

ORDINANCE NO.: 10-2017 (As revised 2/28/17)

INTRODUCED BY: ALEXANDER

AN ORDINANCE AMENDING SECTION 1151.03 "PERMITTED, CONDITIONAL AND SPECIFICALLY PROHIBITED USES", AND SECTION 1151.04 "ADDITIONAL USE RESTRICTIONS", OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS; AND DECLARING AN EMERGENCY.

WHEREAS, the Richmond Heights Planning Commission has recommended amendments to the Zoning Code to add certain property uses as Conditional Uses in the B-2 Regional Business District and other additional use restrictions; and

WHEREAS, the Planning and Zoning Committee of this Council and this Council find that it is in the best interest of the City of Richmond Heights to immediately add to the list of Conditional Uses in the Zoning Code for the B-2 Regional Business District and to revise the additional use restrictions in this commercial business area of the City due to the departure of large department stores from the shopping mall area over the past several months and the need to keep this area economically viable with jobs and tax revenues.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Existing Section 1151.03 "Permitted, Conditional and Specifically Prohibited Uses," of the Codified Ordinances of the City of Richmond Heights is amended to hereinafter provide as follows with amended text stricken with a line through it and added text in boldface and underscored:

"Section 1151.03 Permitted, Conditional and Specifically Prohibited Uses.

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Conditional Uses		
O-S Office-Service District	B-1 Local Business District	B-2 Regional Business District
Restaurant	Bar, tavern, restaurant. Restaurant with outdoor dining or service. Restaurant with drive-through facility	Restaurant with outdoor dining or outdoor service, <u>including</u> <del>Drive-through facility</del> <u>facilities prohibited.</u>
Retail use accessory to a permitted or conditionally permitted use	Studios and classrooms for instruction in dance, yoga, martial arts, painting, sculpture, job skills, and similar	Amusement and recreation uses within an entirely enclosed soundproofed building, such as: (1) Assembly and meeting halls; (2) Bowling alleys, billiard halls; (3) Theaters.
Day care center	Day care center	Day care center
Banquet Facility	Hotel, motel	Hotel

	Indoor entertainment facilities that do not exceed 5,000 square feet of floor space for each individual business	<u>Indoor assembly for recreation and/or amusement, including lectures, concerts and plays; indoor sporting activities or events; museums, exhibitions, galleries and libraries.</u>
		<u>Laboratories, including research , medical, photographic and similar type laboratories.</u>
		<u>Basic research facilities for the research and design of experimental product development when conducted within a completely enclosed building.</u>
		<u>Data processing and computer centers, including sales, service, and maintenance of electronic and data processing equipment; and computer data storage/cloud server storage.</u>
		<u>Offices for law, engineering, drafting, accounting, insurance, broadcasting, investing and other similar professions and occupations.</u>
		<u>Public or private Schools or universities.</u>
		<u>Assembling, packaging and the accessory warehousing of small electronic instruments and devices, toys, novelties and other small household items.</u>
		<u>Wholesale sales or online sale establishments and accessory warehousing.</u>
		<u>New vehicle, light truck, trailer, or garden equipment dealerships (sales and service facilities) with accessory used vehicle or equipment sales and service); new and/or used automobile, light truck or equipment leasing or renting establishments, subject to Section 1151.04.</u>
		<u>Any accessory buildings, fences, signage, off-street parking or other appurtenances as they relate to a use listed herein.</u>
	Veterinary clinics and veterinary hospitals	Garden Center
	Banquet Facility	Drive-through facility
	Drive-through facility	Sweepstakes/Internet Cafe
Publicly owned buildings, public utility buildings, including electric transformer stations and substations	Publicly owned buildings, public utility buildings, including electric transformer stations and substations	Publicly owned buildings, public utility buildings, including electric transformer stations and substations and gas regulator stations excluding storage yards; water and sewage pumping

and gas regulator stations excluding storage yards; water and sewage pumping stations.	and gas regulator stations excluding storage yards; water and sewage pumping stations.	stations.
<i>Auto Repair &amp; Service Uses</i>		
	Gasoline service stations as controlled by Chapter 1165 and Chapter 1169.	
	Self-service auto laundries as controlled by Chapter 1165 and Chapter 1169.	
	Automotive major repair	
<i>Similar Use</i>		
See standards for Similar Use as a conditional use in Section 1169.08	See standards for Similar Use as a conditional use in Section 1169.08	See standards for Similar Use as a conditional use in Section 1169.08"

