

AMENDED ORDINANCE NO. 80-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED ORDINANCES CHAPTER 1163 ENTITLED "OFFICE BUILDING DISTRICT REGULATIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend specific sections of Chapter 1163 of our Codified Ordinances regarding office building district regulations; and

WHEREAS: this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on _____, 2023; and

WHEREAS: notice of a Public Hearing before City Council on the aforesaid code changes has been duly given on the proposed change herein set forth; and

WHEREAS: in accordance with said Notice, a Public Hearing was held according to law on _____, 2023; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Section 1163.03 entitled "Use Regulations", Section 1163.05 entitled "Lot Regulations", Section 1163.07 entitled "Setback Requirements", Section 1163.09 entitled "Height Requirements", Section 1163.11 entitled "Off-Street Parking Regulations" and Section 1163.13 entitled "Accessory Use Regulations" of Chapter 1163 of the Codified Ordinances of the City of Rocky River be amended, as further described in the attached Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That specific sections of Chapter 1163 of the Codified Ordinances of the City of Rocky River entitled "Office Building District Regulations" be amended as further described in the attached Exhibit "A".

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2023

JAMES W. MORAN
President of Council

PRESENTED
TO MAYOR: _____, 2023

APPROVED: _____, 2023

ATTEST:

SUSAN G. PEASE
Clerk of Council

PAMELA E. BOBST
Mayor

CHAPTER 1163
Office Building District Regulations

1163.01	Intent.	1163.11	Off-street parking regulations.
1163.03	Use regulations.	1163.13	Accessory use regulations.
1163.05	Lot regulations.	1163.15	Landscaping and screening regulations.
1163.07	Setback requirements.	1163.17	Performance standards.
1163.09	Height requirements.	1163.19	Development plan review.

1163.01 INTENT.

The Office Building Districts (OB-1, OB-2) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide sufficient areas, in appropriate and convenient locations, for professional, administrative, and medical offices as well as mixed use development and the exchange of services;
- (b) To protect adjacent residential neighborhoods by restricting the types of land and non-residential uses, particularly at the common boundaries, which would create congestion, hazards, noise, odors or other objectionable influences; and,
- (c) To promote the most desirable land use and traffic patterns in accordance with the objectives of the Plan of the City.

1163.03 USE REGULATIONS.

- (a) Uses Permitted By Right. A use listed in Schedule 1163.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Development Code have been met;
- (b) Conditional Uses. A use listed in Schedule 1163.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1183 have been met, according to the procedures set forth in Chapter 1131, Conditional Use Certificates;
- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Schedule 1163.03 shall be permitted provided that the requirements of all other City ordinances and this Development Code have been met.

(d) Compliance with Standards. Although a use may be indicated as a permitted principal, conditional, or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and parcel in question.

(e) Use Not Listed in Schedule. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in this zoning district and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1135 or upon a finding that a use is substantially similar as provided in Section 1127.39.

(f) Schedule 1163.03 Permitted Uses.

Schedule 1163.03 Permitted Uses	
(1) Residential/Lodging	OB-1, OB-2 Office Building Districts ^(a)
A. Dwelling unit(s) above the first floor of a building	P
B. Hotel/motel	P
C. Multi-family dwelling	P
D. Family day care home for 1-6 children (Type B)	P
(2) Group Residential	
A. Adult care facility for 3-5 persons (Adult family home)	P
B. Residential facility for 5 or fewer persons (Foster family home)	P
C. Residential facility 6-8 persons (Family home)	P
(3) Office and Professional Services	
A. Administrative, business and/or professional office	P
B. Bank and other financial institutions	P

C. Bank and other financial institutions with drive-through	C
D. Medical/dental office	P
E. Medical/dental/health services clinic	P
F. Health services/wellness facilities	P
(4) Retail and Services	
A. Retail establishment	P
B. Freestanding automated teller machine or drive-thru	C
C. Restaurant or tavern	P
D. Service establishment, business	P
E. Service establishment, personal	P
F. School, specialty/personal instruction	P
(5) Entertainment and Recreation	
A. Gym, health club, health spa, yoga studio	P
B. Assembly hall, membership club, and/or conference center	P
(6) Community Facilities/Other	
A. Place of worship/church	P
B. Day care facility, child or adult	P
C. School (public/private) elementary/secondary	P
D. School (public/private) college/university	P
E. E. Library, cultural institution	P
D. Wireless telecommunication facility	See Chapter 1191
F. Public park, public playground	P
G. Cultural institution	P

