

ORDINANCE NO. 43-2016

Offered by Swan

AN ORDINANCE AMENDING SECTIONS 1124.03 AND 1126.03 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE, TO CLARIFY THE NUMBER OF ACCESSORY STRUCTURES PERMITTED ON LOTS GREATER THAN TWO ACRES IN AREA

WHEREAS, the Planning and Zoning Commission at its meeting on May 12, 2016 initiated amendments, by motion, to Sections 1124.03 and 1126.03 of the Richfield Planning and Zoning Code, pursuant to Section 9.05 of the Charter and Section 1109.03 of the Richfield Codified Ordinances; and

WHEREAS, this Council on Jun 7, 2016 referred proposed amendments to Sections 1124.03 and 1126.03 of the Richfield Planning and Zoning Code, which are intended to clarify the number of accessory structures that are permitted on lots greater than two acres in area, to the Planning and Zoning Commission for report and recommendation, pursuant to Section 9.06 of the Charter and Section 1109.07 of the Richfield Codified Ordinances; and

WHEREAS, Village Council received the favorable report and recommendation of the Planning and Zoning Commission to amend Sections 1124.03 and 1126.03 of the Planning and Zoning Code on June 29, 2016; 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 Sections 1124.03 and 1126.03 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 Sections 1124.03 and 1126.03 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 all other provisions of Chapters 1124 and 1126 of the Codified Ordinances of the Village, not amended herein, shall remain in full force and effect as they existed prior to the effective date of this Ordinance.

SECTION 3. 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 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8/16/16



President of Council



Mayor

ATTEST:
Dated: 8/16/16



Clerk of Council

CHAPTER 1124
R-1 Single-Family Residential District

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| <p>1124.01 Purpose. 1124.03 Uses. 1124.05 Lot requirements. 1124.07 Yard requirements. 1124.09 Maximum building height. 1124.11 Maximum lot coverage.</p> | <p>1124.13 Minimum dwelling unit floor area. 1124.15 Building and site design standards. 1124.17 Development plans.</p> |
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1124.01 PURPOSE.

The R-1 Single-Family Residential District is established to accommodate residential development which will protect the health, safety, and welfare of the community through encouraging large lots and low density development, preservation of open space, reduced impact on drainage, water and sewer systems, reducing the need to alter natural topography; discouraging overcrowding and minimizing the impact on existing and future services. (Ord. 25-2011. Passed 9-20-11.)

1124.03 USES.(a) Permitted Uses.

- (1) Uses as permitted and as regulated in the Conservation District.
- (2) Single-family dwellings.
- (3) Single-family Conservation Development as provided in Chapter 1128.

(b) Conditionally Permitted Uses.

- (1) Public and parochial schools, subject to Section 1173.09(b).
- (2) Private or government owned and/or operated parks, playgrounds or golf courses, subject to Section 1173.09(b).
- (3) Cemeteries subject to Section 1173.09(b).
- (4) Places of worship subject to Section 1173.09(b).
- (5) Government owned and/or operated buildings or facilities, subject to Section 1173.09(b).
- (6) Public utility rights of way and pertinent structures, subject to Section 1173.09(b).
- (7) Private stables, subject to Section 1173.09(b).

(c) Accessory Uses.

- (1) Agricultural buildings and uses, provided that:
 - A. Buildings used to house, train, or exercise animals shall be located no less than 100 feet from all property lines;
 - B. The total area of all agricultural and other accessory buildings shall not exceed 5% of the lot area; and
 - C. Livestock or poultry raising or breeding for commercial purposes shall be permitted only on lots of five acres or more.
- (2) Roadside stand offering for sale agricultural products, which are produced on the premises, including only one sign, not exceeding 20 square feet in area, may be erected in a required front yard on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than 30 feet from either side lot line. Such stand, sign and required off-street parking shall be located and set back in such manner as not to create a traffic hazard.
- (3) Detached accessory buildings incidental to the principal use provided the total area of accessory buildings shall not exceed 1% of the lot area for

lots of one acre or less and shall not exceed 2% of the lot area of lots larger than one acre in area. Not more than one accessory building shall be permitted on lots less than one acre in area and not more than two accessory buildings shall be permitted on lots between one and two acres in area. Lots greater than two acres are entitled to one additional accessory structure but cannot exceed a total of three.

- (4) Signs, as regulated by Chapter 1163
- (5) 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. The 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.
 - F. The residential character of the dwelling exterior shall not be changed.
- (6) Private garage or storage space for automobiles and other vehicles as provided in Chapter 1177.
- (7) Swimming pools as regulated in Section 1181.17.
- (8) Fences, walls, hedges as regulated in Section 1181.13.
(Ord. 25-2011. Passed 9-20-11.)

1124.05 LOT REQUIREMENTS.

- (a) Minimum Lot Area per Dwelling Unit: Two acres.
- (b) Minimum Lot Width: 200 feet at the building line.
(Ord. 25-2011. Passed 9-20-11.)

