this is partly because of accidents with children or anything else that we may need to react to. He went on to say that we sent four of our people to classes and they are now certified.

Mr. Vos questioned whether it is under any type of camera surveillance, or if there is an emergency alarm button. Mr. Jordan explained that there are cameras up, as well as a direct dial phone for 911. Ms. Krejci inquired about where the cameras go to. The Mayor indicated that we have that here at City Hall; it records. He spoke about cameras coming in handy at the parks, especially if there is any damage or anything done.

3. Senior Center

Ms. Vozar reported that we have received two qualifications that were submitted. We will be meeting with them and discussing the revised plan. We are also taking into consideration what some of the seniors had conveyed, as well as including some outdoor space, which we hope the seniors can enjoy. We will meet with the two candidates and go over those things.

Mr. Nickell and Mr. Vos brought up Pickleball, which seems to be a growing hobby. Mayor Antoskiewicz noted that we have those two courts and nets out there, in which you can play. The courts that we have lined are definitely being used.

4. Chapter 845 Mobile Food Units Requirements

Mr. Nickell had some questions about fees. He asked if the registration fee is \$100, including a \$50 fire inspection fee. Mr. Smerek clarified that the fee is \$100, and the \$50 covers the fire inspection fee for the first inspection. Mr. Nickell asked about subsequent inspections in reference to the report, which will require an additional \$50 be paid to the Building Division. He wanted to know what would be considered a subsequent inspection. Mr. Smerek explained that would be in the case of an inspection failure; if they had to come out and do another fire inspection on the truck. Mr. Nickell's concern was that he did not want to gouge people on too many fees. He referred to the language of item 6, whereas he wanted to know about the term full fee. Mr. Smerek clarified it would just be the \$50 fee for the inspection piece. Mr. Jordan agreed that the language is a little unclear and we can work on that. Mr. Smerek explained that it is \$50 to Building Division to process, and then \$50 for the Fire Inspection. Mr. Marnecheck wanted to clarify if it passes the first time, it is \$50. If you have to get a second one, it is \$50 more. Ms. Krejci pointed out Section C, which has the application fee for a mobile food unit of \$25.00 per permit.

Mr. Smerek explained that there are actually two processes. There is the registration of the food truck, which is done by the food truck owner or operator. The second piece is the permit to host the food truck, which is held by the business or property owner; that is \$25.00. Mr. Jordan commented the idea is that the food truck could go to different places in North Royalton. Ms. Krejci asked if we are doing that currently; having people register. Mr. Smerek noted that part of the current ordinance is that the food truck comes in and applies for limited use permit; it does not really function like a registration. It gives them the ability to operate in the City and that is all done; the inspection is part of that permit as well. He went on to say that what we are proposing is basically, to split it into a registration, and then to put the actual hosting for the truck and the permit for that; the property owner would handle that piece. Ms. Krejci asked if the \$100.00 is for the food truck owner, and the \$25.00 is for the business property owner. Mr. Smerek concurred. Ms. Krejci inquired if they have to pay \$25.00 every time they have a truck. Mr. Smerek clarified it is a one-time payment for the year. Mr. Jordan agreed; for the food truck. However, if you change locations, the new owner gets a fee.

Mr. Nickell went over Section 845.07, where it states mobile food units shall not operate within 200 feet of a residence property line when a generator is used. Mr. Smerek concurred. As discussion ensued, Mr. Smerek clarified if you are not running on a noisy generator and are plugged into the wall, potentially you can operate at 75 feet. Mr. Dietrich shared that he read it and he looked specifically at what we talked about at the last meeting; where they would plug in. He expressed that it should be more specific to what we discussed. He felt it should be way more specific as to where the power is coming from, what a power source is, etc. It needs to specify what other power source you are allowed to use, and not just “other means”. Mr. Jordan indicated that we could look into the language further. Mr. Dietrich reiterated that there should be a whole section included with what we brought up at the last meeting, where the building is supplying the power. He continued that there should be specific rules and things about the building as well; how they should supply the power. He suggested that in the verbiage, it should say something such as “or power supplied by the permanent tenant that was previously inspected by the City”. He expressed it should convey something way more specific than what is written.