(5)(7) Accessory Uses	
A. Accessory building	A
B. Fences and walls	A
C. Off-street parking and loading facilities	A
D. Parking structure	C
E. Signs	A
F. Detached decks, patio fireplaces, play structures, gazebos & pergolas	A
G. Outdoor dining (restaurant or tavern)	A
H. Outdoor Display	A
I. Private swimming pool	A
J. Solar panels	A
K. Trash Receptacles	A

(Ord. ____ . Passed ____)

1163.05 LOT REGULATIONS.

(a) Lot Requirements. The lot requirements for permitted uses in the Office Building Districts shall be as specified in Schedule 1163.05, except as otherwise regulated in Chapter 1183, Conditional Use Regulations.

(b) Schedule 1163.05 Lot Regulations.

Schedule 1163.05 LOT REQUIREMENTS		
		OB-1, OB-2
		Office Building Districts
(1)	Minimum lot area	None
(2)	Minimum lot width	Ø None
(3)	Lot Coverage by Building	≥ 40%

(Ord. ____ . Passed ____)

1163.07 SETBACK REQUIREMENTS.

(a) Setback Requirements. Every permitted use of land and all buildings and structures shall be located on a lot in a manner that maintains the required setback from a right-of-way as well as the required side and rear setbacks set forth in Schedule 1163.07, measured from the appropriate lot line, except as otherwise regulated in Chapter 1183, Conditional Use Regulations, for conditional uses. The area within the setbacks shall remain unobstructed by structures except as otherwise permitted in this Code.

(b) Schedule 1163.07 Minimum Building Setbacks.

Schedule 1163.07 Minimum Building Setbacks		OB-1, OB-2 Office Building Districts
(1)	Minimum / Maximum Setback from Street Right-of-Way	10 feet / 25 feet
(2)	Setback from Side Lot line abutting non-residential district	≤ 10 feet ^(a)
(3)	Setback from Rear Lot line abutting non-residential district	≤ 10 feet
(4)	Setback from Side & Rear Lot line abutting residential district	≥ 25 feet

Notes to Schedule 1163.07:

^(a) ~~Wherever an office building is located adjacent to another non-residential building within or adjacent to a non-residential district, the buildings shall be either attached, or shall be separated not less than ten (10) feet from each other.~~

(Ord. ____ . Passed ____)

1163.09 HEIGHT REQUIREMENTS.

Buildings and structures shall comply with the following height regulations:

- (a) The maximum height for principal buildings or structures in the Office Building Districts shall not exceed:

- (1) OB-1 - 55 feet
- (2) OB-2 – 150 70 feet

- (b) The maximum height of accessory building or structures shall not exceed fifteen (15) feet.

(Ord. _____. Passed _____)

1163.11 OFF-STREET PARKING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1187 and to the parking requirements set forth below:

- (a) Schedule 1163.11 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted. The area within the parking setbacks shall remain unobstructed by structures except as otherwise permitted in this Code.

Schedule 1163.11 Minimum Parking Setbacks	
	OB-1, OB-2 Office Building Districts
(1) Minimum Setback from Street ROW	10 feet
(2) Setback from Side and Rear Lot line abutting non-residential district	10 feet ^(a)
(3) Setback from Side and Rear Lot line abutting residential district	15 feet ^(a)
^(a) The Planning Commission may permit a reduction in these spacing requirements when it determines that adequate privacy is provided through the use of landscaping, architectural features, or other similar means of insuring privacy.	

- (b) Cross Access to Off-Street Parking Lots. Parking lots shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible. Permanent cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the City's Law Director and the Planning Commission.
- (c) Setbacks for Joint Parking Facilities. When cross access between two parking areas is required or provided, the parking setback shall not be required for the opening which accommodates the drive aisle, but it shall be required in all other areas that abut the shared property line. When shared parking, which spans the mutual property line, is required or provided, the parking setback shall not be required.
- (d) The area within the parking setback shall be landscaped in accordance with Chapter 1185, Landscaping and Screening Regulations.
- (e) Off-street parking spaces shall be provided in compliance with Chapter 1187, Off-Street Parking and Loading Regulations

(Ord. _____. Passed _____)

(f) Loading and Service Areas.

