

ORDINANCE NO.: 75-2018 (As revised 7/24/18)
INTRODUCED BY: Alexander

AN ORDINANCE AMENDING SECTIONS 1151.01 AND 1151.03 OF THE ZONING CODE AND TO ADD NEW SECTION 1151.10, "MIXED USE (MU) DEVELOPMENT", TO PROVIDE FOR DEVELOPMENTS WITH A MIX OF RESIDENTIAL AND COMMERCIAL USES IN THE B-2 REGIONAL BUSINESS DISTRICT.

WHEREAS, a national development company has informally proposed the redevelopment of the former Sears Store site at Richmond Town Square in the City's B-2 Regional Business Zoning District with a mixed use development of a restaurant, hotel, retail shops and services, residential apartments, and park areas which proposal is generally consistent with the City's proposed updated Master Plan being considered by this Council;

WHEREAS, the economic viability of the Richmond Town Square properties are currently in question and this Council finds the proposed mixed use development and other mixed use development in the City's B-2 District are an opportunity enhance the economic viability of those properties, provided an acceptable final development plan is submitted by developers and reviewed and approved by the City Planning Commission and this Council;

WHEREAS, pursuant to the requirements of the City Charter, this Ordinance was referred to the City Planning Commission for review and recommendation and the Planning Commission has recommended its adoption by Council in the form set forth herein; and

WHEREAS, this Council wishes to provide for mixed use development in the B-2 Regional Business District within regulatory parameters, provided an acceptable development plan for any specific development is approved by this Council and the proposed uses meet the general review standards for conditional uses in Chapter 1169 of the Zoning Code for the planned site.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, STATE OF OHIO, THAT:

Section 1. Existing subdivision (c) only of Section 1151.01, "Intent", of Chapter 1151, "OS Office-Service District, B-1 Local Business District and B-2 Regional Business District", is amended to read as follows:

- (c) The B-2 Regional Business District is designed to:
- (1) Serve the needs of both convenience and comparison shoppers from a geographical area extending beyond the adjacent residential areas.
 - (2) Be characterized by an integrated or planned cluster of establishments exceeding 25,000 square feet of floor space served by a common parking area and generating large volumes of vehicular traffic.

- (3) Provide for a complementary combination of residential and nonresidential uses to expand housing options within a pedestrian oriented, vibrant, compact, and unique mixed use environment with a consistent overall appearance, form, pattern, and design.

Section 2. Existing subdivision (c) only of Section 1151.01 of the Codified Ordinances is hereby repealed.

Section 3. Existing Section 1151.03, "Permitted, Conditional and Specifically Prohibited Uses" and Table 1151.03 within that Section of Chapter 1151 is amended by adding the following text in Table 1151.03, "B-2 Regional Business District", "Conditional Uses":

"Mixed Use Development subject to Section 1151.10";

and by adding the following text in Table 1151.03 under "B-2 Regional Business District", "Specifically Prohibited Uses":

"Dwelling units of all types are prohibited except for those which are permitted in a Mixed Use Development subject to Section 1151.10."

Section 4. Except for the amendments made in Section 3 of this Ordinance, existing Section 1151.03, Table 1151.03, remains in full force and effect.

Section 5. Existing Chapter 1151, "OS Office-Service District, B-1 Local Business District and B-2 Regional Business District", is amended to add new Section 1151.10, "Mixed Use (MU) Development", to read as follows:

"1151.10 MIXED USE (MU) DEVELOPMENT.

- (a) Purpose. The purpose of this section is to permit and regulate a compact combination of residential and nonresidential uses in a planned mixed use development in compliance with an approved development plan.
- (b) Uses. The uses which may be established within a Mixed Use (MU) Development are limited to the following:
- (1) Permitted and Conditional Uses as set forth in Section 1151.03 for the B-2 District.
 - (2) Multiple family dwellings as long as such dwellings are located in buildings that are a minimum of two (2) stories and do not exceed four (4) stories in height.
 - (3) Park areas, recreational areas, and pools which shall not be considered to be accessory to the permitted uses in this section.
 - (4) Accessory buildings and uses customarily incidental to any of the above permitted uses such as off-street parking, garages, outdoor dining, fences and walls.
- (c) Development Area. The minimum land area required for a MU Development shall be ten acres and shall include a mix of uses so that no one use category exceeds 90% of the

total floor area of the MU Development. The 90% maximum of the total floor area of the MU Development being devoted to any one use category may, at the sole discretion of the City Council, be exceeded where the Council finds that the purpose and intent of this section and Section 1151.01 (c) of this Code will be furthered thereby.