As discussion ensued, Mr. Smerek noted that they do have a plug at the Blue Monkey. That has been talked about however, Lakeland Electric pulled the permit for it. We have not performed an inspection yet. Mr. Dietrich stated that he was not referencing one specific business, and it should specify what other means of power is deemed acceptable by the City. Mr. Nickell brought up section D, which talks about the hours allowable, whereas mobile food units may operate in the park for not longer than 6 hours; including set up. He felt that was a short time frame. Ms. Krejci noted that currently, it is four hours. Mr. Nickell noted that it says 8:00 a.m. – 8:00 p.m. He felt that events may need longer than this. Mr. Dietrich expressed that is too early and you must extend that. He felt that there are a lot of events that run longer than 8:00 p.m., especially in the summer. He suggested changing it to 10:00 p.m. Ms. Krejci agreed. Mr. Dietrich pointed out that we are discussing the draft; it is not complete. It was his desire to change the time. He reiterated there are a lot of events that go later than that.

Mayor Antoskiewicz explained that if you have a food truck going too long, that means the people are all outside. If you limit the food truck to being quieter, people are still going to be outside and that is what generates a lot of the noise as well; when you are closer to residential properties. Mr. Dietrich noted there are other businesses that have outside patio seating that are located by residents. There is a brand-new place, Fire 45, in which there is residential back there. Nikos, for example, has outside seating; people are going to be outside. Mr. Dietrich did not feel that 8:00 p.m. is unreasonable for the food trucks for events. Mayor Antoskiewicz commented, then you need to clarify what an event is. Mr. Dietrich agreed.

Mr. Jordan made mention of food truck parks. We created a separate section for it, which they are allowed to be open until 11:00 p.m. If your business does not have a kitchen and is having food trucks out front, you can have it until 11:00 p.m.; you would have to go through a separate process. He continued that you cannot be next to residential areas and you have to get a conditional use permit. It is only these occasional scenarios with a food truck that there is a separate process, and you are permitted next to residential. That is the important aspect of this revision. The food truck parks in other cities are designed for food trucks to be

located there to operate late and safely; and not impact any residential neighbors. Mr. Nickell felt we were good with that aspect. Mr. Jordan finished his point, where he meant the occasional food truck that someone would have at a commercial business, that is next to a residential area. Mr. Dietrich interjected that it is a commercial business and a residential business; they impinge on each other all the time. He would want clarification as to how many feet and what they can operate for noise; that is the correctional part that needed to be fixed on the draft. Mr. Jordan stated that if you want to operate a food truck park, you have to locate it 'not' next to a residential neighborhood. Mr. Dietrich agreed, however we are talking about events as well; a single truck.

Ms. Krejci wanted to bring up the time also, and whether we are saying no more than two mobile food units shall be operated at a single location in a one-month period of time. Mr. Jordan concurred; or you apply for a food truck park permit. He continued that you could have them as much as you want essentially, as long as they are not located next to a residential neighbor. Ms. Krejci inquired if we are saying that one cannot have it more than three times a week. Mr. Jordan pointed out that there are two separate parts of the code now. If you want to operate a food truck park and you want to operate it late, there is one application. If you want to operate, perhaps less than twice a month, there are another set of regulations. Mr. Dietrich interjected that we do not have a food truck park.

As discussion ensued, Ms. Krejci questioned if we want that, inquiring who can set up a food truck park etc.; whether it can be anyone and also, who approves it. Mr. Jordan felt that is what is going on in some essences at the Blue Monkey. He sees it as, they are running a food truck park. He continued that they want to have events often; again, they do not have a kitchen. He discussed areas in other cities that have food truck parks, whereas they are off by themselves and have seating. Also, their Planning Commission approved them. Mr. Jordan referred to the Blue Monkey, stating if they are going to operate more than twice a month, then he has kicked into a food truck park status. Ms. Krejci wanted to clarify whether we are saying you cannot be within a residential area. Mr. Jordan explained that you cannot be adjacent to one. Mr. Jordan added that we have been approached for a food truck park; they are looking for a location in North Royalton.

