

AN ORDINANCE AMENDING SECTIONS 1103.03, 1157.03, 1173.15, AND 1177.05 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE, TO FACILITATE CONFERENCE CENTERS AS A CONDITIONAL USE WITHIN THE OFFICE/LIMITED INDUSTRIAL DISTRICT

WHEREAS, this Council referred proposed amendments to Sections 1103.03, 1157.03, 1173.15, and 1177.05 of the Richfield Planning and Zoning Code, intended to facilitate conference centers as a conditional use within the Office/Limited Industrial District, to the Planning and Zoning Commission for report and recommendation, pursuant to Section 9.06 of the Charter and Section 1109.07 of the Richfield Codified Ordinances; and

WHEREAS, Village Council received the favorable report and recommendation of the Planning and Zoning Commission to amend Sections 1103.03, 1157.03, 1173.15, and 1177.05 of the Planning and Zoning Code on May 17, 2016; and

WHEREAS, based upon the report and recommendation of the Planning Commission, this Council has determined that it is in the best interest of the health, safety, and welfare of the Village to amend Sections 1103.03, 1157.03, 1173.15, and 1177.05 as described in the report and recommendation of the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That Sections 1103.03, 1157.03, 1173.15, and 1177.05 of the Village's Planning and Zoning Code be amended to read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.
- SECTION 2. That all other provisions of Chapters 1103, 1157, 1173, and 1177 of the Codified Ordinances of the Village, not amended herein, shall remain in full force and effect as they existed prior to the effective date of this Ordinance.
- SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 7/19/16

TRICK HULEK VP FOR ROGER SWANK
 President of Council
Bobbie Bashara
 Mayor

ATTEST:

Clerk of Council

Dated: 7-19-16

June 7, 2016

CHAPTER 1103 Definitions

1103.01 Intent.

1103.03 General terms.

1103.01 INTENT.

The following terms, phrases, words, and their derivatives shall have the meaning given herein and shall be construed as if followed by the words "or part thereof...." Words used in the singular include the plural.

- (a) The word "shall" is to be interpreted as mandatory and shall be complied with unless waived, "may" is to be interpreted as having permission or being allowed to carry out a provision, "should" is to be interpreted as expressing application of a criterion or standard as desired.
- (b) All words used in the present tense shall include the future tense unless indicated otherwise.
- (c) The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for", or "occupied for."
(Ord. 25-2011. Passed 9-20-11.)

1103.03 GENERAL TERMS.

- (a) Definitions used in this Zoning Code:
 - (1) **Accessory Building** means a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.
 - (2) **Accessory Use** means a use subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.
 - (3) **Agriculture** means farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, equine breeding, stabling and training, farm forestry and other similar enterprises or uses, but no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish or offal, or as rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.
 - (4) **Alley** means any dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
 - (5) **Alteration** means any change, addition or modification in construction or the type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.
 - (6) **Assisted Living Facility** means a facility that provides supervision or assistance with activities of daily living, coordination of services by outside health care providers and monitors residents activities to help to ensure their health, safety and well-being.
 - (7) **Automotive Service Station** or **Vehicular Service Station** means a place where gasoline or any other engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, or grease are retailed directly to the public on premises including the sale of minor accessories and servicing of motor vehicles.
 - (8) **Bank** means an establishment providing retail banking, credit and

