

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 16-113

INTRODUCED BY: Nickell, Kasaris, Antoskiewicz

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1281 TRADITIONAL TOWN CENTER/MAIN STREET DISTRICT (TCD) TO ALLOW FOR THE COMMERCIAL OPERATION OF NURSING FACILITIES AND ASSISTED LIVING FACILITIES, AND DECLARING AN EMERGENCY

WHEREAS: It has been determined that the commercial operation of nursing facilities and assisted living facilities should be allowed in the TCD districts throughout the city; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD) to allow for the commercial operation of nursing facilities and assisted living facilities; and

WHEREAS: Council desires to provide for these amendments.

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 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.03 Use Regulations, Schedule of Permitted Uses in TCD 1, 2, 3, 4, and 5 of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

SECTION 1281.03 USE REGULATIONS
Schedule 1281.03 Permitted Uses

	TCD-1	TCD-2	TCD-3	TCD-4	TCD-5
Retail and professional services					
Retail	P	P	P	P	P
Offices	P	P	P	P	P
Personal services	P	P	P	P	P
Repair services	P	P	P	P	P
Restaurants	P	P	P	P	P
Taverns/pubs	P	P		P	P
Hotels/Bed and Breakfast	P	P		P	
Banks	P	P	P	P	P
Gasoline service stations		P	C	C	C
Automotive services		P			C
Automotive repair		P			C
Walk-up ATM's	P	P	P	P	P
Drive-through facility	C	P	C	C	C
Wholesale offices/showrooms		P			
Outdoor displays	A	P	A	C	C
Indoor recreation/amusement		P		P	P
Veterinary clinics and veterinarian practices	P	P	P	P	P
Adult day care centers	P	P	P	P	C
Child day care centers	P	P	P	P	C
<i>Nursing facilities and assisted living facilities</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

Section 2. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.05 Development Standards of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1281.05 DEVELOPMENT STANDARDS.

In order to comply with the objectives of creating a harmonious TCD while considering the concerns of the surrounding property the allowance of sufficient buffering along the District is required according to the following:

(a) (1) Any nonresidential development proposed in TCD-4 and TCD-5 Subdistricts shall be set back from the boundary of a single-family residential zoning district as follows:

- A. 250 feet in a TCD-4 Subdistrict.
- B. 500 feet in a TCD-5 Subdistrict.

(2) These setbacks apply to buildings, parking, driveways and other uses associated with the nonresidential development.

(3) These standards may be reduced as part of the Preliminary Development Plan Review, according to the procedures in Section 1281.19, when it is determined that the objectives of this chapter are satisfied and that any reduction of these distances will have no adverse impact on the quality of development in the District or adversely impact any surrounding residential areas.

(b) The setbacks between the nonresidential uses, ***nursing homes and assisted living facilities*** in the TCD-1, TCD-2 and TCD-3 Subdistricts and the adjacent single-family zoning districts are specified in Schedule 1281.07.

(c) The type of residential development and the residential density shall be as established in the approved preliminary and final development plan, provided that the gross density shall not be less than 4.0 dwellings per acre or be greater than 9.9 dwellings per acre. The maximum density shall be determined by including the open space and private streets that are part of the residential development area. ***These density limitations do not apply to nursing homes and assisted living facilities, or in a mixed use development, that portion of the development that is devoted to a nursing home or assisted living facility.***

(d) Within a TCD-4 Subdistrict the land area allocated to nonresidential uses and buildings as listed in Section 1281.03 shall not be less than 50% of the land area within the development. The land area of any off-street parking or parking garages/structures shall be considered as part of the land area of the use for which the parking is being provided. The Planning Commission may modify the allocation based on the development plan.

(e) The land area of civic buildings or other public structures within the TCD shall not be considered in determining compliance with any land area allocation or density requirements of this chapter.

(f) The floor area of the first floor of any single retail store located in the TCD may not exceed 65,000 square feet unless the Planning Commission and Council determine that a larger floor area for a specific single retail store is located, designed and arranged in a manner that is fully consistent with the purposes, intent and design criteria in this chapter.

(g) ***The maximum number of rooms in a hotel, nursing home or assisted living facility shall be determined based on the minimum setback requirements and height requirements for the district in which the facility is located.***

Section 3. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.09 Building Heights of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1281.09 BUILDING HEIGHTS.

Principal buildings that are comprised of retail/office uses, ~~or~~ mixed-use (retail/office/residential), ***nursing homes, or assisted living facilities*** shall have height characteristics set forth as number of stories in Schedule 1281.09.

