

**AN ORDINANCE AMENDING SECTIONS 1107.09, 1113.01, 1113.03, 1113.09, 1145.15, 1171.11, 1177.03 AND 1181.09 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE TO IMPROVE CONSISTENCIES AND CLARIFY VARIOUS REQUIREMENTS**

WHEREAS, on February 12, 2019, the Planning and Zoning Commission initiated proposed amendments to Sections 1107.09, 1113.01, 1145.15, 1171.11, 1177.03 and 1181.09 of the Planning and Zoning Code, which intends to improve consistencies and clarify various requirements, by motion pursuant to Section 1109.03(b) of the Richfield Codified Ordinances; and

WHEREAS, on February 19, 2019, this Council referred the proposed amendments to Sections 1107.09, 1113.01, 1145.15, 1171.11, 1177.03 and 1181.09 of the Planning and Zoning Code to the Planning and Zoning Commission for report and recommendation pursuant to Section 9.06 of the Charter and Section 1109.07 of the Richfield Codified Ordinances; and

WHEREAS, on April 9, 2019, Planning Commission held an informal hearing on the proposed amendments pursuant to Section 1109.09(a) of the Richfield Codified Ordinances; and

WHEREAS, on May 8, 2019, following the Commission's action at its meeting on April 9, 2019, Village Council received a favorable report and recommendation from the Planning and Zoning Commission to amend Sections 1107.09, 1113.01, 1145.15, 1171.11, 1177.03 and 1181.09 of the Planning and Zoning Code; and

WHEREAS, on July 2, 2019, this Council held a public hearing on the proposed zoning code amendments pursuant to Section 1109.11(a) of the Richfield Codified Ordinances; and

WHEREAS, based upon the report and recommendation of the Planning Commission, this Council has determined that it is in the best interest of the health, safety, and welfare of the Village to amend Sections 1107.09, 1113.01, 1145.15, 1171.1, 1177.03 and 1181.09 as described in the report and recommendation of the Planning and Zoning Commission.

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

SECTION 1. That Section 1107.09 of the Village's Planning and Zoning Code be amended as follows:

**"1107.09 REQUIRED FINDINGS FOR VARIANCE.**

(c) Subject to Article X, Section 10.02 of the Charter of the Village of Richfield, the Board may authorize a variance, other than for area zoning requirements such as frontage, setback and height, in specific cases, from the strict application of the Zoning Code, provided that it has considered the conditions enumerated in (1) through (7) below have been met:

(1) The variance requested stems from a condition, which is unique to the

- property at issue and not ordinarily found in the same zoning district;
- (2) The hardship condition is not created by actions of the applicant;
- (3) The granting of the variance will not adversely affect the rights of adjacent owners;
- (4) The granting of the variance will not adversely affect the public health, safety, or general welfare;
- (5) The variance will be consistent with the general spirit and intent of the zoning code;
- (6) The variance sought is the minimum which will afford relief to the applicant; and
- (7) There is no other economically viable use, which is permitted in the zoning district.

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SECTION 2. That Section 1113.01, 1113.03 and 1113.09 of the Village’s Planning and Zoning Code be amended as follows:

**“1113.01 PURPOSE.**

This Chapter regulates the continuance, maintenance, repair, restoring, moving, and discontinuance of nonconforming buildings, land, and uses are hereby established in order to achieve among others, the following purposes:

- (a) To permit the continuance of nonconformity but with control so as to minimize any adverse effect on the adjoining properties and development;
- (b) To regulate nonconforming building maintenance, repair and extension;
- (c) To restrict the reconstruction of a nonconforming building if such building is substantially destroyed;
- (d) To require the permanent discontinuance of nonconforming buildings, land and uses if the same are not operated for specified periods;
- (e) To require conformity if nonconforming buildings, land and uses are discontinued and to bring about eventual conformity in accordance with the requirements of the Zoning Code of the Village; and
- (f) To permit the expansion of nonconforming buildings provided the expansion does not encroach any further into the required yard than what currently exists.