Ms. Krejci wanted to know if we are saying that you can only have it twice a month at a location, whereas currently, it is not more than three times a week. Mr. Dietrich highly disagreed with twice a month, stating that you are going from one extreme to another. Mr. Jordan explained that if you want to raise the frequency or eliminate that, food truck parks need to be regulated in some way. Mr. Dietrich expressed he was very concerned about the residents' complaints; he would not want to listen to that in his back yard either. That is why we were very firm on the point of plugging in; you need to have specific hours and be so many feet away etc. It is in the draft, which is great. However, his issue is eliminating it to twice a month if you are not a food park; that is extreme. He reiterated the 8:00 p.m. cut off time is too early. Mr. Jordan asked if Mr. Dietrich had a time that he preferred.

Mr. Wos suggested that we follow what our noise ordinance says. Mr. Dietrich indicated that it is earlier as well; 8:00 p.m. Mr. Dietrich suggested that if the biggest thing is noise, we could eliminate allowing them to use a generator at all. He continued that if you have a food truck that plugs in and the business has it, then you can do that. Mr. Jordan commented that you are then eliminating 75% of the food trucks that are out there. He pointed out the City uses ones on generators at our own events. Mayor Antoskiewicz mentioned that we have gotten off track of the issue; it is for the whole city. There are other areas in the City that these things can apply also; they may not right now, but they could. You have to start thinking of the overall.

Resident, Butch Stewart of Butch's Saloon at 10009 West 130th Street, was present to speak. He shared that he has been here for 13 years. For 7 of those 13 years, he has had a trailer in the parking lot to promote his business. This year, he decided to get into the party business; more private parties. His idea of getting a food truck was merely to promote his business. If it is in front of his place, as most are aware; he felt that would help him a lot. Being that he has operated this way for many years, he is trying to figure out the reason for the restrictions now. He cannot have a kitchen in his business. It does not make any sense to him, as to why he cannot promote his business in front of his place; which is a different scenario. He is not serving a ton of

people and he has an approved plug in. His plan was to operate it on Thursdays to Sundays from 12:00 p.m. – 6:00 p.m. to try and obtain more business. His business has gone down a lot; especially since Covid. He is trying to promote it the way he has always done, and the way he started his business. He hoped that while writing these rules, Council would take in consideration a person, such as himself, that has been a good business person in the town, and has adhered to all the rules. He is trying to promote something in the City to be proud of. He felt that some of this does not make sense. He expressed his appreciation.

Ms. Krejci agreed that it is a different situation. He is asking us to think about some other ways that perhaps, addresses his situation. She pointed out that Niko's sometimes has a truck outside. Mr. Dietrich felt that we would be preventing this resident from being able to do what he has been doing, by passing this draft. He expressed that this is what he has been talking about. He understands the resident's aspect; Ms. Miller. The other aspect is, you are hurting businesses like this one. He felt that this draft is way off, as far as time and the amount of use. He believed there needs to be a better balance. We need to take care of the residents and the business owners. Ms. Krejci pointed out that the business owner has a plug in and does not operate past 6:00 p.m. Mr. Dietrich mentioned the way this is drafted, would not be different for Mr. Stewart; because he would only be able to do that a couple times a month, period. The way this is written affects him in a big way. Ms. Krejci agreed that we must take that into consideration. Mr. Nickell brought up the fact that he has never gotten a call about this business; the owner does not use a generator. Mr. Nickell reiterated that he does not want to make an ordinance for one problem.

Resident, Ms. Cathy Miller, 10669 Devonshire Drive wanted to stress that the minute you put a food truck by a business that is located next to residential property, it immediately changes the dynamics of that business. It is no longer a business that is inside, it now becomes outside. She went over her previous statements about people being outside on a patio near her home and how it brings the noise volume up very loud. Mr. Dietrich stated that he is not against her situation, he just feels that we need to find a better balance. The last time Ms. Miller spoke, he really listened and took notes. There was a lot of information taken in and that is where we started with this draft; because we do need something. He agreed, however, if in looking at her residence, she is backed up to businesses. It is unfortunate and he would hate to deal with it all the time. He mentioned that the resident bought their house next to a commercial development. Mr. Dietrich reiterated that we have to find a balance to take care of both; the families and the businesses.