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- mortgage services. The term also means financial institution, but shall not include a currency exchange, a payday loan agency or a title loan agency.
- (9) **Basement** means that portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- (10) **Board of Appeals** means the Board of Zoning Appeals of the Village of Richfield.
- (11) **Build** means to establish, construct, create, assemble, reconstruct, enlarge and alter.
- (12) **Building** means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of person, animals, chattels or property of any kind. This includes tents, awnings or vehicles situated on private property and used for purposes of a building.
- (13) **Building Addition** means an enlargement of a structure.
- (14) **Building Height** means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the ground at the building wall.
- (15) **Building Line** means a line formed by the face of the building. A minimum building line is the same as the front yard setback.
- (16) **Building, Main or Principal** means a building in which the principle use of the lot on which it is situated is conducted.
- (17) **Centralized Sanitary Sewer System** means a system where individual lots are connected to a common sewage system that is publicly owned and operated.
- (18) **Centralized Water System** means a system where individual lots are connected to a common water distribution system that is publicly owned and operated.
- (19) **Clinic** means any building or other structure devoted to the medical diagnosis, treatment, and care of human outpatients.
- (20) **Club** means any organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit, whose facilities are available only to a limited number of members and guests.
- (21) **Collector Road or Secondary Road** means a street supplementary to and connecting major streets to local streets. Collector or secondary roads are Hawkins Road, Everett Road, Brush Road and Revere Road.
- (22) **Commission** means the Planning and Zoning Commission of the Village.
- (23) **Comprehensive Plan** means a land use and transportation plan for the entire Village including graphic and written proposals, indicating the general location of streets, parks, schools, public buildings and all physical development of the Municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
- (24) **Conditional Use** means a use not permitted by right in a zoning district but which may be permitted in certain locations under specific conditions upon consideration of the effect of such use on neighboring properties.
- (25) **Condominium** means a building or group of buildings designed for multifamily occupancy in individual separately owned units.
- (26) **Conference Center** is an establishment consisting of a detached structure or structures conducting meetings, services, conferences, seminars and similar gatherings for lease or rent on a short term basis. A Conference

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Center may or may not contain facilities for preparation of food but may not be a restaurant serving food to the public as the primary purpose. A "conference center" differs from a school in that no accreditation or continuous curriculum is involved and meetings, seminars, etc., are short, a maximum of two weeks, and the clients are primarily adults. Artistic performances or exhibitions of works of art are not considered meetings or seminars.

- (27) **Council** means the Village Council of the Village of Richfield.
- (28) **Criterion** means the principal by which the planning of a subdivision or development area shall be guided.
- (29) **Day Care Center** means a place for the daily care of children and adults.
- (30) **Developer** means a person commencing proceedings under these regulations to effect a subdivision or development of land.
- (31) **Development Plan** means the site plan, drawings and information as provided in Chapter 1171.
- (32) **District** means a section of the Village for which uniform zoning regulations, as provided herein, govern the use of land, structures and land, the permitted height and area of structures, the area of open spaces and design standards.
- (33) **Drive-In** or **Drive-Thru** means a business establishment so developed that its retail or service character is dependent on providing a driveway approach for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.
- (34) **Dwelling, Multifamily** means a building or portion thereof designed for occupancy by three or more families living independently of each other.
- (35) **Dwelling, Single-family** means a building designed exclusively for occupancy by one family and having no less than 1,000 square feet of floor area.
- (36) **Dwelling, Two-family** means a building designed exclusively for occupancy by two families independent of each other, such as a duplex dwelling unit.
- (37) **Dwelling Unit** means a building or portion thereof designed for occupancy by one family for residential purposes and having cooking facilities.
- (38) **Engineer** means the Engineer of the Village.
- (39) **Essential Services** means the erection, construction, alteration, or maintenance by public utilities or Municipal departments of underground, surface or overhead gas, electric, steam, fuel or water transmission or distribution systems or including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities of Municipal departments for the general health, safety or welfare.
- (40) **Excavation** means any breaking of ground, except common household gardening and ground care.
- (41) **Exit/Entrance Ramp** means a roadway connecting to a freeway and providing access thereto.
- (42) **Family** means one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall also be deemed to constitute

