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CHAPTER 1195 Use-Specific Regulations

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1195.01 PURPOSE

This Chapter establishes supplemental standards, exceptions to standards, or alternative standards for particular uses in order to protect surrounding property values and uses, and protect the public health, safety, and general welfare.

1195.02 APPLICABILITY.

No use governed by the regulations in this chapter may be initiated, established, or maintained unless it complies with the standards set forth for such use in this chapter.

- a) Where site development standards for a specific use are not listed, such use shall comply with the development standards for the applicable zoning district.
- b) To the extent there is a conflict between a standard in another chapter of this Zoning Code and a standard in this chapter, the standard in this chapter governs unless otherwise indicated.
- c) Whenever state law requires a use regulated by this Planning and Zoning Code to be registered, certified or licensed, compliance with such law shall be a condition precedent to zoning approval of such use. Failure to maintain such license, certification or other approval requirements shall be cause for revocation of the applicant's conditional use permit.
- d) Any use in this Chapter that is regulated as a conditional use in the district in which it proposed shall also comply with the conditional use criteria set forth in Section 1135.07.

1195.03 RESIDENTIAL USE-SPECIFIC REGULATIONS.

a) Artist Live/Work Units.

- 1) In a mixed use district, ground floor live/work units may be located in a commercial building or a residential building.
- 2) Living space shall be physically integrated into the live/work unit and shall not be separately rented, leased, or sold. Mezzanines and lofts within the unit may be used as living space subject to compliance with the other provisions of this section.
- 3) Live/work units with less than 2,000 square feet of total floor area are required only one parking space for the unit.
- 4) Live/work units on the first floor of a commercial building shall comply with the following:
 - A. The unit is subject to the development standards for first floor establishments as set forth for the district in which the live/work unit is located, including transparency requirements.
 - B. The work area shall be located at the front of the unit, with a minimum of 80% of the length of the first floor façade of the unit shall be devoted to the nonresidential use.
 - C. Within each live/work unit, the living area shall not exceed 50% of the total floor area of the unit.

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b) Group Home, large.

- 1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
 - A. The resident intends to live at the dwelling on a continuing basis; and,
 - B. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
- 2) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's occupancy permit;
- 3) Signs or other means of identification as a group home shall not be permitted;
- 4) The group home shall meet local fire safety requirements for the proposed use and level of occupancy.
- 5) Large group homes shall comply with the following additional requirements
 - A. The applicant shall demonstrate that adequate qualified supervision will be provided in the home on a twenty-four hour per day basis;
 - B. The applicant shall comply with the applicable parking regulations of the Planning and Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
 - C. In considering whether to grant the conditional use permit, Planning Commission shall take into consideration the proximity and location of other such large group homes within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use;
 - D. Conversion of an existing dwelling to a large group home shall require that the dwelling be brought into conformity with existing City regulations.

c) Multi-Family Buildings.

- 1) In a mixed use district, multi-family buildings shall be designed to be in proportion to and compatible with the surrounding development in order to advance the goals of Chapter 1185.
- 2) In the Town Center Mixed Use District, the concentration and amount of land devoted to multi-family development may be limited in order to maintain a mix of the types and variety of uses necessary to create a vibrant town center district.
- 3) Landscaping shall be designed and installed to provide appropriate transition from commercial to residential uses within the district.

d) Skilled Nursing and Rehabilitation Facility.

- 1) Allowable Uses.
 - A. Clinical care services covering short term and long term care and in-patient rehabilitation.
 - B. Assisted living facilities.
- 2) Development Standards.
 - A. Unless otherwise specified below or altered by the Planning Commission, the use shall comply with the development standards of the district in which it is located.
 - B. The minimum lot area shall be three (3) acres and the minimum lot width shall be 200 feet.
 - C. Impervious surfaces, including areas devoted to buildings and pavement, shall not occupy more than 60 percent of the lot.

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- D. The development of the proposed use shall not discourage the development of future uses permitted by right on adjacent property.
- 3) Assisted Living Facility.
 - A. The facility shall accommodate no more than thirty-two (32) beds per acre.
 - B. Personal care services shall include laundry and housekeeping, and shall have at least one staff person on duty 24 hours each day.
 - C. Assisted living facilities shall include a common dining room capable of accommodating 50% of the residents at one sitting and may also provide a mix of service uses to meet the needs of residents including: laundry facilities, lounges, exercise facilities, physical and occupational therapy facilities, and personal services facilities such as a hair salon.
 - D. All applicable provisions and requirements of the Fire Code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - E. As required by the relevant provisions of the Ohio Revised Code, the applicant shall present satisfactory evidence that the proposed facility meets all necessary certification, licensing or approval requirements of any appropriate state agency.
- e) Town House /Attached Single-Family Dwellings
 - 1) Project Site. The project site shall be comprised of contiguous land that is not less than one acre, nor larger than five acres, with a minimum of 100 feet of frontage.
 - 2) Dwelling Types. Permitted dwelling unit types include single-family detached units and single-family attached units with no more than six (6) units attached in one building.
 - 3) Maximum Density. The gross density shall not exceed seven (7) units per acre.
 - 4) Lot Requirements.
 - A. Land may, but is not required to, be subdivided into sublots to allow ownership of land for individual dwelling units. If land is subdivided for this purpose, the lot size and shape shall be sufficient to accommodate a dwelling unit in compliance with the spacing requirements of this Section, as approved by the Planning Commission.
 - B. Any land not owned by an individual dwelling unit owner shall be designated as common area and owned and controlled by the owner's association.
 - C. All fee simple lots, common areas, building site boundaries and building footprints indicating the location of dwelling units and accessory structures such as decks and patios, shall be shown on the development plan. The dimensions of setbacks and spacing between building shall be noted to verify compliance with the spacing requirements of this Section.
 - D. A subdivision plat shall be submitted with the development plan if any of the dwelling units will be constructed on individual lots or as condominium dwelling units.
 - 5) Minimum Spacing between Dwellings.
 - A. In order to ensure reasonable privacy and separation, the spacing between dwellings shall comply with the following:
 - (1) The minimum side yard separation between attached dwellings shall be twelve (12) feet.
 - (2) The minimum rear yard separation between attached dwellings shall be fifty (50) feet.
 - B. These distances may be reduced if/when the Planning Commission finds that adequate landscaping and screening ensures privacy between units, and that sufficient space is provided for the proper maintenance of the area, and for landscaping (including ground cover) to survive.

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- C. For the purposes of this section:
 - (1) Living areas include the following rooms or spaces: bedrooms, dens, living rooms, great rooms, etc. Kitchen and dining areas are not subject to these requirements.
 - (2) Primary windows are those windows on the wall of the living area that has the largest amount of area. When two walls have equal window area, either wall may be considered as having the primary windows.
- 6) Minimum Common Open Space and Common Land Requirements.
 - A. Land not designated for individual ownership shall be dedicated as common land.
 - B. Legal instruments shall grant ownership and require perpetual maintenance of the common land by the developer, homeowners' association or other entity or organization approved by the City prior to [final] approval of the cluster development.
 - C. A Homeowners Association which takes title to common land shall comply with Section 11XX. Requirements for Homeowners Associations. Further division or development of common land shall be prohibited unless the approved development plan is amended.
- 7) The front setbacks for the units attached to each others shall vary a minimum of 3 feet and a maximum of 8 feet from one unit to the next.

1195.04 PUBLIC AND CIVIC USE-SPECIFIC REGULATIONS.

a) Hospitals.

- 1) The minimum lot area shall be three acres and the minimum lot width shall be 200 feet.
- 2) Ambulances and other vehicles used in the operation of the principal use shall be stored in an enclosed building.
- 3) Access drives shall be located on the site to promote safety and efficient traffic circulation, and reduce the impact of traffic generated by the use on the surrounding area. Points of ingress and egress to the site may be limited to meet this objective

b) Recreation Facilities, indoor, public or private.

- 1) The proposed use shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- 2) All activities, programs, and other events shall be identified in the application, related to the approved conditional use and shall be adequately supervised and monitored to prevent injury to persons, damage to property and disturbance or nuisance to surrounding properties, residents, or to the community in general.
- 3) The hours of operation may be regulated by the Planning Commission.
- 4) There shall be no outside activities conducted.
- 5) The facility shall meet all county or State of Ohio health, building, electrical and other applicable codes. In case of overlapping codes and/or jurisdictions, the more restrictive shall apply.

c) School, colleges, trade schools.

- 1) The use should be located to minimize the amount of space located in a retail setting that is inactive during normal business hours. Such establishments are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.

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d) Schools, primary and secondary.

- 1) All access drives shall be located on the site at the maximum, feasible distance from existing intersections to maximize traffic safety and reduce traffic congestion and restricted turning movements.
- 2) A pedestrian walkway shall be provided from the public sidewalk to the principal entrance.