Ms. Krejci suggested thinking of the patio as an issue. She inquired if that patio is located too close to a residential area; whether the issue is the business patio. Mr. Jordan noted that those patios are approved through the Planning Commission. Mayor Antoskiewicz believed that when we looked at it at Planning Commission, it was approved because that patio was already there and a part of the business. Mr. Jordan added that there were limits on how late they could operate on the patio. Ms. Barath stated that the previous business did not use it to the extent that this business does. Ms. Krejci agreed, and it also did not serve alcohol.

Ms. Vozar wanted to clarify that we do not legislate for one business, one resident, or even one issue. This is the mobile food unit regulation, which is meant to encompass the entire City. Obviously, there are some properties that will be challenged by it. However, it is supposed to be a strong language of what the City intends the City to look like with the food units, where they will be allowed, and how they will be monitored. She felt that was what Mr. Jordan was trying to do. Perhaps we need to go back and internally discuss a few other suggestions that Council has. She reiterated that we do not do legislation due to one issue or one problem; or even a couple. She felt that we need to make clear that is our primary focus.

Resident Mr. Miller, husband to Cathy Miller, of 10669 Devonshire Drive, stated that they moved there twenty-three years ago, where there was a Drug Mart and a law office; and not a bar. If there would have been a bar there, they likely would not have moved there. Allowing the food trucks to come there two to three times a month is unfair.

Mr. Dietrich agreed with Ms. Vozar that we do not want to legislate for one particular thing. This would destroy that owner's business if we adopted what Mr. Jordan presented today. Again, it is just a draft. He commented that if we do it as is, it may help Mr. Miller's situation, however, it would not be fair legislation as a whole. If we pass legislation as it is, we are passing legislation for one particular situation and not the whole City.

Ms. Webber was not confident that even if we restrict hours of operation from what we discussed until 8:00 p.m., whether that would solve the issue for Ms. Miller, because of the patio situation. She felt that combination of food, alcohol, and a patio is a problem. She felt Ms. Krejci's had a good point. What we are hearing is, merely the noise level of the patio. As far as Mr. Stewart having his food truck, people are coming and getting their food and leaving. The outdoor patio for the other resident is the problem; that is different. Mr. Wos commented that it seems we are trying to fix a problem we did not create.

Mr. Dietrich asked how late the business by the Millers is staying open. Mr. Miller clarified it is typically 10:00 p.m., and sometimes as late as 11:00 p.m. Mayor Antoskiewicz pointed out that it is supposed to be 9:00 p.m. during the school year, because we were trying to be respectful of that. The week day hours were different than the weekend hours.

Mr. Jordan suggested sending him e-mails that have specific amendments to the proposed ordinance that anyone has some difficulty with. Ms. Vozar encouraged everyone that when you e-mailing, just e-mail Mr. Jordan, as well as Mr. Smerek individually; not the entire committee and not Council. She clarified one on one communication; in other words. Mr. Marnecheck recapped to send your suggestions to Mr. Jordan individually.

NEW BUSINESS

1. J. Zajicek – Agricultural District Application

Mr. Nickell moved to recommend this item to Council for approval, seconded by Ms. Krejci. Vote: Yeas: 3. Nays: 0. **Motion carried.**

2. Ordinance 23-43 - amending 214.07

Mr. Jordan explained that we discussed these. We have a new Building Commissioner and a new City Planner. Mr. Smerek had shared with Mr. Jordan that he goes out and does his inspections. He has been surprised how much the City is charging on certain fees. Some we were okay and some were not. Mr. Smerek has researched the Building Code section, and Mr. Russell also researched the fees that we are charging for the Planning Commission and Board of Zoning Appeals.

Mr. Smerek summarized that he researched and it has been ten years since we had any fee increases; except for donation bin boxes which was created. There was another one for rental registration. He looked at the four neighboring communities, which we were a little low. Therefore, he recommended some changes in the fee schedule. Mr. Nickell wanted to know what these fees do. Mr. Jordan explained that they offset the cost, typically most Building Departments run at a loss. On new construction, Building Departments really do gain a fair amount of money through a new construction. But a lot of other cities that are just doing renovations always run at a loss; we are trying to do that. Under that State Code, we are enforcing the Ohio Building Code. They gave us the ability to charge fees that are commiserate with the services that are offered and make sure we recover it. He noted that we give them 3% of the money; the State.

