

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 16-127

INTRODUCED BY: Nickell, Kasaris, Antoskiewicz
Co-Sponsor: Langshaw

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1260 GENERAL PROVISIONS AND DEFINITIONS, SECTION 1260.07 DEFINITIONS TO ADD APPROPRIATE DEFINITIONS 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 various 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 1260 General Provisions and Definitions, Section 1260.07 Definitions to add appropriate definitions that 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 1260 General Provisions and Definitions, Section 1260.07 Definitions, subsection 1260.07(i) Dwellings and Other Living Accommodations of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1260.07 DEFINITIONS

(i) Dwellings and Other Living Accommodations.

(1) “Cluster dwelling, attached” means a building, containing attached single-family dwelling units, within a cluster development, which is designed and arranged so that every dwelling unit has two private entrances to the outdoors at ground level and also designed so that no living area of one dwelling unit is located above any other dwelling unit. Attached cluster dwellings are not permitted in R-1A and R-1B Districts.

(2) “Cluster dwelling, detached” means a detached single-family dwelling unit within a cluster development.

(3) “Dwelling” means a building designed or occupied exclusively for residential use and permitted accessory uses.

(4) “Dwelling unit” means space within a dwelling comprising a living, dining and sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family, but not including a tent, cabin, trailer or mobile home.

(5) “Hotel” means a building providing overnight accommodations in which access to each rental unit is provided by an entrance and central service core connected to interior halls.

(6) “Mobile home” means a self-propelled or nonself-propelled vehicle designed in a manner to permit use and occupancy thereof for human habitation whether resting on wheels, jacks or another foundation.

(7) “Motel” means a building or buildings providing overnight accommodations principally for automobile travelers in which access to each rental unit is provided directly through an exterior door or by an entrance connected to a common interior hall leading to the exterior.

(8) “Multifamily dwelling” means a building consisting of three or more dwelling units with various arrangements of entrances and party walls.

A. “Apartment” means a multifamily building comprised of three or more dwelling units arranged one above the other and side by side, attached by or separated by fireproof walls, each unit having at least one entrance connected to a common interior hall leading to the exterior.

B. “Plex” means a building comprised of four, or a maximum of five, single dwelling units arranged one above the other and/or side by side, attached by or separated by fireproof walls, each unit having an entrance from the exterior of the building.

C. "Townhouse" means a building comprised of single dwelling units attached by common fireproof walls, each unit having at least two separate exterior entrances.

(9) "Nursing home" means a home *licensed by the Ohio Department of Health in accordance with OAC 3701 in* which nursing care provided by registered or practical nurses is the primary function of the home.

(10) "One-family dwelling" means a building consisting of a single dwelling unit only, separated from other dwelling units by open spaces.

(11) "Rooming house" means a building operated for compensation by a resident family in which a room or rooms are provided for living and sleeping facilities to one or more persons.

(12) "Two-family dwellings" means a building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

(13) *"Assisted living facility" means a residential care facility licensed by the Ohio Department of Health in accordance with OAC 3701 that provides living accommodations for seventeen or more unrelated individuals, in which accommodation, supervision and personal care services provided to individuals who are dependent on the services of others by reason of age or physical or mental impairment are the primary functions of the facility. Personal care services include laundry and housekeeping with at least one staff person on duty 24 hours each day. Assisted living facilities may also provide a mix of service uses to meet the needs of residents including: common dining room, laundry facilities, lounges, exercise facilities, physical and occupational therapy facilities, and personal services facilities such as a hair salon.*

Section 2. Section 1260.07(i) Dwellings and Other Living Accommodations is hereby amended as provided for herein and all other provisions of Chapter 1260 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. 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 5. 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 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 suspended
Second reading suspended
Third reading September 6, 2016

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

NAYS: none