

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 13-152

INTRODUCED BY: Marnecheck, Nickell, Petrusky, Langshaw

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON BY AMENDING VARIOUS SECTIONS OF THE CODIFIED ORDINANCES IN ORDER TO ELIMINATE THE ARCHITECTURAL REVIEW BOARD AND ASSIGN THOSE DUTIES TO OTHER BOARDS AND CITY OFFICIALS, AND DECLARING AN EMERGENCY

WHEREAS: Council has determined that the functions of the Architectural Review Board can be performed more orderly and efficiently by the Planning Commission and/or the Building Commissioner; and

WHEREAS: Council has determined that it is in the best interest of the City of North Royalton to entrust the Planning Commission and/or the Building Commissioner with the review standards and duties of the Architectural Review Board; and

WHEREAS: Council therefore desires to eliminate the Architectural Review Board and to amend certain other sections of the Codified Ordinances as they relate to the Architectural Review Board.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part Two Administration Code, Chapter 214 General Fee Schedule, Section 214.07 Fees in the Planning and Zoning Code, is hereby amended by deleting paragraph (c).

Section 2. Part 12 Planning and Zoning Code Chapter 1220 Planning Commission shall hereinafter be amended to read as follows:

1220.09 REFERRALS.

All industrial, commercial and/or multifamily dwelling development proposals shall be referred to the Planning Commission for its review, advice and recommendations. ***This requirement shall affect both new construction and alterations or additions to existing buildings of these types.***

1220.10 INFORMATION TO BE SUBMITTED.

(a)(8) The proposed new construction, including, but not limited to, walks, drives, ***parking, setback and yard requirements***, utilities, buildings, planting, fencing, ***relationships to natural features***, etc.;

(b) The elevations ***and rendering*** of proposed buildings, showing materials, openings, ***design esthetics, building material quality, building quality***, etc.;

1220.12 APPLICATION OF CHAPTER.

This chapter shall be considered in conjunction with Article XII of the City Charter and other sections of the Planning and Zoning Code and adherence with the Zoning Map, ***and the standards, regulations and criteria contained in this Chapter by the Board in its review.***

And by creating a new Section 1220.18 Standards and Criteria which shall read as follows:

1220.18 STANDARDS AND CRITERIA.

The following standards and criteria shall be utilized by the Planning Commission in reviewing all site and building development plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans, as well as a means of review for the reviewing authority. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. However, they must meet the minimum Building Code requirements. The specification of one or more particular architectural styles is not intended by these standards.

(a) ***Preservation of Landscape.*** *The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

(b) ***Relation of Proposed Buildings to Environment.*** *Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*

(c) ***Drives, Parking and Circulation.*** *With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points to the public streets, the width of interior drives and access points, general interior circulation, the separation of pedestrian and vehicular traffic and the arrangement of parking areas that are safe and convenient and that do not detract from the design of proposed buildings and structures and neighboring properties. The treatment and design of*

proposed screening shall be indicated. Approaches, drives and parking areas shall be considered as they affect the appearance from the street. The relationship of paving to buildings shall be appropriate, considering factors such as safety, drainage and landscaping.

(d) Electrical and Telephone Service. Electrical and telephone service shall be underground wherever practicable. Any utility installation remaining above ground shall be located so as to have a harmonious relationship to the neighborhood properties and the site.

(e) Advertising Features. The size, location, design, color, texture, lighting and material of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties, nor create confusion with traffic or any other signs.

There shall be no building or feature in the round which is purely representational, e.g. Brown Derby, ice cream cone, etc., and no ragged outlines of buildings clearly used as eyecatchers in lieu of internal functions.

(f) Accessory Features. Storage areas, exterior machinery installations on all levels, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be reasonably treated to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

(g) Landscaping. Landscaping shall be appropriate for the size and use of the area and for its relationship to buildings, streets, parking areas, walks and adjacent buildings.

(h) Lighting. Lighting shall be considered for the appropriateness of nighttime illumination of the grounds, drives, walks, parking areas and buildings and for its effect upon surrounding areas.

(i) Architectural Details and Ornaments. Architectural details and ornaments shall be meaningful to the overall design and appropriate for the size and scale of the building and for weathering.

(j) Mechanical Equipment. Mechanical equipment shall be considered as it affects rooftop appearance, sidewall openings, sound levels, smoke and other nuisance aspects. Also, mechanical equipment shall be considered as it relates to overhead wires, gas and electric meter stations and any other visible appurtenances.

(k) Materials. Materials shall be appropriate for the use of buildings, for weathering and for their relationship to other materials, including those used on adjacent buildings.

(l) Colors and Textures. Colors and textures shall be appropriate for the size and scale of the building, for weathering and for their relationship to the site and adjacent buildings.

(m) Buffering and Fences. Buffering and fences must adhere to existing codes.