SCHEDULE 1281.09 Building Heights					
	TCD -1	TCD-2	TCD-3	TCD-4	TCD-5
Minimum	2	—	—	2	2
Maximum	4	3	2	4*	3**
* Any development within 100 feet of existing single-family residential zoning district shall have no more than two stories and shall be free-standing detached units					
** Any development within 115 feet of existing single-family residential zoning district shall have no more than two stories and shall be free-standing detached units					

Section 4. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.10 Dwelling Unit Area Requirements of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1281.10 DWELLING UNIT AND RESIDENT UNIT AREA REQUIREMENTS.

The minimum area of dwelling units shall comply with the requirements set forth in Section 1270.19. ***For nursing homes and assisted living facilities, the size of resident units shall comply with licensing requirements in OAC 3701, or other relevant licensing rules or regulations, and need not comply with Section 1270.19.***

Section 5. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.11 Parking Facilities of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1281.11 PARKING FACILITIES.

Parking and driveways shall be permitted as an accessory use in accordance with the standards and regulations of Chapter 1282 except as further regulated herein.

(a) The parking required in a TCD may be *provided in surface parking lots*, enclosed garages or structured parking decks.

(b) Parking for residential uses shall be provided at a rate of 2-1/4 spaces per dwelling unit.

(c) The required parking for retail and offices shall be 4 spaces per 1,000 square feet of floor area and 3 spaces per 1,000 square feet of floor area respectively.

(d) Notwithstanding the requirements set forth in this division (d), for a proposed development in the TCD-4 and TCD-5, the Planning Commission may modify the parking required, and in such a case shall determine the amount of parking needed, taking into account the hours of operation of uses, the overlap in parking demand by different adjacent uses and the types of uses proposed.

(e) On-street and curbside parking may be permitted by the Planning Commission and Council to a maximum of 10% of the required parking.

(f) *Parking for nursing homes and assisted living facilities shall be provided as required in Chapter 1282.*

Section 6. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.14 Design Guidelines of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1281.14 DESIGN GUIDELINES.

(a) In compliance with the principles set forth in Section 1281.13, the plan may include a variety of building arrangements i.e. bulk and shape of the buildings, open space and landscape features. The buildings may be arranged in various groups, courts or clusters with open spaces related to the buildings so as to provide privacy and form a unified composition of buildings and open spaces. While flexibility in design is encouraged, the following design guidelines shall be incorporated in the final development plans:

(1) The adjoining properties shall be protected from loss of light and air because of the proximity or location of buildings. Buffering shall have maximum opacity with a minimum height of six feet at the time of installation. Such buffer, approved as part of the development plan, may include: fencing, walls, mounds, vegetation (existing or new) or any of these combinations.

(2) Parking areas and spacing of garage doors shall be designed to lessen the visual impact and limit the concentration of blank walls, garage doors and large paved areas.

(3) Landscaped areas, screen walls, decorative fences, earthen mounds, hedges, mature trees and other landscape features shall be used throughout the district to separate uses and buildings within the district from areas outside the district. Existing wooded areas shall be preserved where possible and existing trees which cannot be preserved shall be relocated on the site where feasible.

(b) Mixed use development shall be pedestrian-oriented with first floor retail storefronts, curbside parking where appropriate, pedestrian plazas, and shall include other features such as decorative street furniture, landscaped streets and walks, weather-protected walkways, outdoor seating, bicycle facilities including paths and parking, decorative pavement to indicate pedestrian areas and crosswalks, traffic calming measures, transit accommodation and signage that is compatible with the building architecture and pedestrian scale.

(c) Walls of *nonresidential* buildings shall comply with the following:

(1) When the wall of a *retail or mixed use* building faces a public right-of-way, or parking area, or is within 45 degrees of facing a public right-of-way, a minimum of 50% of such wall area, on the ground floor, shall have display-type windows. The bottom edge of such window shall not be higher than three feet above grade. A maximum of 20% of such windows may be opaque.

(2) Walls shall have no more than 20 feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm and visual interest is created.

(3) Walls that meet the following criteria shall be exempt from the requirements of division (c)(2) of this section:

A. Two walls face one another, are separated by not more than 30 feet and the space between the two walls is used for servicing the buildings; or

B. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.

(d) Canopies and/or awnings may project from a building face and may extend or be within one foot of the back of a curb. Open arcades providing cover over sidewalks in front of buildings may extend to within five feet of a street curb.