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

a) Brewpubs and Micro production facilities (Micro-brewery, Micro-distillery, Micro-winery)

- 1) Each brewpub or micro production facility shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and the Bureau of Alcohol, Tobacco and Firearms (ATF), and shall maintain current licenses as required by each agency.
- 2) Brewpubs:
 - A. A minimum of 50% of the gross floor area of the brewpub shall be devoted to restaurant use for on-site consumption of food and beverages, including the kitchen and seating area, but not including any outdoor dining area.
 - B. The area used for on-site production, including but not limited to manufacturing, bottling and storage, shall not exceed 50% of the total floor area of the entire facility or 8,000 square feet, whichever is less.
- 3) Micro production facilities shall provide a minimum of 1,500 square feet devoted to on-site retail sale, restaurant or tasting room for the on-site consumption of products produced on the premises.
- 4) Each brewpub and micro production facility shall be architecturally compatible with the surrounding commercial uses.
- 5) No outdoor storage of brewing equipment or materials shall be permitted.
- 6) The emission of odorous matter or smells in such quantities as to produce a public nuisance or hazard is not permitted.
- 7) The facility shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.
- 8) Each facility shall maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) and shall be able to demonstrate, upon request of the City, that they have not exceeded the annual beverage production limit in any 12 month period.

b) Drive-Thru and Drive-In Facilities, in association with a permitted principal or conditional use.

- 1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.
- 2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.
- 3) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per street frontage.
- 4) Interconnecting circulation aisles between parcels shall be provided when practicable.
- 5) The Planning Commission may impose restrictions on the hours of operation.

c) Entertainment, indoor, in association with a permitted use.

- 1) Dance floors and other similar entertainment facilities including live entertainment shall be permitted only as an accessory use to a permitted principal use.
- 2) The Planning Commission may impose restrictions on the hours such establishment is open for business.

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- 3) All indoor entertainment/music shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.
- 4) Outside entertainment/music may be permitted provided it complies with the following:
 - A. Outdoor entertainment/music shall be permitted no later than 10 pm Sunday through Wednesdays and no later than 12 am on Thursdays through Saturdays.
 - B. The location of the area devoted to outdoor entertainment/music shall be clearly indicated on the site plan.
 - C. The Planning Commission may require the outdoor area to be screened with a wall, fence or landscaping in order to ensure that sound does not exceed normal conversation levels beyond the property line or cause a nuisance to adjoining properties.
- d) Laboratories, Research Facilities and Light Industrial.
 - 1) The principal activities of the use shall occur within an enclosed building.
 - 2) Where the site is adjacent to a residential zoning district, hours of operation may be restricted.
 - 3) No exterior odor, dust, noise, or other impacts shall be produced as a result of the use. The Planning Commission may impose additional noise reduction measures, including landscaping and sound barriers, to minimize noise and to maintain the prevailing noise levels of permitted uses in the zoning district.
 - 4) The development of the proposed use shall not discourage the development of future uses permitted by right on adjacent property.
 - 5) The facility shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.
- e) Limited Outdoor Operations.
 - 1) The outdoor operations, such as outdoor storage of fleet vehicles, shall be located in the rear yard in compliance with the required building setbacks.
 - 2) The area shall not exceed 10% percent of the ground floor area of the principal building.
 - 3) The area shall be entirely screened from view from the street and surrounding properties by a fence having a minimum height of six feet.
 - 4) No odor, dust, noise, or other impacts shall be produced as a result of the use.
- f) Medication Maintenance Facility or Dispensary.
 - 1) The facility shall be located on a lot with frontage on, and vehicular access to W. 130th Street.
 - 2) Each facility shall include a waiting and departure lounge sufficient in size to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Such areas shall include restroom facilities that shall be open at least one hour prior to the beginning of scheduled services.
 - 3) Designated outdoor smoking areas shall be located to the rear of the principal building.
 - 4) In its review of a conditional use permit application for a medication maintenance facility or dispensary, the Planning Commission may consider the provider's history in operating similar programs in other locations, including any suspension or revocation of license, disciplinary action or zoning, building, health code, or criminal violations with the City of Parma Heights, Cuyahoga County, or the State of Ohio.
- g) Outdoor dining, in association with a permitted restaurant.
 - 1) Outdoor dining shall be permitted only as an accessory use to a permitted restaurant with an

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indoor eating area on the same site.

- A. The restaurant that the outdoor dining facility is accessory to shall provide, prepare, or serve the food and beverages consumed by patrons within the outdoor dining area.
- B. The number of seats permitted outdoor shall be less than the number of seats inside the restaurant.
- C. The restaurant shall obtain and post permits required for outdoor food handling and shall comply with state and local health and sanitation regulations.
- D. Outside entertainment, including but not limited to a band, orchestra, musician, singer, radio, television, loudspeaker, microphone, individual, group or other amplifying mechanical device is prohibited in the outdoor dining area unless specifically authorized as part of the conditional use permit.

2) Location Requirements:

- A. The outdoor dining area shall be located entirely on private property, contiguous to the principal building the dining area is connected with or between such principal building and an adjacent parking area, provided it does not replace any off-street parking, loading, or landscaping areas that are required by this Code.
- B. The location of the outdoor cafes and food service areas shall not require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building.
- C. The outdoor dining area shall comply with the building setback regulations for the zoning district in which it is located.
- D. Outdoor seating shall be located so as not to obstruct any entrance or exit to the restaurant.
- E. The outdoor dining area shall not be located within ten 10 feet of a fire hydrant, Fire Department standpipe connection, fire escape, bus stop, or loading zone.

3) Additional Standards.

- A. Outdoor seating areas located in the front yard shall be limited to seating only, and shall not include table bussing facilities, cooking facilities, or trash facilities.
- B. Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.
- C. Outdoor heaters may be permitted pursuant to the Health and Fire Codes.

4) Outside entertainment/music may be permitted provided it complies with the following:

- A. Outdoor entertainment/music shall be permitted no later than 10 pm Sunday through Wednesdays and no later than 12 am on Thursdays through Saturdays.
- B. The location of the area devoted to outdoor entertainment/music shall be clearly indicated on the site plan.
- C. The Planning Commission may require the outdoor area to be screened with a wall, fence or landscaping in order to ensure that sound does not exceed normal conversation levels beyond the property line or cause a nuisance to adjoining properties.

h) Permanent cosmetics services in association with a permitted personal service establishment.

- 1) Permanent cosmetic services shall be provided a permitted personal service establishment, such as a salon, spa or skin care business, as an ancillary service. For the purposes of this section, a service shall be considered ancillary if it meets the following three (3) criteria:
 - A. The ancillary use occupies less than ten-percent (10%) of the floor area of the premises;

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- B. The ancillary use comprises less than ten-percent (10%) of the volume of activity/services conducted on the premises; and
- C. The ancillary use generates less than ten-percent (10%) of the gross revenues of the business.
- 2) No body piercing or other form of tattooing shall be performed on the premises.
- 3) The Planning Commission may limit the hours of operation.
- 4) The facility shall comply with the requirements of Chapter 773 of the Parma Heights Business Code.

1195.06 AUTOMOTIVE USE-SPECIFIC REGULATIONS.

a) Car Wash Establishments.

- 1) Such facilities shall be located in an area least disruptive to pedestrian and vehicular traffic.
- 2) The facility shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting line of cars prior to the time the cars or other vehicles are actually serviced.
- 3) Any proposed loudspeaker system shall be approved as part of the conditional use.

b) Gasoline Station.

- 1) Such facilities shall be located in an area least disruptive to pedestrian and vehicular traffic.
- 2) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per fronting street.
- 3) Except while being serviced at a fuel pump island, no vehicle shall be parked between the fuel pumps and the front property line.
- 4) A canopy may be constructed over the pump island provided the canopy shall comply with the front parking setback.
- 5) All activities provided at gasoline stations, except those required to be performed at a fuel pump, air dispenser, or self-serve automobile vacuum, shall be carried on entirely inside a building.
- 6) No junk or unlicensed motor vehicles shall be permitted to be parked or stored on the property. No inoperable vehicle shall be permitted to remain on the property for more than forty-eight hours.
- 7) All outdoor loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.
- 8) A gasoline station may be combined with any other permitted use provided the parking space requirements for both uses are met.

c) Parking, Commercial Garage as a principal use of the lot.

- 1) A parking garage shall comply with the building setbacks for the district in which it is located.
- 2) The building shall be designed to be compatible with surrounding development. Considerations include design elements and architectural features that provide a varied and interesting façade on long building walls without an entrance or windows and design elements that enhance compatibility with the character of the zoning district.
- 3) The building materials shall be compatible with the surrounding buildings and character of the neighborhood.

d) Vehicle Repair and Restoration, and Vehicle Service Station.

- 1) Vehicle parking areas, equipment storage areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on, and adjacent to, the site.

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- 2) All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere herein.
 - 3) The parking of employee vehicles and vehicles waiting to be serviced or returned to customers following service shall be parked in areas indicated for such parking on the approved site plan.
 - 4) All vehicles parked or stored overnight shall be stored or parked in a completely enclosed building.
 - 5) The operator of a vehicle repair/restoration establishment may be permitted to display and sell used automobiles as an accessory use, provided the following conditions are met:
 - A. The establishment is located on a lot that is two acres or larger; and
 - B. The used automobiles are displayed indoors and the display area does not exceed 35% of the total floor area of the building in which used automobiles are displayed.
 - 6) No junk or unlicensed motor vehicles shall be permitted to be parked or stored on the property. No inoperable vehicle shall be permitted to remain on the property for more than forty-eight hours.
 - 7) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- e) Vehicle sales and associated service.
- 1) The minimum lot area shall be four acres and the minimum lot width shall be 200 feet.
 - 2) The minimum building area shall be 25,000 square feet and there shall be sufficient building area to include space for offices; indoor display of at least five motor vehicles; inspection, servicing and repair of at least five motor vehicles; and sufficient parts and storage.
 - 3) The portion of the site that is paved shall be used for the parking and display of vehicles in compliance with the following.
 - A. A minimum of sixty percent (60%) of the paved area shall be devoted to the parking and display of new motor vehicles;
 - B. A maximum of fifteen percent (15 %) of the paved area may be devoted to car rental facilities.
 - C. Parking spaces for customers and employees shall be provided in accordance with Chapter 1187.
 - 4) The operation of a vehicle sales establishment shall comply with Chapter 755, including restrictions on the sale of used automobiles.
 - 5) Lighting for all areas used for the outdoor display of automobiles shall be in accordance with a plan approved by the Planning Commission.
 - 6) Only vehicles that are in good repair, fully operational, and with no missing parts or damage shall be permitted to be displayed or stored outdoors.

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1195.07 TEMPORARY USES.

Except as otherwise expressly provided in this section, temporary uses are permitted in any zoning district subject to the standards hereinafter established and subject to the issuance of a temporary permit.

a) General Requirements.

- 1) Parking. Before approving any temporary use, the Director of Public Service shall make an assessment of the total number of off-street parking spaces which shall be reasonably required for the particular use, its intensity, and the availability of other parking facilities in the area and shall approve such temporary use only if such off-street parking is provided.
- 2) Hours or days of operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Director of Public Service in the temporary permit required by this section on the basis of the nature of the temporary use and the character of the surrounding uses.

b) Contractors' offices, equipment sheds and construction staging areas.

- A. Contractors' offices, equipment sheds and construction staging areas containing no sleeping or cooking accommodations may be permitted in any district when accessory to a construction project.
- B. Temporary storage may be allowed as an accessory use to the contractor's office or equipment shed.
- C. Such use shall be limited to a period not to exceed the duration of such project.

c) Special outdoor sales. Special outdoor sales may be permitted in a Class C District and in a Mixed Use District by an existing business that is licensed by the City on property which it owns or leases provided that:

- 1) The business obtains a permit to conduct a special outdoor sale from the Director of Public Service at least two weeks prior to the date of the special outdoor sale.
- 2) Sales are limited to software, such as wearing apparel, stationery, etc.; nonperishable foodstuffs; and hard goods, such as appliances, furniture, notions, etc. Motor vehicle sales are prohibited.
- 3) The sales occur not more than three times in a calendar year by an existing business that is licensed by the City. The sales will be permitted on dates promulgated by the Director of Public Service. Such dates shall be determined by the first day of January of each year.
- 4) The duration of each sale does not exceed three days. Additional time may be granted by the Director of Public Service.
- 5) The location of such sales will not obstruct pedestrian circulation in and around the special sales area and will not create a safety hazard in terms of vehicular movement in the vicinity.
- 6) Businesses conducting outdoor sales are solely responsible for securing their products from theft and vandalism.
- 7) Upon completion of the sale the premises shall be immediately returned to its prior condition.
- 8) No structures of a permanent nature are permitted.
- 9) A site drawing may be required to be reviewed and approved by various departments of the City prior to a permit being issued.
- 10) The following fees, to include inspections and reviews by the Director of Public Service and/or his designee, shall be paid to the Municipality to cover permit fees, inspection and costs:
 - A. One special sale, per occurrence: \$25.00.
 - B. Three special sales applied for as one approved application: \$50.00.

*** End of Chapter ***