3. Ordinance 23-44 - amending 214.08

Mr. Smerek advised that we made some minor changes to the Planning Commission and Zoning fees. The last time these fees were altered was in 2014. We cleaned up a little bit of the fee schedule. There were some fees

for example, planned unit developments, which we appealed back in 2006; those are not really part of our code anymore. He continued that there is not a need for a fee in that. We also raised the residential subdivision fee from \$10.00 per lot to \$25.00, which matches the other subdivision type of developments. We added a \$100.00 one-time project base fee, which typically, the early submittals are the ones where the most work goes in; that is where we are ironing out a lot of the issues with the development. This would be to somewhat offset some of the cost that has to go in. After that point, it would be \$25.00 per lot, per submittal as we go. Pertaining to the variance fees, we had looked at surrounding communities and found it is really all over the place. Under our current ordinance, it is \$75.00 for residential; that covers unlimited variances. You could apply for 8 variances and it is \$75.00. This is partly to try to discourage people from just applying for as many variances as they want, because it is one fee. However, when more work goes in, we have to check the code more; if there are more variances involved. That is to try to offset some of the cost associated with it; we have mailing fees for the notices, which we cover. Also, we have the time of the Board members, which if we have a full board, it roughly \$300.00 a meeting.

Mr. Nickell questioned if we should make a policy or ordinance where we review fees every three years. Ms. Vozar stated you could if you wish. Mr. Nickell would rather have a steady increase, than to review it many years later and have a big increase for developers. Ms. Vozar was uncertain if you would want to legislate that and tie your hands however, you could have it on the calendar; whereas you have every three years to make a recommendation. Ms. Schroeder added that we could do it similar to how we did with the jail, under the committees. Perhaps, the first meeting in January three years from now, for Building and Building Codes, we could bring up that subject. We would just have to draft legislation for the next meeting. Mr. Jordan commented that if you wish to do it, great. The majority of the Building Department uses a modifier and then that relates to a chart that is updated by the state regularly. He spoke of flat fees, which are a smaller portion than some of the fees we deal with.

Mr. Nickell moved to recommend Ordinance 23-43 and 22-44 to Council for approval, seconded by Ms. Krejci. Vote: Yeas: 3. Nays: 0. **Motion carried.**

ADJOURNMENT

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the April 18, 2023 meeting.** Vote: Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 8:23 p.m.**



ECONOMIC DEVELOPMENT REPORT

BUILDING & BUILDING CODES MEETING

TUESDAY, APRIL 18, 2023

Industrial

- The new 12,000 square foot building for Gray Matter, LLC, located at 9841 York Alpha Drive, has received a temporary occupancy. The power upgrade has yet to be completed. The extensive electrical components for the project are on back order.
- In the final 2022 Federal consolidated budget the City of North Royalton received a \$2 million appropriation/grant for the York Beta Industrial Park Extension. We have received the draft funding agreements and are reviewing them. The Engineer on the Abbey Road extension will be responding to the federal government inquiries.

Commercial

- The former Carrie Cerino's Restaurant was sold. I spoke to the owner. They are considering development options. I reminded them of their maintenance responsibilities.
- The former Tonight Tonight property on Royalton Road has been on the market for years. There is an interested buyer but transfer of the property is still pending. The city met with the prospective owners to discuss their redevelopment plans. The building code violations have moved to Parma Municipal Court.
- The vacant property at the corner of Wallings Road and Ridge Road has been sold to the neighbor to the east. They received preliminary site plan approval for a new office building but will also be seeking approval from BZA.
- The Mr. Divots property on York Road has sold and the ownership of the property has been transferred. At the April Planning Commission meeting, the site plan received final approval with conditions.

Residential

- There is a four-lot minor subdivision proposed for the end of Sherwood Trail. The project received preliminary site plan approval but the developer is currently considering changes to the preliminary plan.
- There are at least four different residential developments that are in a conceptual stage to be reviewed by the city.

