

A RESOLUTION REFERRING PROPOSED TEXT AMENDMENTS TO SECTIONS 1103.03 AND 1181.15 OF THE VILLAGE'S PLANNING AND ZONING CODE TO REGULATE PORTABLE STORAGE CONTAINERS IN THE VILLAGE, AND DECLARING AN EMERGENCY

WHEREAS, Charter Section 9.06 and Section 1109.07 of the Planning and Zoning Code require proposed text amendments to the Planning and Zoning Code to be referred to the Planning Commission for approval, disapproval, or for recommended modifications; and

WHEREAS, the Council has asked the Village Administration to prepare legislation to regulate the use of portable storage containers; and

WHEREAS, the Village Administration has prepared proposed regulations of the use of portable storage containers in the Village which makes amendments to Sections 1103.03 and 1181.15 of the Planning and Zoning Code;

WHEREAS, Council wishes to refer the proposed text amendments to Sections 1103.03 and 1181.15 the Planning and Zoning Code to the Planning Commission for approval, disapproval, or for recommended modifications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

- SECTION 1. The text amendments to Sections 1103.03 and 1181.15 of the Planning and Zoning Code, as set forth in the attached Exhibit A, is referred to the Planning Commission approval, disapproval, or for recommended modifications on the proposed zoning amendment.
- SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees 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 Resolution is hereby declared to be an emergency measure for the immediate preservation of the public health, safety, and welfare and for the further reason that it is necessary to refer the proposed text amendment to Section 1153.05 of the Planning and Zoning Code to the Planning Commission for its evaluation and recommendation as soon as possible; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 6-6-2023

Joe A. Milgrom
President of Council

Michael Wheeler
Mayor

Dated: 12/7/2023

ATTEST:
Jeff Amy
Clerk of Council

EXHIBIT A

ORDINANCE NO. 48-2023

Offered by Councilmember Boester

AN ORDINANCE AMENDING SECTIONS 1103.03 AND 1181.15 OF THE PLANNING AND ZONING CODE PERTAINING TO THE REGULATION OF PORTABLE STORAGE CONTAINERS

WHEREAS, the Village continually receives complaints about the use of portable storage containers in the Village;

WHEREAS, Council finds that the use of portable storage containers in the Village compromises the health, safety, and welfare of the Village;

WHEREAS, the Village Council wishes to regulate portable storage containers in the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. Section 1103.03, "Definitions" of Chapter 1103 of the Planning and Zoning Code of the Codified Ordinances of the Village of Richfield is hereby amended as follows:

"A "portable storage container" is a permanent or temporary building/structure designed and used for storage that may be delivered onsite and picked up and removed to a different location. Examples of portable storage containers include shipping containers, PODs, or similar items commercially available for the same purpose. A dumpster is a portable storage container, unless it is used for holding waste, garbage, or refuse."

SECTION 2. That any ordinances or resolutions in conflict with the foregoing are hereby repealed.

SECTION 3. Section 1181.15, Temporary Buildings of Chapter 1181 of the Planning and Zoning Code of the Village of Richfield is hereby amended as follows:

"1181.15 TEMPORARY BUILDINGS OR STRUCTURES AND PORTABLE STORAGE CONTAINERS.

Temporary buildings or structures for uses incidental to construction work on multiple lots in the Village or for public improvement projects in the Village may be erected within the district(s) in which the work is taking place. The exact location of said temporary buildings or structures is subject to the approval of the Zoning Inspector. However, such temporary buildings or structures shall be removed upon completion or abandonment of the construction work.

Portable storage containers are prohibited in all residential Zoning Districts except: (a) during active construction on a residential property, one-three

portable storage containers may be placed on the property where construction is taking place during the first 60 days of active construction; and (b) when someone is moving in or out of a residential property, one-three temporary storage containers may be placed on the residential property for a period of no more than 10 days, unless otherwise authorized by the Director of Planning and Zoning. A zoning certificate is required before any portable storage container can be placed in a residential Zoning District under (a) or (b).

In non-residential districts, one-three portable storage containers may be placed on a property as a non-permanent accessory use solely to provide temporary storage during the duration of an active construction project taking place on the same property, adjacent property under common ownership, or on municipally owned land. If more than one (~~1~~)three portable storage containers are is needed, approval of the request for additional storage containers must be made during the development plan review process with Planning Commission. The portable storage container(s) shall be removed upon completion or abandonment of the construction work.

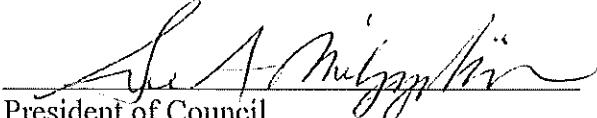
For the avoidance of doubt, a portable storage container is prohibited as a permanent accessory storage structure or building everywhere in the Village.”

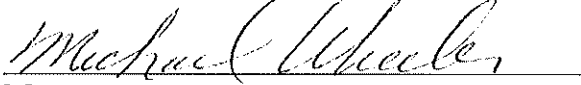
SECTION 4. That any ordinances or resolutions in conflict with the foregoing are hereby repealed.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees or subcommittees 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 6. This Resolution shall be in full force and effect after the earliest period allowed by law.

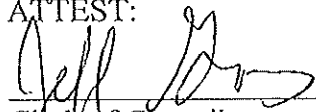
PASSED: 9-5-2023


President of Council


Mayor

Dated: 11/8/2023

ATTEST:



Clerk of Council

