

AN ORDINANCE AMENDING SECTION 1103.03 OF THE PLANNING AND ZONING CODE TO AMEND THE DEFINITION OF ACCESSORY BUILDING AND ACCESSORY USE, AMENDING SECTION 1173.13 REGARDING REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS, AND AMENDING SECTION 1173.15 REGARDING REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES IN INDUSTRIAL DISTRICTS

WHEREAS, Village Council has determined that it is in the best interest of the Village and its residents and promotes the public health, safety, and welfare of the Village to amend the definition of “accessory building” and “accessory use” in Section 1103.03 of the Planning and Zoning Code to permit an accessory building or accessory use on an adjacent lot in the same ownership of the lot with the established main building and/or use; and

WHEREAS, Section 1109.07 of the Planning and Zoning Code provides that the Clerk of Council shall refer such proposed text amendment to the Planning and Zoning Commission; and

WHEREAS, Section 1109.07 provides that the Planning and Zoning Commission shall be allowed a reasonable period of time, not more than sixty days unless Council shall provide a different period of time, for consideration and report back to Council; and

WHEREAS, this Council referred this Ordinance to the Planning and Zoning Commission on January 7, 2020; and

WHEREAS, the Planning and Zoning Commission held an informal public hearing and informational meeting regarding the proposed change on January 28, 2020, and sent a recommendation for approval of the proposed amendment to Council; and

WHEREAS, this Council conducted a public hearing on the proposed change on February 18, 2020.

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

SECTION 1. Section 1103.03 of the Planning and Zoning Code is amended as follows:

**“1103.03 GENERAL TERMS.**

(a) Definitions used in the Zoning Code:

(1) Accessory Building means a ~~subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.~~ building detached from a main building and customarily used with, and clearly incidental

and subordinate to, the main building or use, and ordinarily located on the same lot with such main building, or on a lot with an established main use that is adjacent to such lot in the same ownership. Such ownership shall be determined at the time the accessory building is constructed. In the event the accessory building is to be located on a lot a with an established main use that is adjacent to such lot in the same ownership, the approval of the accessor7 building shall be subject to the conditional use provisions in Chapter 1173 of this Code.

(2) ~~Accessory Use means a use subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.~~ use of land or of a building or portion thereof customarily used with and clearly incidental and subordinate to, the main use of land or building and ordinarily located on the same lot with such main use, or on a lot with an established main use that is adjacent to such lot in the same ownership. In the event the accessory building is to be located on a lot a with an established main use that is adjacent to such lot in the same ownership, the approval of the accessory use shall be subject to the conditional use provisions in Chapter 1173 of this Code.

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SECTION 2. Section 1103.03 of the Planning and Zoning Code as it existed prior to the effective date of this Ordinance is repealed.

SECTION 3: Section 1173.13 of the Planning and Zoning Code is amended as follows:

**“1173.13 REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS.**

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(b) During review of a permit application, the Commission may incorporate the regulations listed in this section that it determines appropriate for the proposed use:

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(12) When an accessory building or accessory use is proposed to be established on a lot with an established main use in a Commercial District that is adjacent to another lot in the same ownership, the following additional conditions shall be applied to and/or placed on any conditional use approval by the Commission:

A. The accessory building or accessory use shall comply with all setback, square footage, height, and impervious surface coverage regulations of the zoning district in which the accessory building or accessory use is to be located;

B. The accessory building or accessory use may be permitted on an adjacent lot in the same ownership that is in an Industrial District if the Commission finds that: (i) it is an accessory building or use that would be customarily used with, and clearly incidental and subordinate to, the main use of land or building on the lot in the Industrial District; and (ii) it is compatible with the main use of land and/or building on that lot;

C. The accessory building or accessory use shall not be located on any adjacent lot in a Residential District; and

D. The accessory building shall be compatible in design and materials with the main building on the lot.”

SECTION 3. Section 1173.13 of the Planning and Zoning Code as it existed prior to the effective date of this Ordinance is repealed.

SECTION 4. Section 1173.15 of the Planning and Zoning Code is amended as follows:

**“1173.15 REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES IN INDUSTRIAL DISTRICTS.**

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(b) During review of a permit application, the Commission may incorporate the regulations listed in this section that it determines appropriate for the proposed use:

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(15) When an accessory building or accessory use is proposed to be established on a lot with an established main use in an Industrial District that is adjacent to another lot in the same ownership, the following additional conditions shall be applied to and/or placed on any conditional use approval by the Commission:

A. The accessory building or accessory use shall comply with all setback, square footage, height, and impervious surface coverage regulations of the zoning district in which the accessory building or accessory use is to be located;

B. The accessory building or accessory use may be permitted on an adjacent lot in the same ownership that is in a Commercial District if the Commission finds that: (i) it is an accessory building or use that would be customarily used with, and

clearly incidental and subordinate to, the main use of land or building on the lot in the Industrial District; and (ii) is compatible with the main use of land and/or building on that lot;

C. The accessory building or accessory use shall not be located on any adjacent lot in a Residential District; and

D. The accessory building shall be compatible in design and materials with the main building on the lot.

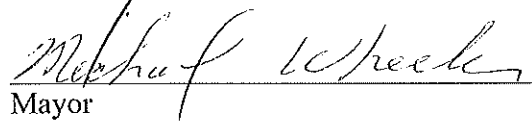
SECTION 5. Section 1173.15 of the Planning and Zoning Code as it existed prior to the effective date of this Ordinance is repealed.

SECTION 6. 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.

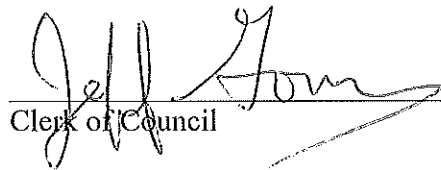
SECTION 7. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 3-11-2020

  
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President of Council

  
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Mayor

Dated: 3/11/2020

ATTEST:  
  
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Clerk of Council