

FIRST READING: 7.24.23
SECOND READING: 10.9.23
THIRD READING: 10.23.23

AMENDED ORDINANCE NO. 63-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.03 ENTITLED USE REGULATIONS, REGARDING BUSINESS 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 Section 1167.03 entitled Use Regulations, of the Codified Ordinances regarding business district regulations within the Development Code; and

WHEREAS: this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on August 15th, 2023; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Section 1167.03 of the Codified Ordinances of the City of Rocky River concerning the Development Code be amended regarding use regulations in business district regulations, 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 Section 1167.03 entitled Use Regulations of the Codified Ordinances of the City of Rocky River be amended regarding business district regulations, as further described in the attached Exhibit "A".

PASSED: October 23rd, 2023

James W. Moran
JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: October 23rd, 2023 APPROVED: October 23rd, 2023

ATTEST:

Susan G. Pease

SUSAN G. PEASE
Clerk of Council

Pamela E. Bobst

PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 23rd day of October, 2023.

Susan G. Pease
Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 63-23 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 23rd DAY OF October, 2023 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW, THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 63-23

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 23rd DAY OF October, 2023.

Amanda H. Blase
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

1167.03 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Schedule 1167.03 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 1167.03 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 1331, Conditional Use Certificates;

(c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Schedule 1167.03 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 1167.03 Permitted Uses.

Schedule 1167.03 Permitted Uses			
		LB Local Business (a)	GB General Business
(1) Residential/Lodging			
A. Single-family attached dwellings		C	C
B. Dwelling unit(s) above the first floor of a building		P	P
C. Bed and breakfast establishment		P	P
D. Hotel, motel			P
E. Multi-family dwelling			P
(2) Office and Professional Services			
A. Administrative, business and/or professional office		P	P

B.	Bank and other financial institutions	P	P
C.	Medical/dental office	P	P
D.	Medical/healthcare facility	P	P
E.	Hospital		P
(3)	Retail and Services		
A.	Retail establishment	P	P
B.	Freestanding automated teller machine or drive-thru	C	P C
C.	Restaurant, indoor	P	P
D.	Drive-thru facility in association with a permitted use	C	P C
E.	Funeral home	P	P
F.	Service establishment, business	P	P
G.	Service establishment, personal	P	P
H.	Animal hospital/clinic	C	P
(4)	Automotive/Transportation		
A.	Gasoline station/pumps		P (d)
B.	Car wash		P C
C.	Automobile service station		P
D.	Vehicle repair garage		C
E.	Motor vehicle sales and rental		C
F.	Self-storage facility, indoor		C
(5)	Entertainment - Recreation		
A.	Commercial recreation, indoor	P	P
B.	Commercial recreation, outdoor	C	C
C.	Health Club	P	P
D.	School, specialty/personal instruction	P	P
E.	Theatre		P

F.	Assembly hall/membership club/ conference center		P
G.	Public park, public playground	P	P
(6)	Community Facilities/Other		
A.	Congregate care facility	P	P
B.	Nursing home	P	P
C.	Place of worship/church	P	P
D.	Day care facility, child and/or adult	P	P
E.	School (public/private) elementary/ secondary	P	P
F.	School (public/private) college/ university		P
G.	Public safety facility	P	P
H.	Public service/maintenance facility		P
I.	Utility substation/distribution facility, indoor	C	C
J.	Wireless telecommunication facility	See Chapter 1191	
K.	Library, cultural institution	P	P
(7)	Accessory Uses		
A.	Accessory buildings/structures ^(c)	A	A
B.	Accessory recreational facilities	A	A
C.	Crematorium when accessory to a funeral home	A	A
D.	Fences, walls ^(d)	A	A
E.	Off-street parking facility	A	A
F.	Outdoor display/sales See §1167.19(a)	A	A
G.	Outdoor storage of vehicles & equipment See §1167.19(c)		A

H.	Outdoor storage of goods & general merchandise See §1167.19(b)		A
I.	Restaurant, outdoor dining, see §1167.13(b)	A	A
J.	Signs (e)	A	A

Notes to Schedule 1167.03:

(a) All operations, including storage, shall take place in a principal and/or an accessory building, except off-street parking & loading, unless otherwise specifically permitted in this Code.

(b) RESERVED

(c) As further regulated by Section 1167.13

(d) As further regulated by Section 1167.13

(e) As further regulated by Chapter 1193

(f) The lot shall be not less than twenty-five thousand (25,000) square feet in area and about for a distance of not less than two hundred (200) feet on an arterial street.

P = Use Permitted by right

C = Conditional Use

A = Accessory Use

Blank cell = Use not permitted in district