

ORDINANCE NO. 7-2016

Offered by All of Council

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1130 OF THE VILLAGE OF RICHFIELD'S ZONING CODE, ENTITLED "R-3 CLUSTER RESIDENTIAL DISTRICT," AND DELETING CERTAIN SECTIONS OF CHAPTER 1173 OF THE VILLAGE'S ZONING CODE, ENTITLED "CONDITIONAL USES" TO FACILITATE THE AMENDMENTS TO CHAPTER 1130 AND BE CONSISTENT THEREWITH

WHEREAS, on or about December 8, 2015, the Planning and Zoning Commission unanimously recommended that Council undertake certain zoning amendments to Chapter 1130 of the Planning and Zoning Code to clarify definitions, densities and associations setback standards in the Village's R-3 Cluster Residential District and to delete certain sections of Chapter 1173 so that the senior housing and planned unit development requirements within Chapter 1173 are consistent with Chapter 1130; and

WHEREAS, this Council on December 15, 2015 referred the proposed amendments initiated by the Planning and Zoning Commission back to the Planning and Zoning Commission for report and recommendation, pursuant to Section 9.06 of the Charter; and

WHEREAS, on 1/12/16, Village Council received the favorable report and recommendation of the Planning and Zoning Commission to amend Chapter 1130 of the Planning and Zoning Code to clarify definitions, densities and associations setback standards in the Village's R-3 Cluster Residential District and to delete certain sections of Chapter 1173 so that the senior housing and planned unit development requirements within Chapter 1173 are consistent with Chapter 1130; 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 Chapter 1130 and Chapter 1173 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 certain sections of Chapter 1130 of the Village's Planning and Zoning Code be amended to read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. That certain sections of Chapter 1173 of the Village's Planning and Zoning Code, specifically 1173.09(c) and 1173.11, be deleted in their entirety.

SECTION 3. That all other provisions of Chapters 1130 and 1173 of the Codified Ordinances of the Village, as they existed prior to the effective date of this Ordinance, shall remain in full force and effect.

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

PASSED: 3-15-16



President of Council



Mayor

Dated: 3-22-16

ATTEST:



Clerk of Council

CHAPTER 1130
R-3 Cluster Residential District

<p>1130.01 Purpose.</p> <p>1130.03 Uses.</p> <p>1130.05 Lot requirements.</p> <p>1130.07 Yard requirements.</p> <p>1130.09 Maximum building height.</p> <p>1130.11 Maximum lot coverage.</p>	<p>1130.13 Minimum dwelling unit floor area.</p> <p><u>1130.15 Standards for cluster dwellings</u></p> <p><u>1130.17 Development plans.</u></p>
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1130.01 PURPOSE.

The R-3 Cluster Residential District is established to encourage detached single-family and attached single-family dwellings in areas where sanitary sewers and public water are available. The regulations are intended to restrict the overcrowding of land and to encourage the provisions of amenities of urban living in areas offering unique advantages. The stipulated densities are intended to maintain the residential character of the community.
(Ord. 25-2011. Passed 9-20-11.)

1130.03 USES.

(a) Permitted Uses.

- (1) Single-family dwellings, as regulated by the R-2 District regulations, except as otherwise regulated in this Chapter 1130.
- (2) Detached single-family residential dwellings on separate one-half (0.5) acre lots.

(b) Conditionally Permitted Uses.

- (1) Detached single-family cluster dwelling units in a planned unit development (PUD) subject to Section 1130.15.
- (2) Attached single-family dwellings in buildings of two to four dwelling units in a planned unit development (PUD) subject to Section 1130.15.
- (3) Senior Housing single-family cluster dwelling units, detached or attached, designed for use of senior citizens of 55 years of age or older subject to Section 1130.15.
- (4) Public utility rights of way and pertinent structures subject to Section 1173.09(b).
- (5) Government owned and/or operated parks, playgrounds and golf courses (except miniature), subject to Section 1173.09(b).

- (6) Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs and riding academies, subject to Section 1173.09(b).
 - (7) Government owned and/or operated buildings and facilities other than those listed above, subject to Section 1173.09(b).
 - (8) Single-Family Conservation Development subject to Chapter 1128.
- (c) Accessory Uses.
- (1) Signs, as regulated by Chapter 1163.
 - (2) Home occupations, subject to the following conditions:
 - A. Such use shall be conducted entirely within and/or from the dwelling, and no use of any accessory building or yard space shall be permitted.
 - B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - C. Such use shall be conducted only by persons residing in the dwelling unit.
 - D. Such use shall not involve the use of more than 33 1/3% of the floor area of the dwelling.
 - E. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.
 - (3) Parking areas for residents of the dwellings as regulated in Chapter 1177.
 - (4) Private recreational facilities for the residents of the dwellings.
 - (5) Swimming pools as regulated in Section 1181.17.
 - (6) Fences, walls, hedges as regulated in Section 1181.13.
 - (7) An accessory building is permitted on lots of single-family detached dwellings containing not less than one-half (0.5) acre in area provided such buildings do not include any activity conducted as a business and provided further the total area of such building shall not exceed 1% of the area of the lot.
(Ord. 25-2011. Passed 9-20-11.)

