

ORDINANCE 2021 – 1

AN ORDINANCE AMENDING TITLE FIVE - CHAPTER 1131 [DEFINITIONS] OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS.

WHEREAS, the Council is desirous of amending Chapter 1131 [Definitions] of the Codified Ordinances to update Title Five - Chapter 1131 of the Planning and Zoning Code; and

WHEREAS, the said proposal has been properly submitted to the Municipal Planning Commission for its approval and report, which Commission after due consideration and public hearing thereon has submitted its report to Council as hereinafter set forth; and

WHEREAS, notice of public hearing before this Council on said proposed amendment has been duly published, and pursuant thereto a full public hearing thereon has been had as prescribed by law; and

WHEREAS, it is the opinion of this Council that the health, safety and convenience, comfort, property and general welfare of this community will be preserved and furthered by the adoption of the said amendment will enhance opportunities for future development in the city.

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

Section 1. Chapter 1131 [Definitions] of Title Five of the Codified Ordinances [Planning and Zoning Code] shall be amended, as set forth in Exhibit A, which is attached hereto and incorporated as if fully rewritten.

Section 2. Chapter 1131 of the Parma Heights Codified Ordinances, as it has heretofore existed is repealed.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. This Ordinance shall be in effect from and after the earliest period provided by law.

PASSED: 1-25-2021 
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan 1-25-2021
CLERK OF COUNCIL APPROVED

FILED WITH THE MAYOR: 1-25-2021 
MAYOR

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CHAPTER 1131 Definitions

1131.01 Word Usage.

1131.02 Definitions.

1131.01 WORD USAGE.

Certain words and terms in this Zoning Code are herein defined for the purposes of this Zoning Code and shall have the meanings respectively ascribed to them in this chapter. For the purposes of this Planning and Zoning Code, the following rules of word use apply:

- a) Interpretation of common words.
 - (1) The word "lot" includes the words plot and parcel.
 - (2) The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or any other legal entity including its agents as well as an individual.
 - (3) The word "shall" signifies a mandatory requirement, one that is not discretionary; the word "may" signifies a permissive or discretionary requirement; and the word "should" is a preferred requirement.
 - (4) The words "used" and "occupied" include the words arranged, designed, constructed, altered, or intended to be used.
 - (5) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, unless the context clearly indicates the contrary.
 - (6) Whenever a number of days are specified, days shall mean calendar days unless specifically noted otherwise.
 - (7) All distances are horizontal measurements unless otherwise specified.
- b) Conflict between text and visual depiction. In the case of a discrepancy in meaning or implication between the text of this Code and any illustration or caption, the text shall control.
- c) Interpretation of labels pertaining to Parma Heights.
 - (8) "City" means the City of Parma Heights, Ohio.
 - (9) "Council" means the City Council of Parma Heights.
 - (10) "Commission" means the Parma Heights Planning Commission.
 - (11) "Board" means the Parma Heights Board of Zoning Appeals.
 - (12) "County" means Cuyahoga County, Ohio.
 - (13) "City Engineer" means the Engineer of the City of Parma Heights.
 - (14) "Director" means the Parma Heights Public Service Director.
 - (15) "Chief Building Official" means the Parma Heights Chief Building Official.
 - (16) "Zoning Code" means Ordinance 1953-29, passed June 5, 1953, as amended, codified herein as Titles Five through Nine of Part Eleven - Planning and Zoning Code. The words Planning and Zoning Code or this Code encompass the Zoning Code of the City of Parma Heights and includes all ordinances amending, explaining or supplementing the same.

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1131.02 DEFINITIONS.

For the purpose of the Planning and Zoning Code, the following terms shall have the meaning herein indicated. Words, phrases, and terms not defined in this Chapter or other relevant sections of the Parma Heights Codified Ordinance shall be given their usual and customary meanings, except where the context clearly indicates a different meaning.

“Animal grooming” means an establishment where the primary service provided is the cleaning and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc., and where there are no boarding facilities. The facility may also provide services such as obedience classes, training, or behavioral counseling.

“Artisan production/fabrication” means an establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication but is not limited to, manufacturing, and other industrial uses and processes such as welding and sculpting.

“Artist work or sales space” means a facility that includes working, teaching and/or selling space for one or more artists, artisans, or musicians.

“Assisted living facility” means residential accommodations designed for and intended to be occupied by individuals who require supervision, assistance and health care services or who are otherwise dependent on the services of others by reason of age or physical or mental impairment.

“Body piercing” means the piercing of any part of the body by someone other than a physician licensed under ORC Chapter 4731, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

“Brewpub” means a restaurant with an onsite micro production facility that sells 25 percent or more of its product on site.

“Business services” means any activity that renders services to other commercial enterprises.

“Clinic” means a building where human patients are admitted for examination and treatment by a group of physicians or dentists practicing medicine together, but who are not lodged overnight. The term clinic does not include a methadone treatment clinic or facility or substance abuse treatment facility as per the Parma Heights Zoning Ordinance.

“Cultural institution” means a public or private facility that provides for the display, performance, or enjoyment of heritage, history or arts. This includes, but is not limited to, facilities that preserve scientific or artistic objects, including a museum, art gallery, aquarium or planetarium, but does not include movie theaters.

“Day care center” means a commercial facility that provides individuals with care for less than 24 hours per day including, but is not limited to a day nursery, nursery school, pre school, adult day care center, or other supplemental care facility. This term does not include a family day care home, or care that is provided in a residence

“Drive thru facility” means a building, portion of a building or free-standing structure from which business is transacted directly with customers in a motor vehicle during such business transactions. The term drive thru shall also include a drive up or drive in facility, but shall not include a car wash, gasoline station or motor vehicle service station.