(e) Buildings in the district and those constructed in phases shall be harmonious in design, exterior materials and color so as to provide a coordinated architectural design for the development area.

(f) All enclosed parking spaces shall have a permanent roof, continuous foundation and concrete floor. The exterior wall shall be designed with finished exterior materials, decorative walls, landscaping, and minimum wall openings in order to be consistent with the objectives of this chapter and to adequately screen the view of parked cars within the garage from the adjacent properties and public areas within the development.

(g) Roofs at grade, with ground cover, landscaping, recreation facilities or landscaped patio for underground parking may count as part of the required open space.

(h) To avoid the appearance of an institutional use, nursing homes and assisted living facilities should be designed in a manner that breaks down the mass of building(s). Where this is not possible, façade treatment, exterior detailing and landscaping should be provided to relieve extensive blank surfaces.

Section 7. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.16 Preliminary Development Plan of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1281.16 PRELIMINARY DEVELOPMENT PLAN.

A preliminary development plan shall be required for all ***development in TCD- 4 and TCD- 5 districts*** ~~TCDs~~ in accordance with Section 1281.19.

The preliminary development plan required in this chapter shall be defined as per Section 1281.19, and in addition shall contain the following information:

- (a) Survey or engineering drawing of the development area to be developed;
- (b) Permanent parcels including parcel numbers and dimensions of all parcels or portions contained in the proposed district;
- (c) Location and number of dwellings by dwelling type in each area, acreage of each area and densities in each area of the district;
- (d) A site plan depicting location, arrangement of all proposed nonresidential buildings and related parking;
- (e) Preliminary building design;
- (f) Preliminary site landscaping and site amenities plan. Site amenities included walkways, plazas, "street furniture" and lighting;
- (g) Location of existing and proposed public roads, private streets, parking and circulation;
- (h) Minimum peripheral setbacks around the perimeter of the district;
- (i) Plans and/or cross-sections depicting how the buffering and screening requirements of this chapter will be satisfied;
- (j) Location of all existing structures on the property which is subject of the application and any structures within 100 feet of the boundary of the proposed application;
- (k) The plan shall include a documentation that phases of construction for nonresidential development will occur in a manner that rationally expands the TCD character that is consistent with the goals of the Master Plan and does not result in isolated fragments;
- (l) Location, type and size of any easements, covenants, deed restrictions or other restrictions proposed or recorded;
- (m) Such other relevant information as the Planning Commission may require.

Section 8. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), Section 1281.17 Final Development Plan of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1281.17 FINAL DEVELOPMENT PLAN.

(a) A final development plan *for TCD- 4 and TCD -5 developments* shall be submitted and approved prior to the application of building permits. The procedure and requirements for the final development plan shall be as provided in Section 1281.19. The final development plan may be phased for portions of the development area within the preliminary development plan approved by Council. Each phase of development shall contain all necessary improvements to support that phase including but not limited to: utilities, retention, access, fire protection, parking, lighting, landscaping, buffering and required trees. Each phase shall also comply with all other codes and ordinances of the City to the extent not expressly modified by the specific terms contained in this section of the Codified Ordinances.

(b) In the TCD-4 and TCD-5 Subdistricts, the applicant shall also prepare and submit for approval by the Planning Commission in accordance with Section 1281.19, a Design Manual to establish the architectural design specifications and general design guidelines for the entire TCD proposed. The Design Manual shall include, but not be limited to, and shall provide examples of, architectural style of buildings, design features, exterior finish materials of buildings, basic design of streets, street furniture and fixtures, lighting specifications, general landscaping design, sidewalk and pedestrian plaza design criteria and other design elements of the development.

(c) ***For projects that do not require a preliminary or final development plan according to 1281.16 or 1281.17(a), a site development plan shall be prepared by the developer and shall be submitted to the Planning Commission for review and approval pursuant to Chapter 1220.***

Section 8. Part 12 Planning and Zoning Code, Chapter 1281 Traditional Town Center/Main Street District (TCD), is hereby amended as provided for herein and all other provisions of Chapter 1281 shall remain in full force and effect.

Section 9. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 10. 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 11. 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 allow for the commercial operation of nursing facilities and assisted living facilities in the TCD districts throughout the city.

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: September 6, 2016

DATE APPROVED: September 7, 2016

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

First reading July 19, 2016
Second reading suspended
Third reading September 6, 2016
Amended September 6, 2016

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

NAYS: none