1130.05 LOT REQUIREMENTS.

Standard Single-Family Detached Residential Dwellings: The minimum lot area shall not be less than one-half (0.5) acre and the minimum lot width shall be not less than 100 feet at the building line.

1130.07 YARD REQUIREMENTS.

For standard single-family detached residential dwellings, the minimum yard dimensions and setbacks shall be as follows:

		<u>Minimum Dimensions</u>
<u>Front Yard</u>		<u>60 feet</u>
<u>Side Yard</u>		<u>20 feet</u>
<u>Rear Yard</u>		<u>50 feet</u>
<u>Accessory buildings</u>	<u>Front Setback</u>	<u>Accessory buildings not permitted in a front yard</u>
	<u>Side/rear Setback</u>	<u>20 feet</u>

1130.09 MAXIMUM BUILDING HEIGHT.

The maximum height for a main building shall not be greater than two and one-half stories or 35 feet. Accessory buildings shall not be greater than one story or 15 feet in height. (Ord. 25-2011. Passed 9-20-11.)

1130.11 MAXIMUM LOT COVERAGE.

(a) The total ground floor area of all main and accessory uses shall not exceed 25% of the lot area, except as approved in a Planned Unit Development.

(b) The minimum undeveloped open space shall be not less than 50% of the lot area. For purposes of this Section, "undeveloped open space" means all of the lot area which is maintained in its natural state or in lawns or other vegetated landscaped areas and excluding the lot areas covered by buildings, pavements, decks, pools, and similar structures and surfaces.

1130.13 MINIMUM DWELLING UNIT FLOOR AREA.

The minimum floor area for a single-family dwelling unit shall be as regulated in the R-2 District.

1130.15 STANDARDS FOR CLUSTER DWELLINGS AS CONDITIONALLY PERMITTED USES IN THE R-3 DISTRICT

(a) Lot Requirements for Cluster Dwellings

	Single Family Detached Cluster Dwellings	Single Family Attached Cluster Dwellings	Senior Housing in Attached or Detached Cluster Dwellings
Minimum Development Area	10 acres	10 acres	5 acres
Maximum Density (units/acre)			
Recorded lots, not condominium	<u>3.0</u>	2.3	<u>4.0</u>
Condominium		1.7	
Lot Size: Minimum	<u>10,000 sq.ft.</u>	<u>10,000 sq.ft.</u>	5,000 sq. ft.
Lot Width: Minimum	50 feet	30 feet	50 feet

(b) Minimum Yard Requirements

	Single-family Detached Cluster Dwellings	Single-family Attached Cluster Dwellings	Senior Housing in Attached or Detached Cluster Dwellings
Front Yard ¹	35 feet (20)	35 feet (20)	25 feet (20)
Side Yard	5 feet	5 feet	5 feet
Rear Yard	30 feet	30 feet	30 feet
Between buildings	15 feet	25 feet	25 feet
Setback from Other Zoning Districts	40 feet	40 feet	40 feet
Accessory buildings	Front	Accessory buildings not permitted in a front yard	
	Side/rear	15 feet	15 feet

¹ Side loaded garages may be permitted 20' from a public right of way

(c) Minimum Dwelling Unit Floor Area

The minimum floor area for a cluster detached or attached single-family dwelling unit shall be:

<u>One-story</u>	<u>1,200 square feet</u>
<u>More than one-story</u>	<u>1,500 square feet</u>

(d) General Cluster Development Standards

- 1) All land not included in lots or public roadways shall be preserved as common open space.
- 2) All required enclosed parking shall be in enclosed attached garages with permanent roof, continuous foundation, concrete floor and exterior walls pierced only by windows and doors.
- 3) All roof eaves of a main building shall be provided with gutter and downspouts that are connected to an approved storm sewer, drain or ditch.
- 4) All driveways and parking areas shall be paved with bituminous or concrete and designed and improved with catch basins, positive drainage and curbing where serving more than four dwelling units.
- 5) Buffering and landscaping of sufficient size, type, and density shall be planned and installed to visually separate R-3 developments from other zoning districts and uses.
- 6) All other standards as provided in Section 1171.11(c) of this Zoning Code.
- 7) A development plan is required for all cluster and attached single-family developments in the R-3 Cluster District as provided in Chapter 1171.