- The proposed subdivision located near Sprague and State Road received preliminary approval at the March meeting of the Planning Commission. The project will be seeking preliminary site plan approval for 20 single-family cluster homes. They are currently seeking approval from Parma.
- The final plat and roadway dedication for The Huntington Park Phase IV subdivision is pending before council this evening. The proposed subdivision is to consist of 7 single family homes.

TCD updates

- The company that performed the Master Plan has provided a draft of the TCD updates that were recommended by the Master Plan update of 2020. The administration is currently reviewing the draft before referring it to Council for their review. The goal was to simplify the TCD districts and recognize the current retail market.

York Road Baseball Fields

- Acceptance of the bid for Phase 4 of the baseball field lighting is going before council this evening.

Storefront Program

- As of December 31, 2022, we have approved \$64,706 in Storefront Program funding. We have \$50,000 available for 2023 and recently approved a grant for Zeppe's Pizza for \$765.00 to replace their neon sign.

Grants

Memorial Park

- The next phase is to install a 10-foot wide All Purpose Trail. This is currently moving to design stage.
- The city has received a \$1,000,000 grant from Cuyahoga County to cover the cost to implement the Memorial Park Master Plan including all of these phases.
- The city was awarded \$200,000 from the State of Ohio for the All-Purpose Trail. The city has drafted and signed the Agreement. Design work is underway.
- We received a \$33,000 tree canopy grant from the Cuyahoga County Healthy Tree Canopy Program. Trees have been installed, however a few of the trees will need to be replaced.

NOACA Grant

- The date to install the charging station at Memorial Park has been pushed back. We contacted NOACA for an update.

Land Bank Parcels

- The city is considering marketing some of the larger vacant parcels from the land bank.
- Also, we plan to place all the vacant land bank parcels on the city website.
- We will be listing the two parcels on West 130th Street.

Chapter 845

Mobile Food Unit Regulations

845.01 PURPOSE.

(a) The City of North Royalton recognizes and supports the vitality and activity that is created by outdoor business activities within the City and the benefit that mobile food services bring to the City and local businesses.

(b) The purpose of establishing these regulations is to create a pleasant and vibrant environment for local businesses, visitors and residents, to provide an opportunity for mobile food services operations at City and/or business or industrial properties, to prevent the obstruction of pedestrian, bicycle and motor vehicle traffic, to ensure that adequate efforts are made to protect the health, safety and welfare of the public by requiring registration and permits for Mobile Food Units and to establish minimum requirements for the permitting operation of such units as defined by the Ohio Fire Code.

845.02 DEFINITIONS.

When used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

(a) Mobile Food Unit shall mean any apparatus or equipment that is used to cook, prepare or serve food, and that routinely changes or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts.

(b) Mobile Food Unit Park shall mean a designated location with a regular arrangement wherein 3 or more Mobile Food Units operate in a one-month period. Mobile Food Unit Parks shall require a Conditional Use Permit subject to the conditions outlined in Section 845.06 of this Chapter and the requirements of Section 1262.07.

(c) Mobile Food Unit Registration: All Mobile Food Units that intend to operate within the City of North Royalton shall be required to register with the Building Division. Applications for registrations are valid for the calendar year in which they are issued. As part of the registration, Mobile Food Units will be required to pass a Fire Department Inspection prior to operating within the City. A copy of the

Proof of Registration and Fire Department inspection approval shall be kept with the vehicle at all times when operating within the City of North Royalton.

(d) Mobile Food Unit Permit: When operating outside of an approved Mobile Food Unit Park, approval to host a Mobile Food Unit may be had by permit application, issued by the Building Division, and submitted by the property owner or tenant. An individual business is permitted to host a maximum of 2 Mobile Food Units within a one-month period. Applications for Mobile Food Unit Permits are valid through the calendar year in which they are issued. Notwithstanding the provisions of this Chapter, North Royalton residents that have a one-time Mobile Food Unit, defined as hosting 1 Mobile Food Unit within a 6-month period, at their home for a private party/catered event are not required to file for a permit and are exempt from this Ordinance. Home Owner Associations and Condominium Owner Associations using its' own private property for Mobile Food Units for the enjoyment of its members are likewise exempt from the provisions of this ordinance provided that they will not be hosting more than 2 Mobile Food Units within a one-month period.