1124.07 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth: 100 feet.
- (b) Minimum Rear Yard Depth: 100 feet.
- (c) Minimum Side Yard Width on Each Side: 25 feet, except on corner lots, where the side yard on the side street shall be not less than 85 feet.
- (d) Accessory Buildings: the minimum front yard shall not be less than required for the main building provided that an accessory building shall not be located closer to the street right-of-way than the main building. The minimum side yard is 25 feet, increased by one foot for each foot of building facing the side yard that exceeds 25 feet in length or, twice the building height whichever is greater but not to exceed a 100 feet side yard requirement. The minimum rear yard is 60 feet, increased by one foot for each foot of building facing the rear yard that exceeds 60 feet in length or, twice the building height, whichever is greater, but not to exceed a 100 feet rear yard requirement.
(Ord. 82-2011. Passed 12-6-11.)

1124.09 MAXIMUM BUILDING HEIGHT.

- (a) The maximum building height of a permitted main building or conditionally permitted building shall be 35 feet.

(b) The maximum height of an accessory building shall not exceed the height of the main building but in no case shall exceed 26 feet.
(Ord. 25-2011. Passed 9-20-11.)

1124.11 MAXIMUM LOT COVERAGE.

The total ground floor area of all main and accessory buildings shall not exceed 10% of the lot area.
(Ord. 25-2011. Passed 9-20-11.)

1124.13 MINIMUM DWELLING UNIT FLOOR AREA.

One story building - 1,500 square feet
More than one story building - 2,000 square feet
(Ord. 25-2011. Passed 9-20-11.)

1124.15 BUILDING AND SITE DESIGN STANDARDS.

Except for single-family dwellings, buildings and sites shall be designed to meet the standards enumerated in Section 1171.11(c) of this Zoning Code.
(Ord. 25-2011. Passed 9-20-11.)

1124.17 DEVELOPMENT PLANS.

Except for single-family dwellings, site development plans are required for all permitted and conditionally permitted uses as provided in Chapter 1171.
(Ord. 25-2011. Passed 9-20-11.)

**CHAPTER 1126
R-2 Single-Family Residential District**

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| 1126.01 Purpose. | 1126.11 Maximum lot coverage. |
| 1126.03 Uses. | 1126.13 Minimum dwelling unit floor area. |
| 1126.05 Lot requirements. | 1126.15 Building and design standards. |
| 1126.07 Yard requirements. | 1126.17 Development plans. |
| 1126.09 Maximum building height. | |

1126.01 PURPOSE.

The R-2 Single-Family District is established to accommodate single-family residential dwellings in areas that may reasonably be expected to be provided with central sewer and water facilities in the future. The stipulated densities are intended to maintain the suburban character of the community.

1126.03 USES.

- (a) Permitted Uses.
 - (1) Single-family dwellings.
 - (2) Single-family Conservation Development as provided in Chapter 1128.

- (b) Conditionally Permitted Uses.
 - (1) Public and parochial schools, subject to Section 1173.09(b).

- (2) Places of worship, subject to Section 1173.09(b).
 - (3) Public utility rights of way and pertinent structures, subject to Section 1173.09(b).
 - (4) Government owned and/or operated parks, playgrounds and golf courses (except miniature), subject to Section 1173.09(b).
 - (5) 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).
 - (6) Government owned an/or operated buildings and facilities other than those listed above, subject to Section 1173.09(b).
 - (7) Public, private and parochial primary and secondary schools and colleges subject to Section 1173.09(b).
 - (8) Private stables, subject to Section 1173.09(b).
- (c) Accessory Uses.
- (1) Agricultural buildings and uses, provided that:
 - A. Buildings used to house farm animals shall be located no less than 100 feet from all property lines.
 - B. Livestock or poultry raising or breeding for commercial purposes shall be permitted only on lots of five acres or more.
 - (2) Detached accessory buildings incidental to the principal use provided the total area of accessory buildings shall not exceed 1% of the lot area per lots of one acre or less and shall not exceed 2% of the lot area of lots larger than one acre in area. Not more than one accessory building shall be permitted on lots less than one acre in area and not more than two accessory buildings shall be permitted on lots between one and two acres in area. Lots greater than two acres are entitled to one additional accessory structure but cannot exceed a total of three.
 - (3) Signs, as regulated by Chapter 1163.
 - (4) 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. The use shall not involve the use of more than 33⅓% 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.
 - F. The residential character of the dwelling exterior shall not be changed.
 - (5) Private garages or storage space for automobiles and other vehicles as permitted in Chapter 1177.
 - (6) Swimming pools as regulated in Section 1181.17.
 - (7) Fences, walls, hedges as regulated in Section 1181.13.

1126.05 LOT REQUIREMENTS.

(a) Minimum Lot Area: Two acres per dwelling unit, without centralized sewer and City water. One acre per dwelling unit with centralized sewer and public water supply.

(b) Minimum Lot Width. 200 feet at the building line for a two-acre lot; 125 feet at the building line for a one-acre lot.

