

ORDINANCE NO. 2024-0-04

AN ORDINANCE AMENDING ORDINANCE 1242.05 - CERTIFICATES OF OCCUPANCY AND DECLARING AN EMERGENCY

WHEREAS, Council wishes to amend Ordinance 1242.05 - Certificates of Occupancy in order to clarify and improve the process for the issuance of Certificates of Occupancy, including temporary Certificates of Occupancy;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mentor on the Lake, County of Lake and State of Ohio, as follows:

Section 1. That Ordinance 1242.05 - Certificates of Occupancy is amended and as amended now reads as follows:

1242.05 CERTIFICATES OF OCCUPANCY.

(a) Certificate Required. In addition to the requirement of obtaining a Zoning Permit pursuant to Ordinance 1242.02, no person shall occupy or use a building that has been erected or altered without first having obtained a Certificate of Occupancy therefor from the Zoning Inspector.

(b) Occupancies Requiring a Certificate. A Certificate of Occupancy shall be required for any of the following:

(1) Occupancy and use of a building erected, altered, repaired, rebuilt or moved after September 14, 1955;

(2) A change in use of an existing building to a use of a different classification; or

(3) Any change in use of a nonconforming use.

(c) Time of Application and Issuance; Temporary Certificates.

(1) A Certificate of Occupancy for a new building or the enlargement or alteration of an existing building shall be applied for at the same time as the application for a Zoning Permit, and such Certificate of Occupancy shall be issued by the Zoning Inspector after the request for the same has been made in writing to the Inspector and after the erection or alteration of

such building or part thereof has been completed in conformity with the provisions of this Zoning Code.

(2) Pending the issuance of a regular Certificate of Occupancy, a Temporary Certificate of Occupancy may be issued by the Zoning Inspector for a period not exceeding 180 days, during the completion of alterations or during partial occupancy of a building pending its completion. Such Temporary Certificate of Occupancy shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises, or any other matter covered by this Zoning Code, and such Temporary Certificate of Occupancy shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(3) A Temporary Certificate of Occupancy shall not be issued to a multifamily or condominium or business or industrial or institutional or recreational or conditional use that would allow it to open for business or to begin transactions with the public until the Zoning Inspector has confirmed and determined in writing that all of conditions that are set forth in any Final Development Plan and/or Final Development Agreement for the project have been performed by the Developer / Applicant. In the event that any conditions in the Final Development Plan or Final Development Agreement have not been met, the Developer / Applicant may submit an application to the MOL Planning & Zoning Commission for a waiver/exemption of the requirement(s) before business may be transacted with the public.

(d) Contents of Applications and Certificates.

(1) All applications for a Certificate of Occupancy and/or a Temporary Certificate of Occupancy shall be made on a printed form to be furnished by the Zoning Inspector and shall contain accurate information and dimensions as to the size and location of the lot, the size and location of the buildings or structures on the lot, the dimensions of all yards and open spaces, and such other information as may be necessary to provide for the enforcement of this Zoning Code.


(2) The Certificate of Occupancy shall state that the building or proposed use of a building or land conforms to the provisions of this Zoning Code.

(e) Additional Requirements for Issuance. The Certificate of Occupancy shall not be issued by the Zoning Inspector until the Zoning Inspector has inspected the building and found it to be in compliance with the provisions of this Zoning Code and until the Zoning Inspector has received the final approval of the Lake County, Ohio Building Department for compliance with the State of Ohio and local Building Codes.


Section 2. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which 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 is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Mentor on the Lake for the reason that it is necessary to improve and refine the process and terms for the issuance of Occupancy Permits in the City in order to provide for the orderly development of the City. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake, Ohio

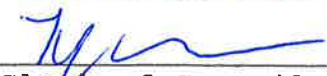
WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.



ROBERT JOHNSON
PRESIDENT OF COUNCIL



DAVID R. EVA
MAYOR
Dated: 5/28/2024

ADOPTED: 5/28/2024
ATTEST: 
Clerk of Council