(e) Additional Standards for Attached Cluster Dwellings

- 1) For the purposes of this Chapter 1130, "attached cluster dwellings" shall be defined as buildings containing 2 to 4 dwelling units, with each dwelling unit having a substantial ground level floor and with each unit attached on not more than two sides to other dwelling units in the building. Units in attached cluster dwellings shall not be placed above other units.
- 2) Attached dwellings shall be limited to four attached dwelling units per building.

- 3) Attached units shall have a variety of wall planes and setbacks so that no wall is longer than 40 feet without a change in horizontal plane of at least two feet.
- 4) Attached dwellings shall have gable-type roofs and be constructed with residential-type finish materials to provide a residential character compatible with single-family homes in the Village.

(f) Additional Standards for Senior Housing Cluster Dwellings

Senior Housing may be permitted as a conditional use in an R-3 Residential District provided that the development complies with the requirements of this Chapter and the following:

- 1) For the purposes of this R-3 District, "Senior Housing" means single family attached or detached cluster dwellings which are: designed for occupancy by persons aged 55 years or older; restricted to ensure such occupancy by means of deed restrictions, condominium or homeowner association declarations, or other means approved by the Village; and which contain no more than two bedrooms per dwelling unit.
- 2) The minimum dwelling unit floor area shall be 800 sq. ft.

(g) Planned Unit Development Standards Applicable to All Cluster Developments in R-3 Districts.

It is the intent of this subsection to permit, in a large scale development, a more flexible placing of buildings on the land, the grouping of open space and accessory facilities, such as garages or parking spaces, flexibility in architectural design, including detached single-family cluster dwellings on separate lots and attached single-family dwellings. The area proposed shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. In addition to the regulations outlined in Chapter 1130, the following conditions shall apply:

- 1) A public water supply and central sanitary sewer facilities shall be required.
- 2) The proposed development area shall be not less than 10 acres unless otherwise specified in Chapter 1130.
- 3) Development plans shall be submitted as provided in Chapter 1171.
- 4) Not less than ten percent (10%) of the gross area of the project shall be devoted to parks and playgrounds dedicated to public use or for the exclusive use of residents of the planned unit development. Where parks, playgrounds and common open spaces are to be for the exclusive use of residents of the development, restrictions and covenants shall provide for the continuing maintenance of the parks, playgrounds, and common open spaces.
- 5) The minimum percentage of open space in the development shall be not less than 40%. For the purposes of this Section, "open space" means the total of the areas of the development (whether in private, public, or common ownership) which are maintained in their natural state or in lawns or other vegetated landscaped areas and excluding the areas covered by buildings, pavements, decks, pools, and similar structures and surfaces. Pavements designed for passive recreation in public or common areas (e.g., trails, pedestrian walkways, bikeways, areas around fountains and landscaped ponds) may be included in open space.
- 6) Off-street parking shall be provided as regulated by Chapter 1177.

- 7) Developments regulated by this section shall conform to the Subdivision Regulations applicable to residential districts.
- 8) General Open Space Standards. Open space in a Planned Unit Development shall be preserved, located, and arranged to comply with the following standards as appropriate for the site, site conditions, and the nature of its surrounds:
 - a) Areas of steep slopes, wetlands, watercourses, mature forests, rock outcroppings or other notable features worthy of preservation are appropriate for inclusion in designated open space;
 - b) Areas which may provide mitigation of impacts between proposed and existing uses, particularly where a site abuts an existing single family residential development or zoning district, are appropriate for designated open space;
 - c) Where a proposed development will create building or lot arrangements, such as housing clusters or a building with mass atypical in residential areas, frontage along public roads may be appropriate as open space in either its natural state or in a man-made landscape;
 - d) Professionally designed, installed, and maintained common open space areas for passive recreation are encouraged in locations which are physically and visually central to the development and accessible to all users of the development.
 - e) Open space should be located where necessary to relieve the visual and functional impacts of long rows of lot frontages and dwelling facades, garages, and parking areas and to mitigate the impacts of clustering in areas of traditional developments.
 - f) An area of land proposed as designated open space may not completely fulfill the open space requirement even if it provides the minimum area of land set forth in this Chapter. The amount and location(s) of open space shall be selected and designed to address the open space standards outlined above as appropriate for the specific development.