1126.07 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth: 100 feet.
- (b) Minimum Rear Yard Depth: 60 feet.
- (c) Minimum Side Yard Width: 20 feet. If the lot is a corner lot, the side yard on the street side shall be set by the Commission, but in no event shall it be less than 50 feet.
- (d) Accessory Buildings: The minimum front yard shall not be less than required for the main building provided that an accessory building shall not be located closer to the street right-of-way than the main building. The minimum side yard is 20 feet, increased by one foot for each foot of building facing the side yard that exceeds 20 feet in length or twice the building height, whichever is greater, but not to exceed a 100 feet side yard requirement. The minimum rear yard is 50 feet, increased by one foot for each foot of building facing the rear yard that exceeds 50 feet in length or twice the building height, whichever is greater, but not to exceed a 100 feet rear yard requirement.

1126.09 MAXIMUM BUILDING HEIGHT.

- (a) No permitted main building or conditionally permitted building shall exceed two and one-half stories or 35 feet in height.
- (b) The maximum height of an accessory building shall not exceed the height of the main building but in no case shall exceed 26 feet.

1126.11 MAXIMUM LOT COVERAGE.

The total ground floor area of all main and accessory buildings shall not exceed 15% of the lot area.

1126.13 MINIMUM DWELLING UNIT FLOOR AREA.

- (a) One story buildings: 1,500 square feet.
- (b) More than one story building: 2,000 square feet.

1126.15 BUILDING AND DESIGN STANDARDS.

Except for single-family dwellings, buildings and sites shall be designed to meet the standards enumerated in Section 1171.11(c) of these regulations.

1126.17 DEVELOPMENT PLANS.

Except for single-family dwellings, site development plans are required for all other permitted and conditionally permitted uses as provided in Chapter 1171.

* * * Communication Result Report (Jul. 6. 2016 1:10PM) * * *

1) Village of Richfield Council
2)

Date/Time: Jul. 6. 2016 1:09PM

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 4410 Streetsboro Rd
 P.O. Box 387
 Richfield, Ohio 44286-0387

Clerk of Council
 330 659-9201 Ext. 228
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FAX TRANSMITTAL COVER

Company Name: Akron Beacon Journal, Legal Notices

Contact Name: Ann Hartman (Also sent by e-mail to:
 ahartman@thebeaconjournal.com)
 330 996 3191

Fax Number: 330 996 3074

Sender: Carolyn Sullivan
 Clerk of Council
 Fax: 330 659-2564
 Council_clerk@richfieldvillageohio.org

Description: Please publish this Public Hearing Notice in the Beacon on July 10, 2016.

Number of pages: 1
 (not including cover):
 Date & Time Sent: 11/2/2011 3:00 p.m.

If there are any Problems with this transmission, please call: Carolyn Sullivan at (330) 659-9201 Ext. 228 immediately

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330 996 3191

Fax Number: 330 996 3074

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Fax: 330 659-2564
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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 43-2016** was duly posted by the Council of the Village of Richfield, Summit County, Ohio on the 10th day of July, 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 at least Ten (10) days commencing on the 6th day of July, 2016.



Clerk of Council
Village of Richfield

NOTICE OF PUBLIC HEARING VILLAGE OF RICHFIELD

A public hearing has been scheduled for discussion of Ordinance No. 43-2016 on Tuesday, August 16, 2016 at 6:30 pm in the Richfield Council Chambers, 4410 West Streetsboro Road.

The Ordinance proposes that the number of accessory structures permitted on lots greater than two acres be clarified for R-1 and R-2 Zoning Districts.

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

Carolyn Sullivan
Clerk of Council

Village of Richfield

4410 W. STREETSBORO ROAD
P.O. BOX 387
RICHFIELD, OHIO 44286-0387
330-659-9201

BOBBIE BESHARA, Mayor
ROGER SWAN, Council President

SANDY TURK, Finance Director
MELANIE A. BAKER, Service Director

Memorandum

TO: Carolyn Sullivan, Council Clerk
FROM: Brian M. Frantz, AICP, Planning and Zoning Director
SUBJECT: Chapter 1124 and 1126 Zoning Text Amendments
DATE: June 29, 2016

At their meeting held on June 28, 2016, the Planning Commission unanimously recommended approval of zoning amendments to change Chapters 1124 and 1126 of the Planning and Zoning Code. The amendments propose to amend certain sections of the R-1 and R-2 Zoning Districts to clarify the number of accessory structures permitted on lots greater than two acres in area.

Per the Planning and Zoning Code, the recommendation of Planning Commission is to be forwarded to Village Council for action but a public hearing at a Council meeting must first be conducted within 60 days of the notification to Council of the Planning Commission's action. After conducting the public hearing, Council is required to take formal action within 90 days of the hearing date. Therefore, I am respectfully requesting that Planning Commission's recommendation regarding these proposed changes be forwarded to Village Council to complete this amendment process. The amendments being proposed are attached to this memorandum. The standard black text is existing language and the text shown in red is new language being proposed.