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- a family.
- (43) **Floor Area** means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.
- (44) **Freeway** means a divided arterial highway for through traffic to which access from abutting properties is prohibited and all street crossings are grade separated.
- (45) **Garage, Private** means an accessory building for parking or storage of vehicles in connection with the permitted use of the principal building.
- (46) **Garage, Public** means any garage, other than a private garage, available to the public, operated for gain and used for the parking or storage, equipping of automobiles or other motor vehicles.
- (47) **Grade** means a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- (48) **Home Occupation** means any use or profession customarily conducted entirely within and/or from a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental to the use of the dwelling.
- (49) **Hospital** means any building or other structure containing beds for overnight patients and devoted to the medical diagnosis, treatment, or other care of human ailments.
- (50) **House Trailer** means any self-propelled and non self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy for human habitation, whether resting on wheels, jacks, or other foundation, and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.
- (51) **House Trailer Park** means any site, lot, field or tract of land upon which three or more house trailers used for habitation are parked either free of charge or for revenue purposes, and shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such house trailer park.
- (52) **Kennel, Commercial** means any lot or premises on which more than three dogs, cats or other household pets are either permanently or temporarily boarded, bred, or sold with all activities conducted inside a wholly enclosed building.
- (53) **Loading Space** means an off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials
- (54) **Local Street** means a street, which primarily provides access to abutting properties.
- (55) **Lot** means a division of land separated from other divisions of land by description on a recorded subdivision plat, recorded survey map, or by metes and bounds for the purposes of sale, lease, or separate use.
- (56) **Lot Area** means the total horizontal area within the lot lines of a lot.
- (57) **Lot, Corner** means a lot at the point of intersection of and abutting on two intersecting streets.
- (58) **Lot Coverage** means that part or percent of the lot occupied by buildings,

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- including accessory buildings.
- (59) **Lot Depth**, means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
 - (60) **Lot, Double Frontage** means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
 - (61) **Lot, Interior** means any lot other than a corner lot.
 - (62) **Lot Line** means the boundaries of the lot.
 - (63) **Lot of Record** means a parcel of land, the dimensions of which are shown on a recorded plat of the Summit County Auditor.
 - (64) **Lot Width** means the straight-line distance between the side lot lines, measured at the two points where the minimum building line, or setback, intersects the side lot lines.
 - (65) **Main Building** means a building in which is conducted the principal use of the lot upon which it is situated.
 - (66) **Major Road** or **Thoroughfare** means a road which is intended to serve a large volume of traffic for both the immediate area and the region. Major roads include Brecksville, Broadview, Streetsboro and Wheatley.
 - (67) **Marginal Access Road** means a service roadway parallel to a freeway, which provides access to abutting properties.
 - (68) **Mezzanine** means an intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third of the floor area of such main story.
 - (69) **Motel, Hotel** means a series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the traveling public.
 - (70) **Nonconforming Building** means a building or portion thereof, existing at the effective date of this Zoning Code, or amendments thereto, and does not conform to the use regulations of the district in which it is located.
 - (71) **Nonconforming Lot** means a parcel of land nonconforming as to the lot area and/or lot width requirement of the district in which it is located.
 - (72) **Notice** means a written announcement delivered to a person at his/her usual address as shown on the Summit County tax records.
 - (73) **Nursery, Plant Material** means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises, including products used for gardening or landscaping.
 - (74) **Nursery School** means a school for the training of children not more than five years of age.
 - (75) **Nursing Home** means a long-term healthcare facility that provides full-time care and medical treatment for people who are unable to take care of themselves.
 - (76) **Occupancy Permit** means an official statement issued by the Zoning Inspector certifying that a building, structure or parcel of land is in compliance with the provisions of this Zoning Code and may be occupied or used lawfully for the purposes indicated.
 - (77) **Off-street Parking Lot** means a facility, other than for single-family and two-family dwellings, providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.
 - (78) **Parking Space** means an area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