DELETE Sections 1173.09(c) and 1173.11. These standards have been addressed in the amended Chapter 1130 above.

1173.09 (e)

~~Senior Housing may be permitted as a conditional use in an R-3 Residential District provided the development area is not less than five acres; that the overall density shall be not less than one dwelling unit per 6,000 sq. ft. of development area; that the front side and rear yards shall be not less than required in the R-3 District; and that the minimum dwelling area shall be not less than 800 sq. ft.—~~

1173.11 PLANNED UNIT DEVELOPMENT IN R-3 DISTRICTS.

~~—It is the intent of this subsection to permit, in a large scale development, a more flexible placing of buildings on the land, the grouping of open space and accessory facilities, such as garages or parking spaces, flexibility in architectural design, including detached single-family cluster dwellings on separate lots and attached single-family dwellings. The area proposed shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. In addition to the regulations outlined in Chapter [1130](#), the following conditions shall apply:~~

- ~~—(a) A public water supply and central sanitary sewer facilities shall be required.~~
- ~~—(b) The proposed development area shall be not less than 10 acres.~~
- ~~—(c) Development plans shall be submitted as provided in Chapter [1171](#).~~
- ~~—(d) Not less than ten percent of the gross area of the project shall be devoted to parks and playgrounds dedicated to public use or for the exclusive use of residents of the planned unit development. Where parks, playgrounds and common open spaces are to be for the exclusive use of residents of the development, restrictions and covenants shall provide for the continuing maintenance of the parks, playgrounds, and common open spaces.~~
- ~~—(e) The minimum percentage of open space in the development shall be not less than 40%.~~
- ~~—(f) Off street parking shall be provided as regulated by Chapter [1177](#).~~
- ~~—(g) Developments regulated by this section shall conform to the Subdivision Regulations applicable to residential districts.~~

Public Hearing Posting Information

I, Carolyn Sullivan, Clerk of Council of the Village of Richfield, Summit County, Ohio, do hereby certify that **Public Meeting Notice for Ordinance 7-2016** was duly posted by the Council of the Village of Richfield, Summit County, Ohio on the 24th day of January, 2016. In addition to publication in Akron Beacon Journal, it has been posted in at least five (5) of the most public places in said Village as therefore determined by Council. Additionally it has been posted on the Village web site.

Most public places are:

- 1) Richfield Town Hall, 4410 Streetsboro Road
- 2) Richfield Police Department, 4410 West Streetsboro Road
- 3) United States Post Office, 3900 Broadview Road
- 4) Giant Eagle, 4428 Broadview Road
- 5) Richfield Senior Center, 4400 West Streetsboro Road
- 6) Richfield Library, 3761 S. Grant Street

Each posting is for a period of Ten (10) days commencing on the 21st day of January, 2016.



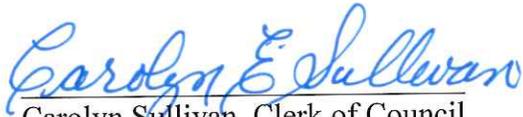
Clerk of Council
Village of Richfield

**CERTIFICATION OF PUBLIC HEARINGS
PURSUANT TO SECTION 715.75 OF THE OHIO REVISED CODE**

State of Ohio)
) **ss:**
County of Summit)

On this 2nd day of March, 2016, I , Carolyn Sullivan, as the Clerk of Council for the Village of Richfield, Ohio, hereby certify that a public hearing was held on March 1, 2016 regarding the proposed Planning and Zoning Changes in accordance with the requirement of Section 715.75 of the Revised Code. Notice of the public hearings was published in the Akron Beacon Journal, a newspaper of general circulation in Summit County, Ohio. The Affidavits of Publication for the newspaper notices are attached as Exhibit A.

I also certify that during the thirty-day period prior to the public hearing, all of the documents were available for public inspection in the Office of the Clerk of Council for the Village of Richfield, Ohio.



Carolyn Sullivan, Clerk of Council
Village of Richfield

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1) Village of Richfield Council
2)

Date/Time: Jan. 20. 2016 4:42PM

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NOTICE OF PUBLIC HEARING VILLAGE OF RICHFIELD

A public hearing has been scheduled for discussion of **amending 1130 and deleting certain sections of 1173 of the Planning and Zoning Code** on March 1, 2016 at 7:45 P.M. in the Richfield Council Chambers, 4410 West Streetsboro Road.

These changes are for R-3 Cluster Residential District and Senior Housing Cluster definition.

Any person interested will be afforded an opportunity to be heard.

Lisa Spraggins
Clerk of Council