845.03 SCOPE OF CHAPTER.

The owner of a Mobile Food Unit, as defined by the Ohio Fire Code, shall register with the Building Division and pass a Fire Department Inspection prior to operating in the City of North Royalton. Outside of an approved Mobile Food Unit Park, property owners or tenants intending to host a Mobile Food Unit shall obtain a Mobile Food Unit Permit from the City of North Royalton Building Division and are solely responsible to ensure that the Mobile Food Unit on their property is currently registered with the City of North Royalton.

845.04 MOBILE FOOD UNIT REQUIREMENTS.

(a) Each Mobile Food Unit shall register with the City of North Royalton Building Division. Registrations are valid for the calendar year in which they are issued. The registration fee is \$100.00 and includes a \$50.00 fire inspection fee. Upon completion of the registration process, the applicant will be provided a Proof of Registration document which shall be kept with the vehicle at all times while operating within the City of North Royalton.

(b) Each Mobile Food Unit shall contact the North Royalton Fire Department to schedule an

Inspection prior to completing the registration process. The registration fee of \$100.00 covers one inspection by the Fire Department. Any subsequent inspections will require an additional \$50.00 fee to be paid to the Building Division. Inspections are valid through the year in which they were conducted (e.g. if an inspection is conducted in a given year, it is valid until December 31st of that year.)

(1) The Chief, Assistant Chief or designee of the North Royalton Fire Department will schedule the inspection of the said Mobile Food Unit, and conduct the inspection pursuant to the Ohio Fire Code and the North Royalton Codified Ordinances. Upon approval, the inspection report shall be forwarded to the City of North Royalton Building Division.

(2) Mobile Food Units are required to maintain the following certifications: Board of Health approved license to sell food; documentation that the LP gas tank and piping system (where applicable) has been inspected and tested in accordance with all required standards within the last twelve (12) months; and proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of one million dollars (\$1,000,000) per occurrence. Additional required documentation may include other certifications or federal, state or local licensure depending on the type of operation being conducted. Required documentation must be provided to the Building Division as part of the registration as well as the Fire Chief, Assistant Fire Chief or designee at time of inspection.

(3) During the inspection, the owner or responsible party shall be present to show, operate, explain and discuss the components of the Mobile Food Unit.

(4) Upon completion of the inspection, the owner or responsible party will be issued a fire safety inspection report detailing the findings of the inspection.

(5) A fire safety inspection report indicating Passing in all fields will be accompanied with an inspection permit which will indicate that the Mobile Food Unit has been permitted and inspected.

(6) A fire safety inspection report indicating Fire Code deficiencies will require the owner or responsible party to take specific action or actions to bring their Mobile Food Unit up to the specified standards required by the Ohio Fire Code and the North Royalton Codified Ordinances. Upon completion of the actions or repairs to the Mobile Food Unit, the owner or responsible party can then schedule a re-inspection with the Fire Chief, Assistant Fire Chief or designee to show compliance with the original

inspection report deficiencies. A re-inspection will require the payment of the full fee as was required for the first inspection.

(7) Upon successful reinspection, the Mobile Food Unit will be issued a record of inspection to indicate compliance of the Mobile Food Unit.

(8) On-site inspections may be performed by authorized Fire Department officials/members at their discretion any time the Mobile Food Unit is operating in North Royalton's jurisdictional boundaries.

(c) If operating outside of an approved Mobile Food Unit Park, an application shall be made by the property owner or tenant for a Mobile Food Unit Permit to host Mobile Food Units on a given property. The application fee for a Mobile Food Unit Permit shall be \$25. All permits are valid through the calendar year in which they are issued. Mobile Food Unit Permits must be submitted at least 5 business days prior to the planned date of operation.

(1) The application for a Mobile Food Unit Permit shall include a site plan showing the intended location of the Mobile Food Units on the property, the distance of the units from the property lines, and a description of how the Mobile Food Units shall be powered.

845.05 GENERAL REQUIREMENTS.

(a) Operation Without Mobile Food Unit Permit. Outside of an approved Mobile Food Unit Park, no property or business shall be permitted to host a Mobile Food Unit without a valid Mobile Food Unit Permit issued pursuant to this Chapter.