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- (79) **Public Hearing** means a hearing, open to the public after public notice thereof has been given, at which any person shall be entitled to be heard concerning the subject matter of the hearing.
- (80) **Public Notice** means a notice in a newspaper of general circulation in the Village not less than ten days prior to the public hearing.
- (81) **Public Utility** means any person, firm, corporation, municipal department, board or commission duly authorized to furnish to the public under Federal, State or Municipal regulations gas, steam, electricity, sewage disposal, communication, transportation, or water or such other public utilities as may be defined by law.
- (82) **Regulation** means a rule, restriction, requirement or other mandatory provision intended to control, or prohibit, an act.
- (83) **Recreational Vehicle** means a motor home, camping trailer, boat, all-terrain vehicle, trailers, or similar equipment.
- (84) **Riparian Area** means naturally vegetated land adjacent to watercourses that, if appropriately sized, stabilizes stream banks, limits erosion, reduces flood size flows and/or filters and settles out runoff pollutants, or performs other functions consistent with best management practices.
- (85) **Secretary** means the Secretary of the Planning and Zoning Commission and the Secretary of the Board of Zoning Appeals.
- (86) **Setback** means the distance required to comply with the front, side or rear yard open space provisions of this Zoning Code.
- (87) **Side Street** means the street along the side of a corner lot.
- (88) **Signs** shall mean any visual communication display, object, device, graphic structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of this Zoning Code, the word "sign" does not include flag, pennant, badge, or insignia of any government of governmental agency.
- (89) **Stable, Private** means a building for horses owned by the occupants of the dwelling to which it is an accessory use.
- (90) **Standard** means a test, measure, model or example of quantity, extent, or quality.
- (91) **Story** means that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent, by cubic content, is below the height level of the adjoining ground.
- (92) **Story, Half** means an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor, does not exceed two-thirds of the floor area in the story directly below, where the height above at least 200 square feet of floor space is seven feet, six inches.
- (93) **Street** means a public thoroughfare more than twenty feet in width, which has been dedicated to the Village of Richfield for public use.
- (94) **Structure** means anything constructed or erected, the use of which requires location in, or on, the ground or attachment to something having location on the ground.
- (95) **Temporary Use of Building** means a use or building existing during periods of construction of the main use or building, or for special events.

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- (96) **Trailer Coach** means any vehicle designed, used, or so constructed as to permit it being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.
- (97) **Usable Floor Area** means, for the purposes of computing parking, that area used, or intended to be used, for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of usable floor area. Measurement of floor area shall be the sum of gross horizontal areas of the several floors of the building.
- (98) **Use** means the purpose for which land or a building is arranged, designed or intended, or for which the land or building is or may be occupied.
- (99) **Variance** means a modification of the literal provisions of this Zoning Code and may be granted when the strict enforcement of this Zoning Code would cause practical difficulties or unnecessary hardship owning to circumstances unique to the individual property for which the variance is granted.
- (100) **Vehicle Service Center** means an establishment in which the retail sale of accessories and services for automobiles is provided as the primary use, including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including the space for facilities for major storage, repair, painting or refinishing.
- (101) **Vehicular Repair Station** means a place where, along with the sale of engine fuels and accessories the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, and painting and undercoating of automobiles.
- (102) **Veterinary Clinic** means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those animals who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity of providing care for animals.
- (103) **Village or Municipality** means the Village of Richfield.
- (104) **Yard** means the open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code and as defined herein:
- A. "Front yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
 - B. "Rear yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
 - C. "Side yard" means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.
- (105) **Zoning Certificate** means a written document issued by the Zoning Inspector, or other authorized person acting in that capacity, which indicates that the submitted plans and specifications for land use (except a conditionally permitted use) and/or for a proposed construction reconstruction or relocation of any structure or part thereof, comply with all applicable provisions of the regulations hereof, and which grants to the

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- applicant permission to proceed with the proposed land use and/or to construct, reconstruct or relocate such structure or part thereof in accordance with the plans and specifications as submitted.
- (106) **Zoning Certificate, Conditional** means a written document issued by the Commission for a conditionally permitted use, which indicates that the submitted plans and specifications for land use and/or for a proposed construction, reconstruction, or relocation of any structure or part thereof, comply with all applicable provisions of the regulations hereof, and which grants to the applicant permission to proceed with the proposed land use and/or to construct, reconstruct or relocate such structure or part thereof in accordance with the plans and specifications as submitted and subject to conditions imposed.
- (107) **Zoning Inspector** means the Zoning Inspector of the Village of Richfield.
- (108) **Zoning Map** means the Zoning Districts Map of the Village of Richfield, Summit County, Ohio.

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CHAPTER 1157
O/LI Office and Limited Industrial District

1157.01 Purpose.	1157.17 Off-street parking and loading requirements.
1157.03 Uses.	1157.19 Building and site design standards.
1157.05 Lot requirements.	1157.21 Development plans.
1157.07 Yard requirements.	1157.23 Special regulations for subdivisions in the Office/Light Industrial District.
1157.09 Maximum building height.	
1157.11 Maximum lot coverage by buildings.	
1157.13 Landscaping requirements.	
1159.15 Sign regulations.	

1157.01 PURPOSE.

The O/LI Office and Limited Industrial District is established to preserve areas for office buildings and light industries that do not detract from the residential character of the Village, wherein all activity is conducted wholly in enclosed buildings, provide a buffer between more intensive uses and residential areas, and provide attractive buildings and landscaped yards. No outdoor storage of materials and vehicles is permitted.
(Ord. 25-2011. Passed 9-20-11.)

1157.03 USES.

(a) Permitted Uses.

- (1) Administrative, professional, financial, governmental, public utility, and medical offices
- (2) Banks and other financial institutions
- (3) Research and development, laboratories and testing offices
- (4) Medical centers including physical rehabilitation facilities
- (5) Public and private educational facilities and indoor training schools

(b) Conditional Uses.

- (1) Licensed child and adult day care center
- (2) Business services including duplication, copy center, office supplies, mailing services
- (3) Wholesale offices and showrooms provided that less than 50% of the building floor area is dedicated to warehouse
- (4) Manufacturing, processing, assembly, servicing and testing that will not emit objectionable disturbance or hazard beyond the confines of the main building or property, including, but not limited to noise, fire, smoke or toxic or noxious fumes, heat or glare, vibration, or radioactive emission
- (5) Off-street parking lot and private parking garage
- (6) Churches and other buildings for the purpose of religious worship
- (7) Public utility and pertinent structures subject to Section 1173.15(b)
- (8) Offices with warehousing of products in an enclosed building (flex space) provided the sales office shall not be less than one-third of the total floor area of the use. (Ord. 80-2013. Passed 12-3-13.)
- (9) Conference and meeting centers subject to Section 1173.15 (b) (14)

(c) Accessory Uses.

- (1) Off-street parking and loading as provided in Chapter 1177
- (2) Signs as permitted in Chapter 1163
- (3) Personal services limited to beauty, barber, restaurant, snack bar, florist or copy center, all of which are incidental to and are a part of a main permitted use
- (4) Recreational uses may be permitted as an accessory use to medical centers including physical rehabilitation centers provided that less than 50% of the

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gross floor area of the building is dedicated to such uses
(Ord. 25-2011. Passed 9-20-11.)

1157.05 LOT REQUIREMENTS.

- (a) Minimum Lot Area: Four acres except as provided in Section 1157.23(e).
- (b) Minimum Lot Width at Building Line: 300 feet except as provided in Section 1157.23(g).
- (c) Minimum Lot Frontage at Street Right of Way: 200 feet except as provided in Section 1157.23(g).
- (d) Maximum Building Coverage: 20% for a multi-story building, 30% for a one-story building.
- (e) Minimum Landscaped and Planted Area: 30% of the entire lot.
(Ord. 25-2011. Passed 9-20-11.)

1157.07 YARD REQUIREMENTS.

- (a) Minimum front side and rear yards shall be provided as follows:
(All figures in feet)

Yard	Use	Road Location		Adjacent to:	
		Major *	All Other	Non-Residential District	Residential District
Front	Main Building Use	125	75	NA	NA
	Accessory Building Use	125	75	NA	NA
	Off-Street Parking	125	75	NA	NA
	Off-Street Loading	**	**	NA	NA
Side	Main/Accessory Building Use ***	40	40	40	100
	Off-Street Parking/Loading	25	25	25	50
Rear	Main/Accessory Building Use ***	50	50	50	100
	Off-Street Parking/Loading	25	25	25	50

* Major roads shall be Brecksville Road, Broadview Road, Wheatley Road and Streetsboro Road.
 ** Off-street loading shall not be permitted in the required front yard nor in front of the main building.
 *** Side and rear yards shall be increased two feet for each foot of building height over 35 feet.