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“Dwelling unit” means one or more rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one household.

“Dwelling, attached single family” means one building with three or more dwelling units that are structurally attached and adjacent to one another, each dwelling unit being separated from the adjoining unit or units by a wall without openings or offset extending from the basement floor to the roof. Each such building shall be separated from any other buildings by space on all sides, and have elements such as individual ground floor entrances from the outside, individual utility services and which may contain attached garages.

“Dwelling, multiple-family” means a structure designed and used exclusively for residential purposes with three or more dwelling units where each dwelling unit has an individual entrance to the outdoors or to a common hallway.

“Dwelling, single-family” means a dwelling entirely detached and independent from any other structure, arranged, intended or designed to be occupied by a single family.

“Dwelling, two-family” means a detached building designated for, or converted or occupied exclusively by, two households, living independently of each other, with cooking and toilet facilities in each dwelling unit.

“Dwelling” means any building or portion thereof used exclusively for permanent residential purposes, including single-family, two-family, and multi-family dwellings, but not including a hotel, motel or other transient lodging facility

“Family” means one individual, any number of individuals related by blood, adoption or marriage plus no more than three unrelated individuals, or not more than four unrelated individuals occupying a dwelling unit as their primary place of residence and living as a single housekeeping unit, but not including groups occupying a hotel, motel or other transient lodging facility.

“Group home, large” means a licensed residential facility that complies with the regulations of either ORC 5119.341(B) for residential facilities for 6 to 16 persons with mental health issues or ORC 5123.19(N) residential facilities for 9 to 16 persons with developmental disabilities.

“Laboratory and research facility” means a building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

“Light industrial” means the assembly, processing, or similar uses which are entirely conducted indoors and are not disruptive of, or incompatible with, surrounding facilities. Light manufacturing and production does not include industrial processing from raw materials.

“Live/work unit” means a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

“Medical or dental offices or clinic” means a licensed facility for examining and treating patients with medical problems or for oral health on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or medication maintenance facility or dispensary.

“Medication maintenance facility or dispensary” means a licensed facility that provides out-patient, non-residential counseling of patients and where any form of prescription medication is dispensed to individuals, by a doctor, for use or consumption on-site as opposed to a pharmacy that dispenses prescription medication for use at home. Such use may include, but is not limited to, methadone

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treatment facilities licensed by the State of Ohio. Such use shall not include a medical marijuana dispensary or programs consisting solely of support group activities without treatment by licensed health practitioner, such as Alcoholics Anonymous, Narcotics Anonymous and similar programs.

“Micro-production facility, including micro-brewery, micro-distillery, micro-winery” means a small scale facility that produces a limited amount of a ‘craft’ or ‘artisan’ alcoholic beverage, depending on the type of beverage produced, which possesses the appropriate liquor permit from the State of Ohio, and which may sell to the public by one or more of the following methods: the traditional three-tier system (producer to wholesaler to retailer to consumer); the two-tier system (producer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tasting-room or restaurant sales, depending on the zoning district in which the use is located:

“Micro-brewery” means a facility that produces less than 15,000 barrels (17,600 hectoliters) of beer per year (as defined by the Brewer’s Association).

“Micro-distillery” means a facility that produces less than 50,000 proof gallons per year (as defined by the American Distilling Institute).

“Micro-winery” means a facility that produces less than 10,000 cases of wine per year, where all aspects of production occur within the footprint of the structure.

“Mixed use building” means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

“Permanent cosmetics” means the same as defined in Chapter 773.

“Restaurant” means an establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops, but does not include smoking lounge.

“Retail establishment” means an establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption off-site, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public, but does not include the sale of marijuana products or smoking lounge. In determining a use to be a retail use, the Planning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.

“Setback line” means the line created by the setback established by this Code, generally parallel with and measured from the applicable lot line, as noted herein: the front setback shall be measured from the street right-of-way line, the side setback shall be measured from the side lot line and the rear setback shall be measured from the rear property line.

“Setback” means the required distance between any structure or parking area and the lot lines of the lot or parcel on which the structure or parking area is located.

“Smoking lounge” means a business establishment that is dedicated, in whole or in part, to facilitate the on-site consumption of tobacco products, electronic vaping devices, or other nicotine-enriched substances, including but not limited to establishments known variously as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, etc.

“Tattoo establishment” means the same as defined in Chapter 773.

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“Use, accessory” means a subordinate use or building customarily incident to and located on the same lot with the main use or building.

“Use, conditional” means a use permitted within a district only with a conditional use permit approved according to Chapter 1135.

“Use, nonconforming” means one that does not comply with the regulations of the use district in which it is situated.

“Use, principal” means the principal use to which the premises are devoted and the primary purpose for which the premises exist.

“Vehicle repair, restoration” means a building or portion of a building in which major repairs are conducted. Major repairs include structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities.

“Vehicle sales agency” means any establishment engaged in activities such as displaying, offering for sale and selling new motor vehicles at retail, and which may also include operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, offering for sale and selling used motor vehicles at retail, but only as incidental to the sale of new motor vehicles and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. For the purposes of this Code, the terms used herein not specifically defined in this ordinance shall be defined as in Ohio Revised Code Chapter 4517 and successors.

“Vehicle service station” means a building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service and the making of repairs to motor vehicles, except that repairs described as major repairs in "garage, repair" shall not be permitted.

“Yard, front” means an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

“Yard, rear ” means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

“Yard, side” means an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending from the street line to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

*** End of Chapter***