(n) Specific Design Standards. Specific design standards established by legislation for designated areas shall prevail.

(o) Comprehensive Master Plan. The Board shall review plans and make aesthetic, building material quality, landscape and relationship to natural features recommendations in accordance with the overall planning policy recommendations made in the Master Plan and any subsequent Master Plan documents.

Section 3. Part 12 Planning and Zoning of the Codified Ordinances of the City of North Royalton is hereby amended by deleting Chapter 1224 Architectural Review Board in its entirety.

Section 4. Part 12 Planning and Zoning Code, Chapter 1246 Design Standards, Section 1246.14 Design Standards for Zoning Districts TCD-1 through TCD-5 is hereby amended by removing all references to the "Architectural Review Board" (or ARB) and replacing with the "Planning Commission".

Section 5. Part 12 Planning and Zoning Code, Chapter 1264 Board of Zoning Appeals, Section 1264.01 Establishment; Functions; Purposes is hereby amended to hereinafter read as follows:

(d) To hear requests for variances from the application of the Residential Code of Ohio;

~~(d)~~(e) To ensure that decisions and the granting of variances will sustain the constitutionality of this Zoning Code and to be in compliance with the objectives of the Master Plan.

And by creating a new Section 1264.085 which shall read as follows:

1264.085 VARIANCE TO THE RESIDENTIAL CODE OF OHIO

(a) The Board of Zoning Appeals shall hear requests from variances from the application of the Residential Code of Ohio. A request for a variance or appeal from application of any aspect of the Residential Code of Ohio may be made to the Board of Zoning Appeals by any person believing himself or herself aggrieved of or by any officer of the City affected by any such official action.

(b) To be considered, the appellant shall, within thirty (30) days after the date of such decision, file, in the office of the Building Commissioner, a notice of appeal specifying the decision or section of the Residential Code of Ohio from which the appeal is sought, the error alleged and all necessary data, in accordance with the form provided by the City.

(c) Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the date the appeal is filed with the Board of Zoning Appeals.

(d) Notice of Public Hearing. Notices of the time and place of a public hearing shall be mailed to the appellant and to the affected property owners (owners of property contiguous to the

property in question, and across the street therefrom, or within 500 feet, whichever is the most inclusive) as they appear in the current records of the County Auditor, or be published, once a week for two successive weeks prior thereto, in two newspapers of general circulation in the City of North Royalton. In addition, such notices shall be posted in the manner established by City Council.

(e) Review by Board. The Board of Zoning Appeals shall review the notice, order or decision of the Building Commissioner, other officer, or agency and all relevant evidence submitted by the parties. The Board of Zoning Appeals shall uphold strict compliance with the Ohio Residential Code and any related order/decision of the Building Commissioner, other officer, agency, unless it finds, by clear and convincing evidence, that there is a gross abuse of authority, or fraud or collusion.

Section 6. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.19 Development Plan Review, paragraphs (b) and (c) shall be amended by removing all references to the Architectural Review Board (or ARB).

Section 7. Part 12 Planning and Zoning Code, Chapter 1282 Off Street Parking and Loading, Section 1282.10 Parking Area Improvements, paragraph (g) and Section 1282.11 Illumination of Parking Areas shall be amended by removing all references to the Architectural Review Board (or ARB).

Section 8. Part 12 Planning and Zoning Code, Chapter 1284 Signs shall be amended to hereinafter read as follows:

Section 1284.01: Create a new paragraph (c) to read as follows: *(c) The Building Commissioner shall review, determine and take final action on all sign applications. All standards, regulations and criteria contained in this and other relevant codes shall be considered by the Building Commissioner in his/her decision.*

Section 1284.03 (b)(C)(1) and (b)(E), 1284.10 (e), 1284.13 (i): remove the all references to the Architectural Review Board (or ARB).

Section 1284.05 (a) and (k)(2) and Section 1284.10 (k)(3): replace “Architectural Review Board” (or ARB) with “Building Commissioner”.

Section 1284.12 (e): amend as follows: Building ~~Commissioner~~ **Division**.

Section 1284.13 (f): delete language “after any approvals of the Architectural Review Board”

Section 9. Part 12 Planning and Zoning Code, Chapter 1290 Wireless Telecommunications Facilities, Section 1290.02 General Requirements, paragraph (i) and Section 1290.06 Reimbursement of Expenses shall be amended by removing the all references to the Architectural Review Board (or ARB).

Section 10. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 11. 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 12. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to entrust the Planning Commission/and or the Building Commissioner with the review standards and duties of the Architectural Review Board.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: February 4, 2014

DATE APPROVED: February 5, 2014

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading December 17, 2013
Second reading January 7, 2014
Third reading February 4, 2014

YEAS: Antoskiewicz, Nickell, Petrusky, Langshaw,
Marnecheck, Muller, Kasaris

NAYS: none