

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, TITLE SIX ZONING, CHAPTER 1276, SECTION 1276.03 USE REGULATIONS FOR LOCAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY

**WHEREAS:** The Master Land Plan for North Royalton established Citywide Planning Policies, one of which is to balance residential and local business land uses by restricting intersection based local business land use creep to just to those intersections and the land immediately adjacent to such intersections in an effort to limit expansion of strip malls and commercial developments along major thoroughfares, and

**WHEREAS:** Council desires to amend Section 1276.03, Local Business district regulations to meet the Citywide Planning Policy of the Master Plan to provide that retail sales shall be limited to less than ten (10) contiguous acres in the Local Business Zoning District and further in order to be compatible with Article XII(g) of the North Royalton Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. That Section 1276.03 Local Business District is hereby amended to read as follows:

1276.03 USE REGULATIONS FOR LOCAL BUSINESS DISTRICTS.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in whole or in part, in Local Business Districts only for the following uses. Residential uses shall not be permitted. However, dwellings existing within the District on the effective date of this Zoning Code may continue to be used in accordance with the provisions of Chapter 1286.

(a) Main Buildings and Uses Permitted.

(1) Professional, financial, governmental, medical, public utility, sales, executive and administrative office buildings and offices; and

(2) Retail stores and services, **limited to under ten (10) contiguous acres**, conducted wholly within enclosed buildings and devoted to supplying neighborhood needs to the following limited extent.

A. Retail sales.

1. The sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products and packaged beverages;

2. The sale and serving of all food, soft drinks, juices and ice cream and all beverages and eating places of all types, including those with dancing and live entertainment; places selling and serving alcoholic beverages, State liquor stores and drive-in establishments, if a conditional use permit is granted by the Planning Commission in accordance with the standards set forth in Section 1262.07;

3. The sale of drugs, gifts, antique and art goods, flowers, books, jewelry, pets and supplies (with the exclusion of kennels), periodicals, musical instruments and supplies (provided that no loudspeakers broadcast onto the street) and sporting and athletic goods;

4. The sale of wearing apparel, shoes and hats; variety stores; and

5. The sale of hardware, tools, paint, wallpaper, garden supplies and household appliances.

B. Services.

1. Personal services such as beauty and barber shops and interior decorating;

2. Laundry agencies and laundromats; tailor, pressing and dry cleaning shops in which only nonexplosive and nonflammable solvents are used, provided that no work shall be done on the premises for retail outlets elsewhere;

3. Repair services such as those for household appliances, shoes and hats, radios and televisions;

4. Automotive services and maintenance, excluding major repair, as provided for in paragraph (a)(2)B.5. hereof; and

5. Major repairs by an automotive service, provided that a conditional use permit is granted in accordance with the standards set forth in Sections 1262.07 and 1276.12. Major repairs may include, but are not limited to, spray painting; body work; clutch, transmission, axle, spring and frame repairs; and major engine overhaul.

***C. Retail sales or service developments shall be limited to under ten (10) contiguous acres in this zoning classification. This limitation shall apply to limit existing retail sales developments from expanding to a size of ten acres or more. Any such expansion shall comply with Article XII(g) of the North Royalton Charter. Existing retail sales developments that exceed ten (10) acres or more shall be permitted to continue pursuant to Chapter 1286.***

(3) Retail sales in open yards shall be permitted to the following limited extent: garden equipment and supplies, garden furniture, nursery stock and monuments may be sold on an open lot, provided that the operation is in connection with an established related business conducted within a store building or retail greenhouse on an adjoining lot, and provided, further, that sales in open yards are not within the minimum setback line or within yards adjacent to Residential Districts as established in Section 1276.09.

(b) Similar Main Uses Permitted. Any neighborhood retail store, shop or service not listed above or in any subsequent use classification, and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1262.08.

(c) Accessory Uses Permitted. Any accessory use, such as the enclosed storage of goods or processing operations which are clearly incidental to conducting a retail business, office or service establishment which is permitted as a main use, provided that such a use has no injurious effect on adjoining districts.

Other accessory uses shall include:

- (1) Accessory off-street parking and loading facilities as required in Chapter 1282; and
- (2) Business, professional nameplate, directional, real estate and project signs, subject to

the regulations set forth in Chapter 1284.

Section 2. That Section 1276.03 is hereby amended as provided for herein and all other provisions of Chapter 1276 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. 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.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to amend Section 1276.03 to meet the Citywide Planning Policy of the Master Plan to provide that retail sales shall be limited to less than ten (10) contiguous acres in the Local Business Zoning District and further in order to be compatible with Article XII(g) of the North Royalton Charter.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED: \_\_\_\_\_  
MAYOR

DATE PASSED: \_\_\_\_\_ DATE APPROVED: \_\_\_\_\_

Sponsorship withdrawn November 21, 2006

ATTEST: \_\_\_\_\_  
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS: