

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 035

By: Mayor Perciak and Mr. Maloney

AN ORDINANCE AMENDING CHAPTER 1212 OF TITLE TWO, PART TWELVE-PLANNING AND ZONING CODE; AMENDING SECTION 1273.05(c) OF TITLE SIX, PART TWELVE-PLANNING AND ZONING CODE; AND AMENDING THE TITLE OF PRIOR CHAPTER 290 OF TITLE EIGHT, PART TWO-ADMINISTRATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, IN ORDER TO STREAMLINE IMPLEMENTATION OF THE TOWN CENTER DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That Chapter 1212 of Title Two of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

CHAPTER 1212

Town Center ~~Commission~~District

- 1212.01 Purpose and intent.
- ~~1212.02 Establishment; composition; terms of office.~~
- ~~1212.03 Organization.~~
- 1212.052 Town Center District created.
- 1212.063 Definitions.
- 1212.04 Powers and duties of Planning Commission, Architectural Review Board and Building Commissioner.
- 1212.075 Limitation on issuance of building permit.
- 1212.086 Certificate of non-applicability of chapter.
- 1212.097 Certificate of appropriateness.
- 1212.108 Notice ~~and hearing of meeting~~; approval or disapproval of application for certificate of appropriateness.
- 1212.1109 Standards and criteria.
- 1212.120 Exclusions.
- 1212.99 Penalty.

**1212.01 PURPOSE AND INTENT.**

The purpose and intent of this ~~e~~Chapter is to effect and accomplish the preservation, protection, enhancement and perpetuation of such improvements and landscape features of the Town Center District which represents and reflects elements of the City's cultural, social, economic, political and architectural history; safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such

District; stabilize and improve property values in such District; foster civic pride in the beauty and noble accomplishments of the past; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; strengthen the economy of the City; and promote the use of the District for the education, pleasure and welfare of the people of the City.

~~(Ord. 1982-74. Passed 10-4-82.)~~

~~**1212.02 ESTABLISHMENT; COMPOSITION; TERMS OF OFFICE.**~~

~~The Town Center Commission, consisting of seven members, is hereby established. All members shall be appointed by the Mayor and shall serve without compensation. Council recommends that appointments to the Town Center Commission be made from professions and individuals such as, but not limited to, a member of the administrative staff of the Mayor, a member of Council and an architect.~~

~~Two members shall be appointed for an initial term of one year; two members shall be appointed for an initial term of two years; and three members shall be appointed for an initial term of three years. All subsequent terms shall be for a period of three years. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.~~

~~(Ord. 1982-74. Passed 10-4-82.)~~

~~**1212.03 ORGANIZATION.**~~

~~As soon as convenient, after the appointment by the Mayor, the Commission shall meet and organize the election of a chairman and secretary. They may adopt rules or procedure of the Commission and provide for regular and special meetings.~~

~~(Ord. 1982-74. Passed 10-4-82.)~~

**1212.052 TOWN CENTER DISTRICT CREATED.**

There is hereby created in the City a district to be known as the Town Center bounded and described as follows:

Permanent Parcel Nos. 396-8-7, 396-8-16, 396-10-1 through 396-10-13, 396-10-16, 396-17-20 through 396-17-22, 396-17-106, 392-30-9 through 396-30-18, 392-30-35, 392-36-11 through 392-36-17, and part of 396-10-14 and 392-30-8.

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Original Strongsville Township Lot No. 55 and bounded and described as follows:

Beginning at the intersection of the centerline of Pearl Road (U.S. 42) and the centerline of Royalton Road (S.R. 82) said point of intersection being the principal place of beginning;

Thence South 0°01'40" East, a distance of 204.84 feet to a point;

Thence North 88°50'02" East, a distance of 121.18 feet to a point;

Thence North 0°01'40" West, a distance of 35.03 feet to a point;

Thence North 42°48'18" East, a distance of 14.48 feet to a point;

Thence North 88°50'01" East, a distance of 52.08 feet to a point;

Thence North 0°01'37" West, a distance of 34.03 feet to a point;

Thence North 88°49' 59" East, a distance of 41.20 feet to a point;



Thence North 0°01'46" West, a distance of 15.63 feet to a point;  
Thence North 88°50'01" East, a distance of 59.69 feet to a point;  
Thence North 0°01'34" West, a distance of 8.78 feet to a point;  
Thence North 88°50' 03" East, a distance of 190.56 feet to a point;  
Thence South 0°01'39" East, a distance of 128.80 feet to a point;  
Thence North 88°50'03" East, a distance of 188.12 feet to a point;  
Thence North 0°01'42" West, a distance of 28.34 feet to a point;  
Thence Northeasterly 250.43 feet along the arc of a curve, said curve having a central angle of 15°43'36", a radius of 912.36 feet, and a chord of 249.64 feet bearing North 7°50'08" East to a point of tangency;  
Thence North 15°41'54" East, a distance of 50.04 feet to a point;  
Thence South 74°20'46" East, a distance of 225.17 feet to a point;  
Thence North 0°00'35" East, a distance of 1203.73 feet to a point;  
Thence South 79°07'18" West, a distance of 370.40 feet to a point;  
Thence South 77°31'14" West, a distance of 422.98 feet to a point;  
Thence South 78°24'16" West, a distance of 230.98 feet to a point;  
Thence North 7°54'13" West, a distance of 16.28 feet to a point;  
Thence South 83°24'44" West, a distance of 210.39 feet to a point;  
Thence South 7°56'22" East, a distance of 65.46 feet to a point;  
Thence North 80°35'54" West, a distance of 52.41 feet to a point;  
Thence South 4°49'28" West a distance of 585.24 feet to a point;  
Thence North 80°35'55" West, a distance of 125.29 feet to a point;  
Thence South 6°56'42" West, a distance of 245.78 feet to a point;  
Thence North 72°23'34" East, a distance of 27.45 feet to a point;  
Thence South 1°53'26" East, a distance of 381.35 feet to a point;  
Thence North 66°52'32" East, a distance of 156.30 feet to a point;  
Thence North 69°08'49" East, a distance of 225.01 feet to a point;  
Thence North 66°53'44" East, a distance of 151.67 feet to a point, said point being the principal place of beginning, be the same more or less, but subject to all legal highways.

~~(Ord. 1982-74. Passed 10-4-82.)~~

#### **1212.063 DEFINITIONS.**

Terms, phrases, words and their derivations shall have the meanings given in Chapter 1240, provided that for the purposes of this chapter, the following shall have the meanings given in this section:

- (a) "Alteration" means any reconstruction, restoration, repair, remodeling or replacement that changes, modifies or transforms a structure.
- (b) "Commission" means the ~~Town Center Planning~~ Commission as defined in Section ~~1212.02~~ **1210.01**.
- (c) "Demolition" of a structure means a partial or total removal, disassembly, destruction, wreckage or tearing down of a structure.
- (d) "District" means the Town Center District as described in Section 1212.0**52**.
- (e) "Exterior architectural feature" means the architectural treatment and general arrangement of such portion of the exterior of a structure as is

designed to be exposed to public view, including kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.

~~(Ord. 1982-74. Passed 10-4-82.)~~

**1212.04 POWERS AND DUTIES OF PLANNING COMMISSION,  
ARCHITECTURAL REVIEW BOARD AND BUILDING  
COMMISSIONER.**

**The Planning Commission, the Architectural Review Board, and Building Commissioner shall carry out the duties and obligations of this Chapter and make all determinations as to the applicability of the provisions of this Chapter 1212.**

The powers and duties of the ~~Town Center Commission~~ **Planning Commission, Architectural Review Board and Building Commissioner** shall be as follows:

- (a) To study the problems and determine the needs of the City in furthering the purposes of this ~~e~~Chapter in the area of the City known as the Town Center.
- (b) To determine what legislation, if any, is necessary to preserve, restore and develop any Town Center area and **for the Planning Commission** to recommend legislation to Council.
- (c) To perform the functions and duties assigned to it in this ~~e~~Chapter.
- (d) To provide for regular and special meetings to accomplish its powers and duties.

~~(Ord. 1982-74. Passed 10-4-82.)~~

**1212.075 LIMITATION ON ISSUANCE OF BUILDING PERMIT.**

No permit shall be issued by the Building Commissioner for the construction, alteration or demolition of any structure now or hereafter in the Town Center District, except in cases excluded by Section 1212.120, unless the application for such permit shall be certified under Section 1212.086 that no exterior architectural feature is involved or shall be accompanied by a certificate of appropriateness issued under Section 1212.107.

~~(Ord. 1982-74. Passed 10-4-82.)~~

**1212.086 CERTIFICATE OF NON-APPLICABILITY OF CHAPTER.**

Except in cases excluded by Section 1212.120, every person who applies for a permit to construct, alter or demolish any structure now or hereafter in the Town Center District shall deposit with the ~~secretary of the Town Center Commission~~ **his Building Commissioner** its application for such building permit together with all plans and specifications for the work involved. Within thirty days, the ~~Commission~~ **Building Commissioner** shall consider such application, plans and specifications and determine whether any exterior architectural feature is involved. If the ~~Commission~~ **Building Commissioner** determines that no exterior architectural feature is involved, ~~it the Building Commissioner~~ shall ~~cause its secretary to~~ endorse on the building permit application, certification of such determination ~~and return the application, plans and specifications to the applicant.~~

