



City of Parma Heights Special Council Meeting

6281 Pearl Road

Wednesday, July 7, 2021 7:00 PM

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC HEARINGS REGARDING THE FOLLOWING ORDINANCES**
 - A. AN ORDINANCE AMENDING TITLE FIVE ZONING ADMINISTRATION OF THE PARMA HEIGHTS CODIFIED ORDINANCE SECTION 1131.02 – DEFINITIONS
 - B. AN ORDINANCE AMENDING TITLE NINE - ZONING USE DISTRICTS OF THE PARMA HEIGHTS CODIFIED ORDINANCE SECTION 1185.02 – PERMITTED USES
 - C. AN ORDINANCE AMENDING TITLE NINE - ZONING USE DISTRICTS OF THE PARMA HEIGHTS CODIFIED ORDINANCE SECTION 1195.05 – COMMERCIAL USE SPECIFIC REGULATIONS

LEGISLATION

4. Consideration of AN ORDINANCE AMENDING TITLE FIVE ZONING ADMINISTRATION OF THE PARMA HEIGHTS CODIFIED ORDINANCE SECTION 1131.02 – DEFINITIONS. **THIRD OF THREE READINGS.**
5. Consideration of AN ORDINANCE AMENDING TITLE NINE - ZONING USE DISTRICTS OF THE PARMA HEIGHTS CODIFIED ORDINANCE SECTION 1185.02 – PERMITTED USES. **THIRD OF THREE READINGS.**
6. Consideration of AN ORDINANCE AMENDING TITLE NINE - ZONING USE DISTRICTS OF THE PARMA HEIGHTS CODIFIED ORDINANCE SECTION 1195.05 – COMMERCIAL USE SPECIFIC REGULATIONS. **THIRD OF THREE READINGS.**
7. **ADJOURNMENT**

CITY HALL WILL BE OPEN FOR THE COUNCIL MEETING

ORDINANCE 2021- DRAFT

AN ORDINANCE AMENDING TITLE FIVE - ZONING ADMINISTRATION OF THE PARMA HEIGHTS
CODIFIED ORDINANCES - SECTION 1131.02 DEFINITIONS

WHEREAS, the City of Parma Heights adopted Chapter 1131 of the Codified Ordinances to provide definitions for the Zoning Code; and

WHEREAS, the Council is desirous of amending Section 1131.02 in order to provide definitions for Self Service Storage; and

WHEREAS, the proposed amendment has been properly submitted to the Parma Heights Planning Commission for its approval and report, which the Commission after due consideration and public hearing thereon has submitted its report to the Council; 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 proscribed by law; and

WHEREAS, the City of Parma Heights Council deems it in the best interest and for the health, safety and welfare of the City of Parma Heights to amend Section 1131.02 of the Codified Ordinances in order to provide definitions for Self Service Storage.

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

SECTION 1. Section 1131.02 of the City's Codified Ordinances is amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. Sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the City's Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR

1131.02 DEFINITIONS.

EXHIBIT A

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.

(a) "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.

(b) "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.

(c) "Artist work or sales space" means a facility that includes working, teaching and/or selling space for one or more artists, artisans, or musicians.

(d) "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.

(e) "Body piercing" means the piercing of any part of the body by someone other than a physician licensed under R.C. 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.

(f) "Brewpub" means a restaurant with an onsite micro production facility that sells 25 percent or more of its product on site.

(g) "Business services" means any activity that renders services to other commercial enterprises.

(h) "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.

(i) "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.

(j) "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.

(k) "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.

(l) "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.

(m) "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.

(n) "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.

(o) "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.

(p) "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.

(q) "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

(r) "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.

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

(t) "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.

(u) "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.

(v) "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.

(w) "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.

(x) "Medication maintenance facility or dispensary" means a licensed facility that provides out-patient, nonresidential 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 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.

(y) "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:

(1) "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).

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

(3) "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.

(z) "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.

(aa) "Permanent cosmetics" means the same as defined in Chapter 773.

(bb) "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.

(cc) "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.

(dd) "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.

(ee) "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.

(ff) "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.

(gg) "Storage, self-service" means a building that is partitioned into contiguous, individual, securely subdivided space for lease to individual customers for storage of personal property, which has independent access and locks under the control of the tenant, and designed to

primarily accommodate interior access to individual space via a common entry.

(hh) "Storage, self-service mini-" means a facility that consists of individual, securely enclosed units attached side-by-side, available for lease to individual customers for storage of personal property, in which each individual space has direct exterior drive-up access to the space that accommodates only passenger vehicles and two-axle non-commercial vehicles.

(ii) "Tattoo establishment" means the same as defined in Chapter 773.

(jj) "Use, accessory" means a subordinate use or building customarily incident to and located on the same lot with the main use or building.

(kk) "Use, conditional" means a use permitted within a district only with a conditional use permit approved according to Chapter 1135.

(ll) "Use, nonconforming" means one that does not comply with the regulations of the use district in which it is situated.

(mm) "Use, principal" means the principal use to which the premises are devoted and the primary purpose for which the premises exist.

(nn) "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.

(oo) "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 chapter shall be defined as in R.C. Chapter 4517 and successors.

(pp) "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.

(qq) "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.

(rr) "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.

(ss) "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.

ORDINANCE 2021- DRAFT

**AN ORDINANCE AMENDING TITLE NINE – ZONING USE DISTRICTS OF THE PARMA HEIGHTS
CODIFIED ORDINANCES - SECTION 1185.02 PERMITTED USES**

WHEREAS, the City of Parma Heights adopted Chapter 1185 of the Codified Ordinances pertaining to regulating Mixed Use Districts; and

WHEREAS, the Council is desirous of amending Section 1185.02 in order to provide that Self Service Storage is a conditionally permitted use; and

WHEREAS, the proposed amendment has been properly submitted to the Parma Heights Planning Commission for its approval and report, which the Commission after due consideration and public hearing thereon has submitted its report to the Council; 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 proscribed by law; and

WHEREAS, the City of Parma Heights Council deems it in the best interest and for the health, safety and welfare of the City of Parma Heights to amend Section 1185.02 of the Codified Ordinances in order to provide that Self Service Storage is a conditionally permitted use.

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

SECTION 1. Section 1185.02 of the City's Codified Ordinances is amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. Sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the City's Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR

1185.02 PERMITTED USES.

EXHIBIT A

No building, structure, premises, or portion thereof, shall be used, arranged to be used, or designed to be used, except as established below.

(a) Permitted Use Table Summary. Table 1185.02 sets forth the uses allowed in the Mixed Use Districts. The abbreviations used in the table are described as follows:

(1) Uses permitted by right. A "P" in a cell indicates that the use is allowed by right as a principal use in the respective district provided that all requirements of other City ordinances and this Planning and Zoning Code have been met.

(2) Conditional uses. A "C" in a cell indicates that the use is regulated as a conditional use. The use may be permitted in the respective district if approved through the conditional use review process in compliance with Chapter 1135, provided that all standards for specific uses found in Chapter 1195, Supplemental Use Requirements, or elsewhere as referenced herein and other relevant City ordinances and this Planning and Zoning Code have been met.

(3) Accessory uses. An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal or conditional use listed in Table 1185.02 and that the requirements of all other City ordinances and this Planning and Zoning Code have been met.

(4) Uses not permitted.

A. An "N" in a cell indicates that a use is not permitted in the respective district.

B. Any use not specifically listed in Table 1185.02 shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1163 or approval as a similar use as provided in Section 1135.10.

(b) Compliance with Standards. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards referenced in Table 1135.02.

(c) Indoor/Outdoor Operations. All permitted uses in the Mixed Use Districts shall be conducted within a fully enclosed building unless otherwise expressly authorized. This requirement does not apply to accessory off-street parking and loading areas.

Table 1185.02 Permitted Uses

	<i>TC-MUD Town Center Mixed-Use</i>	<i>W130-MUD W 130th St. Mixed-Use</i>	<i>N-MUD Neighborhood Mixed-Use</i>	<i>Use-Specific Regulations</i>
<i>Residential:</i>				
Artist Live/Work units, above ground floor	P	P	P	1195.03(a)
Artist Live/Work units, ground floor	C	C	P	1195.03(a)
Dwelling Units, above nonresidential ground floor	P	P	P	
Group Home, Large	C	C	C	1195.03(b)
Multi-Family Building	C	C	P	1195.03(c)
Skilled Nursing and Rehabilitation Facility	C	C	C	1195.03(d)
Town House /Attached Single-Family Dwellings	C	C	P	1195.03(e)
<i>Public and Civic:</i>				
Cultural Institution, Libraries, Religious Assembly	P	P	P	
Day Care Centers, child and adult	P	P	P	
Hospitals	N	C	N	1195.04(a)
Parks, Other Public Open Space	P	P	P	

Table 1185.02 Permitted Uses

	TC-MUD Town Center Mixed-Use	W130-MUD W 130 th St. Mixed-Use	N-MUD Neighborhood Mixed-Use	Use-Specific Regulations
Public Safety Services	P	P	P	
Recreational Facilities, indoor, public or private	N	C	C	1195.04(b)
Schools, colleges, trade schools	C	C	C	1195.04(c)
Schools, primary and secondary	C	C	C	1195.04(d)
Commercial:				
Animal Services, including veterinary clinics, sales and grooming (but not including boarding kennel)	P	P	P	
Artist Work or Sales Space, Artisan production/fabrication	P	P	P	
Brew pubs and wine bars	P	P	C[1]	1195.05(a)
Business services	P	P	P	
Drive-Through Facility	C	C	N	1195.05(b)
Entertainment, indoor, in association with a permitted use	A	A	C	1195.05(c)
Financial Services	P	P	P[1]	
Funeral Home	P	P	P	
Medical Marijuana Dispensary	C	C	N	Chap 1190
Medical/Dental offices or clinic	P	P	P[1]	
Medication Maintenance Facility or Dispensary	N	C	N	1195.05(f)
Micro production facility (Micro-brewery, Micro-distillery, Micro-winery)	C	C	N	1195.05(a)
Offices, administrative, general, professional	P	P	P[1]	
Outdoor Dining in association with a restaurant	C	C	C	1195.05(g)
Restaurants	P	P	P[1]	
Personal Service, including health clubs and gyms	P	P	P[1]	
Repair Service, consumer	P	P	P[1]	
Permanent Cosmetics Services in association with a permitted personal service establishment	C	C	N	1195.05(h)
Tattoo or Body Piercing Services	N	C	N	Chap 733
Retail Sales, general	P	P	P[1]	
Laboratories and Research Facilities	C	C	N	1195.05(d)
Light Industrial	N	C	N	1195.05(d)
Limited Outdoor Operations	N	C	N	1195.05(e)
Storage, Self-Service	N	C	N	1195.05(i)
Automotive Uses:				
Car wash	C	C	C	1195.06(a)
Gas station	C	C	C	1195.06(b)
Parking, Commercial Garage	C	C	C	1195.06(c)
Vehicle repair, restoration	C	C	C	1195.06(d)
Vehicle sales, New car sales and associated service	C	C	C	1195.06(e)
Vehicle service	C	C	C	1195.06(f)
Other Accessory Uses and Structures				
Fences and Walls	A	A	A	
Landscape features (including gardens, fountains, sidewalks, and lawns) and ornamental structures	A	A	A	
Maintenance, storage, utility and waste disposal facilities in enclosed structure	A	A	A	
Off-street parking and loading	A	A	A	

Table 1185.02 Permitted Uses

	<i>TC-MUD Town Center Mixed-Use</i>	<i>W130-MUD W 130th St. Mixed-Use</i>	<i>N-MUD Neighborhood Mixed-Use</i>	<i>Use-Specific Regulations</i>
Outdoor recreational structures, accessory to a day care center	A	A	A	
Signage	A	A	A	
Temporary transient outdoor business/sales[2]	A	A	A	1195.07

P = permitted by right; C = conditional use; A = accessory use; N = not allowed

[1] Individual business establishments are limited to a maximum of 5,000 square feet in area. Larger establishments or expansions beyond 5,000 square feet require conditional use approval.