(b) Unattended Vehicles Prohibited. No Mobile Food Unit shall be parked on the street overnight, or left unattended or unsecured at any time food is kept in the Mobile Food Unit. The owner or operator of any Mobile Food Unit found to be in violation of this subsection may be charged with a violation of this chapter.

(c) Mobile Food Units are prohibited from selling alcoholic beverages.

(d) Mobile Food Units are shall serve pedestrian customers only. Drive-in or drive-through services shall be prohibited.

(e) Mobile Food Units may not operate, stop, stand or park in any area that impedes the use of the right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the

right-of-way or that present an unsafe condition for any patron, pedestrians, or other vehicles.

(f) Sanitary facilities and trash/recycling receptacles shall be provided on the host property and all waste shall be removed at the close of business.

(g) Fueling of Mobile Food Units or associated generators shall not be permitted on the host site.

(h) Amplified music or other sounds from any Mobile Food Unit may not at any time unreasonably disturb nearby residents, businesses, pedestrians or vehicles.

(i) Outside of an approved Mobile Food Unit Park, any property owner or tenant that permits a Mobile Food Unit to operate or park on the property without a Mobile Food Unit Permit for that location shall be in violation of this section and subject to enforcement under Section 698.02.

(j) The City reserves the right at all times to require a Mobile Food Unit to relocate to an alternate location or cease to operate as determined by the enforcement official if the approved location needs to be used for emergency purposes or other public benefit or if in the opinion of the enforcement officer the Mobile Food Unit presents a safety hazard to the public.

(k) Mobile Food Units shall adhere to all applicable parking regulations for commercial vehicles.

845.06 MOBILE FOOD UNIT PARKS.

(a) Mobile Food Unit Parks may be permitted as an accessory use in all business districts and applicable Traditional Town Center Districts provided that a Conditional Use Permit is granted in accordance with the standards set forth in Section 1262.07 and the following requirements:

(1) Mobile Food Unit Parks shall not be located on a parcel that is adjacent to a residential zoning district.

(2) Hours of operation shall be limited to between 8:00 a.m. and 11:00 p.m. local time.

(3) The permitted number of Mobile Food Units shall be as approved as part of the conditional use permit.

(4) Seating for patrons shall be provided as shown in a site plan submitted to the Planning Commission for a conditional use permit.

(5) Mobile Food Units shall be located in designated spaces as shown in a site plan submitted to the Planning Commission for a conditional use permit.

(6) Mobile Food Units in a mobile food unit park shall maintain a minimum of 10 feet between

vehicles and/or equipment and shall be located not less than 20 feet from the building.

(7) Mobile Food Units in a Mobile Food Unit Park shall meet all requirements as established in Section 845.05 of this Chapter.

845.07 OPERATION OF MOBILE FOOD UNITS OUTSIDE OF A MOBILE FOOD UNIT PARK.

(a) A Mobile Food Unit may be located within any zoning district except Residential Districts. A property owner or tenant hosting a Mobile Food Unit found at an unauthorized location, or beyond the dates, times, or hours permitted, shall be in violation of this section and may be subject to enforcement under Section 698.02.

(b) No more than 2 Mobile Food Units shall be operated at a single location within a one-month period.

(c) Mobile Food Units shall not operate within 200 feet of a residential property line when powered by a generator or the truck engine. Mobile Food Unit that are powered by other means may be permitted to operate within 75 feet of a residential property line if it is deemed by the Building Commissioner that they will not create a nuisance.

(d) Mobile Food Units may operate or park for not longer than 6 hours at any given time, including set up and tear down.

(e) Mobile Food Units shall not operate outside the hours of 8:00 a.m. to 8:00 p.m. local time.

(f) There shall not be more than 2 Mobile Food Units in operation at a single location at a given time.

845.08 ENFORCEMENT.

(a) Enforcement. The provisions of this chapter may be enforced by the North Royalton Police Department, Fire Department, or Building Division.

845.09 SEVERABILITY.

Should any provision of this chapter be held invalid by a court of competent jurisdiction, then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

845.10 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor for a first offense; for a second offense, such person is guilty of a misdemeanor of the third degree; for a third or subsequent offense, such person shall be guilty of a misdemeanor of the second degree. Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be sentenced in accordance with Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.