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Section 2: Existing Subsection (c) of Section 1151.03, "Permitted, Conditional and Specifically Prohibited Uses," of the Codified Ordinances of the City of Richmond Heights is amended to hereinafter provide as follows with amended text stricken through with a line and added text boldfaced and underscored:

"Section 1151.04 **ADDITIONAL USE RESTRICTIONS.**

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(c) ~~Warehousing or indoor storage of goods or material shall be prohibited except where incidental to an authorized permitted or conditional use.~~

**New vehicle, light truck, trailer, or garden equipment dealerships (sales and service) facilities, as well as new and used automobile, light truck or equipment leasing or renting establishments, shall be considered as a Conditional Use in the B-2 Regional Business District subject to the following conditions:**

**(1) A new vehicle dealership as the primary use shall be defined as an establishment primarily engaging in the sale of new motor vehicles including cars, light trucks, light-duty cargo trailers, boats, motorcycles and similar vehicles, along with all equipment related thereto, and shall also include facilities for both major and minor engine repair, body repairing, parts sales, painting and washing and other required services. A new vehicle dealership or new and used vehicle leasing/renting establishment shall have a minimum of 100,000 square feet of total area (including parking, but excluding common entry/exit drives) located on the same or contiguous lot or leased areas. Used car or truck sales may be permitted as an accessory use to a new vehicle dealership as described above but shall be located on portions of the parcel exclusive of the 100,000 square feet used for new vehicle sales.**

**(2) A vehicle leasing or rental agency is defined as an establishment primarily**

engaging in the leasing or rental of new or used motor vehicles, including cars, light trucks, light-duty cargo trailers, boats, motorcycles and similar vehicles. Such establishments may include facilities for the servicing of such vehicles.

(3) Any vehicles or equipment being stored on the premises that are damaged, partially disassembled, or otherwise not in good running or working order shall be screened from sight from all directions within a building or by solid fencing, walls or other means as approved by the Planning Commission.

(4) Required minimum areas shall be exclusive of entry drives, safety services access drives, required buffer zones and required setbacks from property lines.

(5) Facilities for the sale of new vehicles shall not include the sale, rental or leasing of construction, maintenance or farm-related machinery, tractor trailers, recreational (motor) vehicles (RV's) or mobile homes.

(6) Parcels shall be considered as contiguous if separated by nothing other than a common-area entrance or exit drive or right-of-way.

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Section 3: Existing Section 1151.03, "Permitted, Conditional and Specifically Prohibited Uses," and Subsection (c) of Section 1151.04, "Additional Use Restrictions", of the Codified Ordinances of the City of Richmond Heights and any and all ordinances or parts thereof in conflict herewith are repealed.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of the 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, including Section 121.22 of the Ohio Revised Code.

Section 5: This Ordinance is declared to be an emergency measure necessary to immediately further the public health, safety and general welfare and for the further reason that the B-2 Regional Zoning District currently has several vacant properties and two large department stores have either become vacant or will become vacant in the next few weeks and every effort needs to be made to broaden the types of uses that are permitted in this zoning

district in order market those properties and to keep the properties economically viable; wherefore, this Ordinance shall take effect and be in force upon its passage and signature by the Mayor.

PASSED: Feb. 28, 2017

APPROVED: Feb 28, 2017

ATTEST: Betsy Traben

Betsy Traben  
Clerk of Council

David H. Roche  
David H. Roche, Mayor

Eloise Cotton-Henry  
Eloise Cotton-Henry  
President of Council