- (1) If separate loading and service areas are provided, these areas shall comply with the regulations in Section 1187.27, Off-Street Loading Requirements.
- (2) If separate loading and service areas are provided, these areas shall be located in the rear yard, unless the Planning Commission determines that placement in a side yard would lessen the impact on adjacent residential uses.
- (3) If separate loading and service areas are provided, these areas shall comply with the applicable parking setback requirements set forth in Schedule 1163.11 and shall be screened in accordance with the provisions set forth in Chapter 1185, Landscaping and Screening Regulations.

1163.13 ACCESSORY USE REGULATIONS.(a) Fences and Walls. Fences and walls may be erected in compliance with the requirements set forth below.(1) Location.

- A. Fences may be built up to, but not on, the property line, and shall be located entirely on the property of the person constructing it, except property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
- B. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within twenty (20) feet, in any direction, of the following points:
 1. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
 2. At the intersection of a driveway and public right-of-way;
 3. At the intersection of any two driveways.
- C. All fences shall comply with Section 1181.11, Visibility at Intersections.

(2) Materials and Construction.

- A. Approved fencing materials include stone, brick, finished wood, iron, or synthetic look-alike products.
- B. No fence shall be electrified or topped with barbed wire.
- C. Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1185, Landscaping & Screening Regulations.
- D. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
- E. All fences on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises from any single direction.

- (3) Height. No fence shall exceed six (6) feet in height in any rear or side yard, or exceed three (3) feet in height when located in front of a building or in yards abutting a public street right-of-way, unless otherwise required by this Development Code.

(4) Screening and Landscaping.

- A. Screening and landscaping is not required for ornamental fences.
- B. All fences, other than ornamental fences, when visible from public streets, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:

1. Fences that are located within required building and parking setbacks shall be considered appropriately screened with the landscaping required in Section 1185.07, Landscaping along the Street Frontage and Parking Setback, is planted within five (5) feet of the fence and between the fence and the property line.
2. Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:
 - (I) One shade tree shall be provided for every thirty (30) linear feet of fence length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of 2.5 inches and a clear trunk height of at least six (6) feet;
 - (II) One shrub, that is twenty-four (24) inches in height at planting, shall be provided for every five (5) feet fence length or fraction thereof, not including gates or other fence openings; and,
 - (III) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- (5) All fences shall be maintained in good condition, be structurally sound, and attractively finished at all times.
- (6) Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1127.

(b) ~~Accessory Buildings.~~ The height of the accessory building shall not exceed ~~twenty (20)~~ fifteen (15) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Schedule 1163.11. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the lot is located.
(Ord. _____. Passed _____)

1163.15 LANDSCAPING AND SCREENING REGULATIONS.

Visual screening and landscape buffers shall be provided for all lots in non-residential districts in accordance with the provisions set forth in Chapter 1185, Landscaping and Screening Regulations.

1163.17 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards:

- (a) ~~Trash Receptacles.~~ All solid waste products, including empty packing boxes, that result from any permitted principal, conditional, or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or rear yard and shall comply with the minimum parking setbacks set forth in Schedule 1163.11 and shall be screened in accordance with the provisions set forth in Chapter 1185, Landscaping & Screening Regulations.

- (b) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall comply with the regulations set forth in Chapter 1181, General Use Regulations.
- (c) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.
- (d) Outdoor Vending Machines. There shall be no outdoor vending machines, such as machines that dispense bottled beverages or packaged food.
- (f) Emission. No land use or structure shall be used or occupied in any manner to create dangerous or objectionable noise or emissions. All uses shall comply with the Performance Standards in Chapter 1181, General Use Regulations.
- (g) Stormwater Detention/Retention Facilities. Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

1163.19 DEVELOPMENT PLAN REVIEW.

All uses in the Office Building Districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 1127, Development Plan Review Procedures.