

1st reading 10-2-19
2nd reading 11-6-19
3rd reading 11-13-19
Voted On 11-13-19
Ayes: 7 Nays: 8
PASSED DEFEATED

ORDINANCE NO. 2019-24

**AN ORDINANCE
ENACTING NEW SECTIONS OF CHAPTER 1142 AND CHAPTER
1335 OF THE ORANGE VILLAGE CODIFIED ORDINANCES TO
PROVIDE FOR THE EXPIRATION OF APPROVALS GRANTED
BY THE PLANNING AND ZONING COMMISSION AND
ARCHITECTURAL BOARD OF REVIEW.**

WHEREAS, the Planning and Zoning Commission (“Commission”) administers the Zoning Code and issues approvals based upon facts which are presented at the time approval is requested; and

WHEREAS, the Architectural Board of Review (“Board”) approves designs of structures based upon the context of the neighborhood at the time the application is considered; and

WHEREAS, the circumstances under which both the Commission and Board approve a project may change over time if the zoning code changes or the architectural character of a neighborhood changes;

WHEREAS, the Village administration and Council desire to provide for a period of one (1) year from the date of zoning approval to commence work that has been granted a zoning approval and architectural approval, or the approvals by the Commission and the Board will expire; and

WHEREAS, if a building permit is expired and cannot be renewed administratively by the Building Commissioner the approvals by the Commission and the Board should also expire; and

WHEREAS, this ordinance has been referred to the Planning and Zoning Commission for a report and recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That a new Section 1142.07, Expiration of Approval, of the Codified Ordinances of Orange Village, be and the same hereby is enacted which shall read and provide, in its entirety, as follows:

“1142.07 EXPIRATION OF APPROVAL.

If, after the expiration of one (1) year from the date when the Planning and Zoning Commission has granted any approval, no substantial work is done in

accordance with the terms and conditions for which such approval was granted, or if the building permit for such work is expired and cannot be administratively renewed by the Building Commissioner pursuant to Section 1325.06 of the Orange Village Codified Ordinances, the approval granted by the Commission shall expire. If the property owner or the owner's representative files a written request for an extension of the approval with the Building Commissioner not less than thirty (30) days prior to the expiration of the approval, the Planning and Zoning Commission shall consider the request and may grant an extension for up to one additional year upon a finding that no changes to the zoning code have been made since the prior approval was granted. Only one such extension may be granted by the Planning and Zoning Commission. After the expiration of the approval (including any extension thereof), the approval shall be deemed null and void, and all regulations governing the subject property shall be in effect as if no prior approval had ever been granted. The Building Commissioner shall advise the Secretary of the Planning and Zoning Commission of the expiration of such approval, and the Clerk shall enter such expiration upon the Commission's records."

SECTION 2. That a new Section 1335.08, Expiration of Approval, of the Codified Ordinances of Orange Village, be and the same hereby is enacted which shall read and provide, in its entirety, as follows:

"1335.08 EXPIRATION OF APPROVAL.


If, after the expiration of one (1) year from the date when the Architectural Board of Review has granted design approval, no substantial work is done in accordance with the terms and conditions for which such approval was granted, or if the building permit for such work is expired and cannot be administratively renewed by the Building Commissioner pursuant to Section 1325.06 of the Orange Village Codified Ordinances, the approval granted by the Board shall expire. If the property owner or the owner's representative files a written request for an extension of the approval with the Building Commissioner, the Architectural Board of Review shall consider the request and may grant an extension for up to one additional year upon a finding that no changes to the character of the neighborhood have occurred which would impact the Board's opinion regarding approval. Only one such extension may be granted by the Architectural Board of Review. After the expiration of the approval (including any extension thereof), the approval shall be deemed null and void, and any future design approval shall be considered as if no prior approval had ever been granted. The Building Commissioner shall advise the Secretary of the Architectural Board of Review of the expiration of such approval, and the Clerk shall enter such expiration upon the Board's records."

SECTION 3. That any and all ordinances or parts thereof in conflict with these ordinances are repealed to the extent of the conflict.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Nov. 13, 2019



Council President

Submitted to the Mayor for approval on this 13 day of NOVEMBER, 2019

Approved by the Mayor this 13th day of November, 2019

ATTEST:



Clerk of Council



Mayor