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(b) **Minimum Yard Buffer.** The minimum yard buffer between any O/LI District use (permitted, conditional or accessory) and any dwelling unit shall be not less than 50 feet from the lot line. Such buffer area shall be landscaped and maintained to effectively screen the O/LI District use from the adjacent residential use. The Commission may require evergreen trees, shrubs, fencing, walls, mounding or the retention of existing vegetation to provide visual buffering.
(Ord. 25-2011. Passed 9-20-11.)

1157.09 MAXIMUM BUILDING HEIGHT.

No structure shall exceed 35 feet, except office buildings, which shall not exceed the maximum height of five stories but not greater than 60 feet.
(Ord. 25-2011. Passed 9-20-11.)

1157.11 MAXIMUM LOT COVERAGE BY BUILDINGS.

The maximum area of a lot covered by buildings shall not exceed 30% for a one-story building and shall not exceed 20% for a multi-story building.
(Ord. 25-2011. Passed 9-20-11.)

1157.13 LANDSCAPING REQUIREMENTS.

All development plans and submittals to the Commission shall be accompanied by a landscaping plan. Such plan shall show the following items:

- (a) The location, name and size of all existing trees on the site with a trunk diameter exceeding six inches.
 - (b) Common and taxonomic names, sizes and number of all plant material to be installed.
 - (c) The location of all existing vegetation to remain and all plant material and landscape features to be added.
 - (d) The existing and proposed grade of the entire site showing two-foot contours.
- (Ord. 25-2011. Passed 9-20-11.)

1157.15 SIGN REGULATIONS.

Signs shall be permitted as regulated in Chapter 1163.
(Ord. 25-2011. Passed 9-20-11.)

1157.17 OFF-STREET PARKING AND LOADING REQUIREMENTS.

Parking and loading requirements shall be as regulated in Chapter 1177, provided that not more than 25% of the required parking spaces may be located in front of the building.
(Ord. 25-2011. Passed 9-20-11.)

1157.19 BUILDING AND SITE DESIGN STANDARDS.

Buildings and sites shall be designated to meet the standards enumerated in Section 1171.11(c) of this Zoning Code.
(Ord. 25-2011. Passed 9-20-11.)

1157.21 DEVELOPMENT PLANS.

Development plans are required for all developments in the Office-Limited Industrial District as provided in Chapter 1171.
(Ord. 25-2011. Passed 9-20-11.)

1157.23 SPECIAL REGULATIONS FOR SUBDIVISIONS IN THE OFFICE/LIGHT INDUSTRIAL DISTRICT.

Office or light industrial subdivisions developed with frontage and access on interior office or industrial park roadways may be permitted as approved by the Commission and Council under the following conditions and standards:

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- (a) The office/light industrial subdivision shall be initially planned, platted and improved by one entity, corporation or person.
- (b) The total development area within the subdivision shall be not less than 12 acres.
- (c) Any lot within the development having frontage and/or access on a major road shall meet all of the standards required in the other sections of this Chapter.
- (d) An interior public roadway shall be constructed providing the required frontage, lot width and lot area as required herein prior to the sale of individual lots or the construction of buildings or permitted uses. The construction and dedication of the roadway may be phased upon approval of the Commission where each phase of the subdivision meets all of the requirements of this section.
- (e) The minimum lot area for any interior office or light industrial lot not having frontage or access on a major road shall be three acres.
- (f) The mean lot area of all lots within the subdivision shall not be less than four acres.
- (g) The minimum lot frontage at the street right-of-way and lot width of interior lots in the subdivision shall be 200 feet, except on a cul-de-sac, where the minimum lot frontage at the street right-of-way shall be 100 feet.
- (h) All other standards of the O/LI Districts not listed within this section shall apply, including, but not limited to, permitted uses, yard requirements, height, signs, parking, loading, building and design standards, and development plans for each building and site improvement.
- (i) Subdivisions shall comply with applicable rules and regulations for plats and subdivisions of the Village. All lots shall be serviced with central sanitary sewers and public water supply.
(Ord. 25-2011. Passed 9-20-11.)