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**1113.03 NONCONFORMING BUILDINGS.**

Nonconforming building means a building or other structure existing lawfully at the time this Zoning Code or any subsequent amendment thereto became effective, but which does not conform as to dimensions (area and width of lot, width of yards, percent of land coverage, or height of building), or as to design (designed or intended for a use not permitted or compatible with the type of structure), or other regulations of the district in which it is located. A nonconforming building may be continued as follows:

- (a) Maintenance and Repair: A building nonconforming as to dimensions and/or design may be a continued use and normal repairs may be made. For the purpose of this Zoning Code, normal repairs include the ordinary maintenance of a building or structure, the replacement of equipment which is required for safety of operation and the replacement or substitutions of machinery or equipment. Normal repairs do not include the replacement of structural parts in any building nonconforming as to design except when required by law to restore the structure to a safe condition or to make the building or use conforming.
- (b) Additions: A building nonconforming as to dimensions and/or required yards may be added to or enlarged if the additions do not expand the nonconformity any further, or encroach any further into the required yard, than what currently exists.
- (c) Moving: A building nonconforming as to dimension and/or design, may be moved in whole or in part to any other location on the lot or to another lot if every portion of such building so moved is made to conform to all current regulations of the district in which it is to be located.
- (d) Restoration of Damaged Building: If a nonconforming building is damaged or destroyed by any means to the extent of less than its assessed value as shown in the current record of the County Auditor, those portions so destroyed or damaged may be restored but to not more than their former size, provided such restoration is completed within a period of one year from the date of damage or destruction. If such a building is occupied by a nonconforming use prior to damage, such use may be reestablished.

If a building nonconforming as to dimension only is damaged or destroyed more than its assessed value, it may only be restored or rebuilt in conformance with all the yard, percent of coverage and height regulations of the district in which it is located. If a building nonconforming as to design is damaged or destroyed more than its assessed value, no repairing or reconstruction shall be made unless every portion of the building is made to conform to all regulations of the district in which the building is located and it shall be occupied only by a conforming use. Determination of the value of the reproduction of that which was destroyed shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Zoning Inspector and the third to be selected by the mutual consent of the two parties.

- (e) Discontinuance of Use: If any nonconforming building or portion thereof is not occupied by a use for a continuous period of at least one year, the nonconforming building or nonconforming portion thereof shall be reconstructed to comply with this Zoning Code and any further use must be in conformity with the uses permitted in the district in which it is located.

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#### **1113.09 NONCONFORMING LOT.**

- (a) Any parcel of land nonconforming as to lot area and/or lot width requirements of the zoning district in which it is located, existing lawfully at the time this Zoning Code or an amendment thereto became effective, may be developed according to the following:

- (1) If occupied by a building or use, such building or use may be maintained, repaired or altered.
- (2) If occupied by a building or use, such building or use may be expanded, provided such addition complies with all other zoning regulations except lot area and lot width.
- (3) If vacant, the lot may be used for any use permitted in the zoning district provided such use shall comply with building size and zoning use requirements. Exceptions shall include lot area, lot width and setbacks, which are regulated in item (b) below.

(b) Any lot not meeting minimum area requirements and being a lot of record, a lot for which a land contract has been issued, or any lot within an unrecorded allotment, of which at least one-half of such lots are of record or have been sold on land contract on the effective date of this Zoning Code, may be used irrespective of the area, depth or width of such lot. The width of the side yard of any such lot need not exceed ten percent of the width of the lot; the depth of the rear yard need not exceed 20% of the depth of the lot. However, in no instance shall the minimum dimension of the side and rear yards be less than five and 20 feet, respectively.

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SECTION 3. That Section 1145.15 of the Village’s Planning and Zoning Code be amended as follows:

**“1145.15 BUILDING AND SITE DESIGN STANDARDS.**

(a) Site Development.

- (3) Off-street parking may be included in a required side and rear yard within the setbacks required by Section 1145.07. Joint use of parking areas is encouraged. The Commission may permit parking to extend to the front, side or rear property line in the case of joint parking area.

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SECTION 4. That Section 1171.11 of the Village’s Planning and Zoning Code be amended as follows:

**“1171.11 REVIEW AND APPROVAL PROCEDURES.**

(a) Review by Staff and Consultants. The application shall be referred to Village Departments and to the Village Engineer and other Village consultants for review and comment.

