

ORDINANCE NO. 2022 – 42

AN ORDINANCE AMENDING SECTION 1195.06 ENTITLED, "AUTOMOTIVE USE-SPECIFIC REGULATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, OHIO, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, the City of Parma Heights, per Resolution No. 2022 – 28, adopted on August 15, 2022, has reviewed the regulation of car wash uses within the City of Parma Heights; and

WHEREAS, the City has determined that additional regulation of the operation of car wash uses within the City of Parma Heights is necessary as additional car wash uses in the City will have a detrimental economic impact upon the City; and

WHEREAS, the City intends to regulate and limit the number of car wash uses permitted within the City of Parma Heights to avoid detrimental economic impacts of additional car wash uses upon the City; and

WHEREAS, the Planning Commission met, considered, and recommended this further regulation and limitation of the number of car wash uses permitted within the City of Parma Heights.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: That Section 1195.06 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit "A", which are attached hereto and incorporated by reference.

Section 2: 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 meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for further reason that it is necessary to regulate and limit the number of car wash uses within the City prior to the expiration of the City's moratorium; wherefore, this Ordinance shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: 2-13-23

Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Subana Allen
CLERK OF COUNCIL

2-13-23
APPROVED

FILED WITH
THE MAYOR: 2-13-23

Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A

1195.06 AUTOMOTIVE USE-SPECIFIC REGULATIONS.

(a) Car Wash Establishments.

(1) Definitions

a. Car Wash Establishments means any principal, conditional, or accessory use of property, buildings, or premises, or part thereof, used for washing motor vehicles, including but not limited to such facilities subject to licensing requirements imposed by federal and state regulations including Environmental Protection Agency and/or Occupational Safety and Health Administration, if applicable, and further, including but not limited to automatic, conveyor, and in-bay facilities defined herein.

b. Car Wash, Automatic or Conveyor

“Automatic or conveyor car wash” means any commercial car wash where the motor vehicle moves on a conveyor style apparatus during the wash and the driver can remain in the vehicle.

c. Car Wash, In-Bay

“In-bay car wash” means any commercial car wash where the driver pulls into or onto a bay or parking surface, parks the car, and the motor vehicle remains stationary while either a machine moves over the vehicle to clean it; one or more employees clean the vehicle; or where a customer parks the car and utilizes spray wands and/or brushes to wash the vehicle.

~~(1)~~(2) Such facilities shall be located in an area least disruptive to pedestrian and vehicular traffic.

~~(2)~~(3) 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)~~(4) Any proposed loudspeaker system shall be approved as part of the conditional use.

(5) No Car Wash Establishment or use of any kind, whether as a principal, conditional, or accessory use, shall be located within one thousand (1,000) feet of any other Car Wash Establishment or use of any kind, whether as a principal, conditional, or accessory use, as measured at the closest property lines, and the number of such Car Wash Establishments or uses of any kind, whether as a principal, conditional, or accessory use, may not exceed one per every twelve thousand (12,000), or portion thereof, of the population of the City.

(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 48 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 facade 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.

(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 percent 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 48 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 60 percent of the paved area shall be devoted to the parking and display of new motor vehicles;

B. A maximum of 15 percent 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.

(Ord. 2021-7. Passed 1-25-21.)