~~(Ord. 1982-74. Passed 10-4-82.)~~



**1212.097 CERTIFICATE OF APPROPRIATENESS.**

No person shall construct, alter or demolish any exterior architectural feature in the Town Center District and no sign, light, fence, wall or other appurtenant fixture shall be constructed, altered or displayed on any lot, building or structure located within the District, until such person has filed with the secretary of the ~~Town Center Planning~~ Commission an application for a certificate of appropriateness in such form and with such plans, specifications and other material as the Commission may from time to time prescribe and a certificate of appropriateness has been issued as hereinafter provided in this chapter.

~~(Ord. 1982-74. Passed 10-4-82.)~~

**1212.408 NOTICE AND HEARING OF MEETING; APPROVAL OR DISAPPROVAL OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.**

~~Within seven days a~~After the filing with the ~~Town Center Planning~~ Commission of an application for a certificate of appropriateness, the Commission shall ~~determine the lands to be materially affected by such application and~~ forthwith send by mail, postage prepaid, to the applicant, to ~~the all contiguous~~ owners of all such lands as they appear on the most recent real estate tax list and to any person filing written request for notice of ~~hearings any meeting~~, reasonable notice of the ~~public hearing meeting~~ to be held by the Commission on such application.

As soon as may be convenient after such ~~public hearing meeting~~ but in all events within a period of ~~sixty ninety~~ days after the filing of the application for the certificate of appropriateness, or within such further time as the applicant may in writing allow, the Commission, ~~after the recommendation of the Architectural Review Board~~, shall determine whether the proposed construction, alteration or demolition of the buildings, structures or appurtenant fixtures involved will be appropriate to the preservation of the ~~historic d~~District for the purposes of this ~~e~~Chapter, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the ~~historic d~~District generally, failure to issue a certificate of appropriateness will involve a substantial hardship, financial or otherwise, to the applicant and such certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter.

If the Commission determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, or is not appropriate, owing to conditions as aforesaid but that failure to issue a certificate of appropriateness would involve substantial hardship to the applicant and that issuance thereof may be made without substantial detriment or derogation as aforesaid, or if the Commission fails to make a determination within the time hereinbefore prescribed, the Commission shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness. If the Commission determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination, and may include recommendations respecting the proposed construction, alteration or demolition. The Commission shall forthwith notify the applicant of such determination

and shall furnish ~~him an attested copy of to the applicant~~ its reasons **for determining that the certificate of appropriateness should not be issued** therefor and its recommendations, if any, as appearing in the records of the Commission.  
~~(Ord. 1982-74. Passed 10-4-82.)~~

**1212.1109 STANDARDS AND CRITERIA.**

(a) In making its determination with respect to any such application for a permit to construct, alter or demolish a building or structure in the District, the Commission shall consider the effect of the proposed work in creating, changing, destroying or affecting the exterior architectural features of the improvement upon which such work is to be done; and the relationship between the results of such work and the exterior architectural features of other neighboring improvements in such District.

(b) ~~In appraising such effects and relationship, the Commission shall consider, in addition to any other pertinent matters, the factors of historical, cultural and architectural values and significance, architectural style, design, arrangement, texture, material and color and in particular, the following:~~

- (1) The distinguishing original qualities or character of a building, structure or site and its environment;
- (2) Changes which may have taken place in the course of time which are evidence of the history and development of a building, structure or site and its environment;
- (3) The distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site;
- (4) Repair or replacement of missing architectural features, based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or different architectural elements from other buildings or structures;
- (5) The surface cleaning of structures with a method that will least damage historic building materials;
- (6) The protection and preservation of archeological resources affected by or adjacent to any project;
- (7) The compatibility of the work with other structures and improvements within the District, based upon accepted design criteria, such as the following:
  - A. The height of structures and improvements;
  - B. The relationship between width and height of the front elevations;
  - C. The relationship of width to height of windows and doors;
  - D. Exterior materials;
  - E. The shape and design of roofs;
  - F. The vertical or horizontal character of the front facades; and
  - G. The relationship of structures to lot sizes and open spaces.

~~(Ord. 1982-74. Passed 10-4-82.)~~



**1212.120 EXCLUSIONS.**

Nothing in this ~~e~~Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic ~~d~~District which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the Building Commissioner ~~or similar agent~~ shall certify is required by the public safety because of an unsafe or dangerous condition; ~~nor to prevent the construction, alteration, or demolition of any such feature under a permit issued by the Building Commissioner prior to the effective date of establishment of such district.~~  
(Ord. 1982-74. Passed 10-4-82.)