- (d) Density. The maximum number of dwelling units permitted shall be one dwelling unit per 2,400 square feet of gross land area designated for the MU Development
- (e) Dwelling Unit Area. All dwelling units shall have at least one living room and one bedroom. The minimum floor area requirements shall be as follows:

 - (1) Efficiency unit – 600 square feet;
 - (2) One bedroom unit - 800 square feet ;
 - (3) Two bedroom unit - 1,000 square feet; and
 - (4) Three bedroom unit – 1,200 square feet.
- (f) Dimensional Standards:

 - (1) Minimum Lot Width: 300 feet minimum
 - (2) Maximum Height: 65 feet and four (4) stories
 - (3) Minimum Front Yard: 75 feet
 - (4) Minimum Side and Rear Yards: Subject to subdivision (A) below, there is no minimum side setback for non-residential uses. Subject to subdivision (A) below, residential side setback must be at least 15 feet.

(A) Where a side yard abuts a single family zoning district the setback shall be 50 feet. Setback areas abutting a single family zoning district shall be landscaped earth mounding, fencing, walls, hedges, or other plant material sufficient to create a suitable screen or visual buffer as approved in the development plan.
 - (5) Building Separation: 35 feet minimum for residential buildings.
- (g) Open Space. Each MU development shall designate no less than 10% of the gross development area as open space. Such open space may be for the use and enjoyment of residents or it may be available to the general public. Additionally, structures and buildings for the purpose of active or passive recreation, plazas, outdoor dining and public art may be located in such open space as approved in the development plan.
- (h) Parking and Loading.

 - (1) Off-street parking shall conform to the requirements of Section 1175.05 of this Code unless fewer spaces are approved in the development plan.
 - (2) Parking lot landscaping shall be as approved in the development plan.
 - (3) Loading and unloading spaces and facilities shall conform to the requirements of Section 1175.11 of this Code, unless modified by the approved development plan and such spaces and facilities shall be screened with fencing, walls or landscaping as approved in the development plan.
- (i) Signs. All provisions of Chapter 1179 Signs, which apply to multiple-family developments, shall apply to residential uses in the MU Development. Signs for nonresidential uses shall be as approved in the development plan and shall:

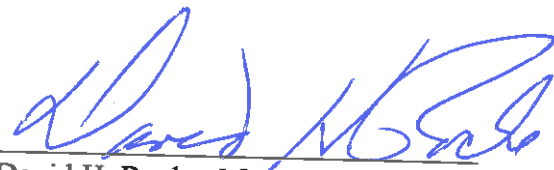
 - (1) Contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.

- (2) Complement the building, adjacent buildings in the development, and the site by being designed and placed to enhance the architecture.
- (3) Employ the use of compatible materials and colors of the sign, sign background, and sign frame with the character of the development.
- (j) Lighting. All exterior site lighting shall be designed to eliminate glare and spillover lighting onto adjacent properties and shall be as approved in the development plan.
- (k) Modifications. The Planning Commission may authorize minor modifications of an approved development plan.
- (l) Conflicts. In the event of a conflict between the provisions in this section and other provisions in these Codified Ordinances, the provisions and regulations in this section shall govern."

Section 6. 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, including Section 121.22 of the Ohio Revised Code.

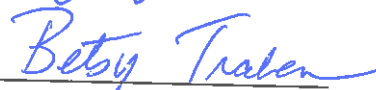
Section 7. This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the citizens, property owners, business tenants of, and visitors to, the City of Richmond Heights, and for the further reason that it is necessary to immediately amend the Zoning Code to provide for a mixed use option for development of certain business premises in the B-2 Regional Business District in the City so as to be occupied and economically viable, to provide tax revenues to the City and to enhance the ability of developers to timely acquire properties, obtain financing and complete their development plans within market constraints; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 24, 2018, 2018


David H. Roche, Mayor

APPROVED: July 24, 2018

ATTEST:


Betsy Trahen
Clerk of Council


Eloise Cotton-Henry
President of Council