[2] Permitted only upon obtaining authorization from the Director of Public Services.

ORDINANCE 2021- DRAFT

**AN ORDINANCE AMENDING TITLE NINE – ZONING USE DISTRICTS OF THE PARMA HEIGHTS
CODIFIED ORDINANCES - SECTION 1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS**

WHEREAS, the City of Parma Heights adopted Chapter 1195 of the Codified Ordinances pertaining to regulating specific uses; and

WHEREAS, the Council is desirous of amending Section 1195.05 in order to regulate Self Service Storage; and

WHEREAS, the proposed amendment has been properly submitted to the Parma Heights Planning Commission for its approval and report, which the Commission after due consideration and public hearing thereon has submitted its report to the Council; 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 proscribed by law; and

WHEREAS, the City of Parma Heights Council deems it in the best interest and for the health, safety and welfare of the City of Parma Heights to amend Section 1195.05 of the Codified Ordinances in order to regulate Self Service Storage.

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

SECTION 1. Section 1195.05 of the City's Codified Ordinances is amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. Sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the City's Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR

1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS.

EXHIBIT A

(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 percent 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 percent 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.

(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 10:00 p.m. Sunday through Wednesdays and no later than 12:00 a.m. 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 ten 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 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 cafe/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 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 10:00 p.m. Sunday through Wednesdays and no later than 12:00 a.m. 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 criteria:

A. The ancillary use occupies less than ten percent of the floor area of the premises;

B. The ancillary use comprises less than ten percent of the volume of activity/services conducted on the premises; and

C. The ancillary use generates less than ten percent 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.

(i) Storage, Self-Service.

- 1) This use shall be permitted only in an existing building that meets the following requirements:
 - A. Constructed prior to 2020 and having a minimum floor area of 40,000 square feet.
 - B. Located on a lot with a minimum area of two (2) acres, and minimum setback of 300 feet from any public street right-of-way.
- 2) Additional single-story mini-storage facilities may be erected on the site provided the ground floor area of the mini-storage does not exceed 20% of the ground floor area of the existing building, and the facilities are located a minimum of 300 feet from any public right-of-way.
- 3) The only uses permitted on-site shall be the rental of storage space and the pickup and/or deposit of goods being stored or to be stored on the property, in compliance with the following.
 - A. All items stored on site shall be kept within an enclosed building or structure; no outdoor storage of items including boats, RVs and other motor vehicles, shall be permitted.
 - B. At no time shall any indoor or outdoor area on the site be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; conduct sales of any kind; or conduct any other activity on-site, except to the extent such use(s) is permitted by the Zoning Code, and approved on the development plan by the Planning Commission as part of the conditional use approval.
 - C. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.
 - D. The storage of hazardous materials is prohibited.
 - E. No portion of the self-storage site shall be used for housing or any form of residence.
 - F. Temporary auction sales of storage unit contents may be permitted up to four times per calendar year, provided a temporary sales permit is obtained from the City.
- 4) Where the site is adjacent to a Class "A" Single-Family Residential zoning district:
 - A. Loading docks and direct exterior access to any storage unit are prohibited on the side of the facility facing the residentially zoned land.
 - B. Public access shall be permitted only between 6:00 a.m. and 10:00 p.m.
- 5) Fencing and screening:
 - A. Whenever the self-service storage building and any associated mini-storage facilities are visible from public rights-of-way, the Planning Commission may require landscaping and screening be installed in compliance with the

requirements of Chapter 1185.

- B. Security fencing shall not include razor wire or barbed wire.
- 6) The Parma Heights Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.