**1212.99 PENALTY.**

Whoever constructs, alters or demolishes any exterior architectural feature now or hereafter in the Town Center District in violation of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which such act, violation or omission is done, committed, omitted or continued.

**Section 2.** That Section 1273.05(c) of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

**1273.05 APPLICATION PROCEDURES AND REQUIREMENTS.**

The follow requirements apply to all wireless telecommunications facilities regardless of the zoning district, in which they are to be located:

\* \* \*

- (c) An application to locate an antenna on a building or structure that is listed on a historical register, or is in the Town Center ~~d~~District shall be subject to review by the ~~Town Center Commission~~ **Architectural Review Board**, in addition to the Planning Commission.

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**Section 3.** That the title of prior Chapter 290 of Title Eight of Part Two-Administration Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read as follows:

**CHAPTER 290**  
**Town Center ~~Commission~~District**

EDITOR'S NOTE: Provisions relating to the Town Center ~~Commission-District~~ are codified in Chapter 1212 of the Planning and Zoning Code.

**Section 4.** That 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.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: March 3, 2014 Referred to Planning Commission  
Second reading: March 17, 2014 March 4, 2014  
Third reading: May 5, 2014 Approved: Favorable Recommendation  
Public Hearing: April 21, 2014 by PC 03/13/14.

Michael J. Daymut  
President of Council

Approved: Thomas S. Zinner  
Mayor

Date Passed: May 5, 2014

Date Approved: May 6, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	<u>      </u>
Daymut	<u>✓</u>	<u>      </u>
DeMio	<u>✓</u>	<u>      </u>
Dooner	<u>✓</u>	<u>      </u>
Maloney	<u>✓</u>	<u>      </u>
Schonhut	<u>✓</u>	<u>      </u>
Southworth	<u>✓</u>	<u>      </u>

Attest: Aimee Pientka  
Clerk of Council

ORD. No. 2014-035 Amended:         
1st Rdg. 03-03-14 Ref: PZE & PC  
2nd Rdg. 03-17-14 Ref:         
3rd Rdg. 05-05-14 Ref:         
  
Pub Hrg. 04-21-14 Ref:         
Adopted: 05-05-14 Defeated:



**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

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**TO:** Planning Commission

**FROM:** Aimee Pientka, Acting Clerk of Council

**DATE:** March 4, 2014

**SUBJECT:** Referral from Council: Ordinance No. 2014-035

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At its regular meeting of March 3, 2014, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2014-035 by Mayor Perciak and Mr. Maloney. AN ORDINANCE AMENDING CHAPTER 1212 OF TITLE TWO, PART TWELVE-PLANNING AND ZONING CODE; AMENDING SECTION 1273.05(c) OF TITLE SIX, PART TWELVE-PLANNING AND ZONING CODE; AND AMENDING THE TITLE OF PRIOR CHAPTER 290 OF TITLE EIGHT, PART TWO-ADMINISTRATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, IN ORDER TO STREAMLINE IMPLEMENTATION OF THE TOWN CENTER DISTRICT. First Reading 03-03-14.

A copy of the ordinance is attached for Planning Commission review.

AKP  
Attachment

## MEMORANDUM

**TO:** Amy Pientka, Acting Council Clerk  
Ken Kraus, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** March 14, 2014

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Please be advised that at its meeting of March 13, 2014 the Strongsville Planning Commission gave Favorable Recommendation the following;

### **STRONGSVILLE MIDDLE SCHOOL/Rodwell King, Agent**

Site Plan approval of a 192,480 SF Middle School for property located at 13200 Pearl Road, PPN 392-30-006, and 007 zoned PF and R1-75. *\*ARB Favorable Recommendation 12-17-13. \*BZA Variance Granted 2-12-14.*

### **SPRINT COM INC./ April Adams, Agent**

Site Plan approval for the replacement of 3 existing antennas with 3 new antennas for the Sprint co-location on an existing telecommunications tower located at 18778 Royalton Road, PPN 396-10-014 zoned Public Facility.

### **ORDINANCE NO. 2014-019**

An Ordinance amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 16403 and 16445 Pearl Road (Parts of PPNs 397-09-009 and 397-09-003), in the City of Strongsville from R1-75 (One Family 75) Classification to GB (General Business) Classification.

### **ORDINANCE NO. 2014-035**

An Ordinance amending Chapter 1212 of Title Two, Part Twelve-Planning and Zoning Code; amending Section 1273.05(c) of Title Six, Part Twelve-Planning and Zoning Code; and amending the Title of Prior Chapter 290 of Title Eight, Part Two-Administration Code of the Codified Ordinances of the City of Strongsville in order to streamline implementation of the Town Center District.