(b) Review by Commission. The Commission shall review the complete application package as transmitted by the Zoning Inspector in terms of the standards established in this Zoning Code. If deemed necessary, the Commission or Zoning Inspector, with notice to the applicant, may refer an application to other qualified consultants for review. All costs associated with outside consultant reviews shall be at the sole expense of the applicant. Zoning certificates will not be issued by the Zoning Inspector until all such costs are paid in full to the Village.

(c) Building and Site Design Standards. In addition to all other applicable standards in this Code, and the Village's Technical Design Standards, applicants are required to meet these minimum thresholds and are encouraged to exceed them as the design evolves. The Zoning Inspector and Commission shall be guided by the following standards in reviewing each application for a zoning certificate:

- (1) Materials shall be appropriate for the use of the building, for weathering and for relationship to other materials including those used on adjacent buildings. Unless specifically approved by the Planning Commission on an individual basis (such as in a "high style" contemporary/modern design), exterior finish materials shall not terminate at outside corners and shall be of consistent character and level of finish at all building elevations. Surrounding context will also be taken into consideration by the Zoning Inspector and Commission on a case-by-case basis.
- (2) Unless otherwise approved by the Planning Commission, non-residential buildings shall be clad in masonry materials. Four-inch split-faced block is acceptable, with eight-inch split-faced block only permissible on side or rear building elevations (unless facing a street).
- (3) Colors and textures shall be appropriate for the size and scale of the building, for weathering, and for relationship to the site and adjacent buildings. The use of a single color on homes in a subdivision is not permitted.
- (4) Architectural details and ornaments shall be meaningful to the overall design, and appropriate for the size and scale of the buildings, and for weathering. Architectural details, ornaments, finishes, fenestration quality (and quantity where feasible and practical), design intent of massing/scale/depth/shadow shall be of consistent character, intent, and appearance for all sides of the building, whether or not visible from a dedicated roadway. The articulation of facades and the attentive massing of structures give them relief, richness, visual interest, and scale and are required. Long, uninterrupted exterior walls devoid of detail, fenestration, and articulation should be avoided. The use of augmented levels of fenestration at principal facades is encouraged.
- (5) Accessory buildings shall be compatible in design and materials as the main structure. The ground floor area of an accessory building cannot exceed 75% of the area of the ground floor area of the principal structure. In no case shall the total area of an accessory structure exceed the area of the principal structure. Accessory buildings cannot be located or constructed on a property without a principal structure.
- (6) Mechanical equipment shall be considered as it affects rooftop appearance, sidewall openings, sound levels, smoke and other nuisance aspects; and as it related to overhead wires, gas and electric meter stations and any other visible appurtenances. Rooftop-mounted mechanical equipment shall be set back from building edges. Where visible from viewpoint origins as determined by Zoning Inspector and/or Commission, mechanical equipment shall be screened from view. Mechanical equipment screens shall be compatible in design and materials to the main structure.
- (7) Approaches, drives and parking areas shall be considered as they affect the appearance from the street and from the site, as well. The relationship of

- paving to the building shall be appropriate considering factors such as safety, drainage and landscaping.
- (8) All non-residential drives and parking areas shall be paved with concrete or bituminous concrete or other hard surfaced materials. Chip and seal is not permitted for non-residential drives and parking areas. Drives and parking areas can be constructed using permeable materials such as brick pavers, concrete and asphalt.
  - (9) Landscaping shall be appropriate for the size and use of the area, and for its relationship to building, street, parking area, walks and adjacent buildings. Yards shall be landscaped and maintained with grass, trees, and shrubs. In non-residential zoning districts parking in front of a building shall be appropriately screened with shrubs, trees or landscaped earthen mounds.
  - (10) Security fences, i.e. chain-link fencing shall not be permitted in the O/LI or I Districts in front of any building or other side yard setbacks of a corner lot. Security fences shall be appropriately screened with trees and shrubs from a public street. Security fences (other than agricultural containment fences) are not permitted to be electrified by any means.
  - (11) All trash containers and trash storage areas shall be screened with a six-foot high masonry enclosure on three sides and a board-on-board gate on the front. In the Industrial District, all outside storage areas shall be enclosed and screened from the view of adjacent properties.
  - (12) Lighting shall be considered for the appropriateness of nighttime illumination of the grounds, drives, walks, parking areas, the building and its affect upon surrounding areas. Lighting shall conform with the standards set forth by the International Dark-Sky Association (or reasonable equivalents).
  - (13) Signs shall be considered for appropriateness of size, scale, shape, color and illumination in relation to building and site.
  - (14) Buildings adjacent to Interstate highways shall be designed and landscaped to be visually attractive as seen from the highways.
  - (15) The application shall comply with all relevant land planning and zoning regulations, standards and criteria.
  - (16) The development shall be coordinated and integrated with the surrounding natural and man-made features.
  - (17) The development shall be coordinated and integrated with the surrounding development considering both site development and architecture. The developer shall be required to conform to any local plans for the area established by the Commission.

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SECTION 5. That Section 1177.03 of the Village's Planning and Zoning Code be amended as follows:

**"1177.03 GENERAL REGULATIONS.**

(a) Floor Area. For the purposes of this chapter, "floor area" means usable floor area as set forth in Section 1103.03.

(b) Parking Space. Off street accessory parking areas shall provide parking spaces, each of which shall not be less than nine feet wide and not less than twenty feet long, exclusive of all driveways, aisles, ramps and turning spaces. An off-street parking space for the physically handicapped shall adhere to Federal standards and shall be exclusive of all driveways, aisles, ramps and turning spaces.

(c) Parking Area Design. Parking areas shall be of usable shape, improved with bituminous concrete or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources, such as the stringing of light bulbs, shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces and to prevent bumper overhang. All spaces shall be provided with adequate access by means of maneuvering lanes.

(d) Driveways.

(1) Non-residential driveways shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections. Generally, there shall be not more than two driveways (whether residential or non-residential) on to one street from each parcel of property. Minimum and maximum driveway widths shall be as follows:

Number of Lanes In Non-Residential Driveways	Minimum Width of Driveway (ft.)	Maximum Width of Driveway (ft.)
One(A)	10	12
Two	20	24
Three	30	36
Four	40(B)	48(B)

A. Permitted where there are 10 or less parking spaces served provided there shall be two lanes having a minimum width of not less than twenty feet from the pavement of the road for a distance of not less than 20 feet.

B. Plus a minimum six-foot island or traffic divider.

(2) Residential driveways cannot exceed 16 feet in width. For residential driveways servicing a three- or more car garage, the width shall remain no more than 16 feet at the road right-of-way and is permitted to taper wider past the right-of-way line.

- (3) Curb cuts for parking area driveways shall have a radius of not less than ten feet nor more than 60 feet.

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SECTION 6. That Section 1181.09 of the Village's Planning and Zoning Code be amended as follows:

**"1181.09 PROJECTIONS INTO YARD AREAS.**

Every part of required yard shall be open to the sky, unobstructed, except for landscaping and accessory building, in a rear yard, and except for the ordinary projections of skylights, sill, belt courses, cornices and ornamental features projecting not more than four feet. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the level of the ground (first) story may project into a required side yard, provided these projections are distant at least two feet from the side, rear and front yards. An open unenclosed porch, deck or paved terrace may project into the front and/or rear yard for a distance not to exceed 10 feet each.

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SECTION 7. That existing Sections 1107.09, 1113.01, 1145.15, 1171.11, 1177.03 and 1181.09 of the Planning and Zoning Code of the Codified Ordinances of the Village are hereby repealed.


SECTION 8. That all other provisions of Chapters 1107, 1113, 1145, 1171, 1177 and 1181 of the Planning and Zoning Code of the Codified Ordinances of the Village, not amended herein, shall remain in full force and effect as they existed prior to the effective date of this Ordinance.

SECTION 9. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 Section 121.22 of the Ohio Revised Code.

SECTION 10. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 7-2-19


  
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President of Council

  
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Mayor



ATTEST:

Dated: 7-2-19

  
Clerk of Council