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CHAPTER 1173 Conditional Uses

- 1173.01 Purpose.
- 1173.03 Application procedures.
- 1173.05 Basis of determination.
- 1173.07 Review and approval procedures.
- 1173.09 Regulations pertaining to conditionally permitted uses in Residential Districts.
- 1173.11 Planned Unit Development in R-3 Districts.
- 1173.13 Regulations pertaining to conditionally permitted uses in Commercial Districts.
- 1173.15 Regulations pertaining to conditionally permitted uses in Industrial Districts.
- 1173.17 Additional conditions.
- 1173.19 Violation and revocation of certificate: penalty.
- 1173.21 Reapplication.
- 1173.23 Termination and extension.
- 1173.25 Continuation of Existing uses conditionally permitted.

1173.01 PURPOSE.

This Chapter provides for the issuance of conditional zoning certificates for certain types of main uses enumerated in this Zoning Code which are so classified because of their uncommon characteristics, infrequency of occurrence, large land area requirements, or other features which are not permitted in certain locations by right. Such uses may be permitted in certain districts with consideration of the effect upon neighboring properties and the public need for the use at a particular location.

(Ord. 25-2011. Passed 9-20-11.)

1173.03 APPLICATION PROCEDURES.

(a) General. Any application for a land use or structure that is conditionally permitted shall be submitted in accordance with the following procedures.

(b) Application. An application form, including preliminary development plans and supporting information, shall be submitted to the Zoning Inspector. Each application shall establish that the general and specific standards be pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed conditional use. Each application shall be accompanied by the payment of a fee established by Council. The Zoning Inspector shall review each application for completeness within 14 days of submission.

(c) Application Contents. Applications for a conditional zoning certificate shall contain the following:

- (1) The name, address and telephone number of the applicant requesting the certificate.
- (2) The name, address and telephone number of the property owners(s).
- (3) The location of the property, including the street address.
- (4) A brief description of the intended use.
- (5) The current and desired zoning classification of the property.
- (6) A listing of all property owners within 500 feet of the subject property.
- (7) A statement regarding the requirements enumerated in Section 1173.05.

(d) Development Plans. Development plans may not be required by the Zoning Inspector if in her/his judgment such plans are not necessary for the Commission to evaluate the application. Development Plans shall contain the information as provided in Chapter 1171.

(Ord. 25-2011. Passed 9-20-11.)

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1173.05 BASIS OF DETERMINATION.

There may be imposed such additional conditions and safeguards as are deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this zoning will be observed. The Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall be convinced that such use on the proposed location:

- (a) Will be consistent with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan of current adoption;
 - (b) Will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;
 - (c) Will not be hazardous or disturbing to existing or future neighboring uses;
 - (d) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
 - (e) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
 - (f) Will be in compliance with the Village Subdivision Regulations, the Summit County General Health District and the Summit County Building Code; and
 - (g) Will have vehicular approaches to the property, which shall be so designed as not to create, and interfere with traffic on surrounding public streets or roads.
- (Ord. 25-2011. Passed 9-20-11.)

1173.07 REVIEW AND APPROVAL PROCEDURES.

(a) Review by Staff and Consultants. The application shall be referred to Village Departments and to the Village Engineer and other Village consultants for review and comment.

(b) Review by Commission. The Commission shall review the complete application package as transmitted by the Zoning Inspector in terms of the standards established in this Zoning Code. If deemed necessary, the Commission, with the consent of the applicant, may refer an application to qualified consultants for review. The cost of such review shall be at the expense of the applicant. The Zoning Inspector shall notify owners of properties within 500 feet, or a larger area if the Zoning Inspector deems it appropriate, of the perimeter of the property proposed for development not less than ten days prior to the meeting at which the application will be considered by the Commission.

(c) Action by Commission. The Commission shall take action on the application within 45 days from the date of the Commission meeting at which all required plans and data were received.

(d) Call up Authority for Conditionally Permitted Uses. Whenever the Commission reviews and grants either preliminary or final approval of an application for approval of a conditional use or whenever the Board grants either preliminary or final approval of an application for approval of a conditional use upon appeals from a decision of the Commission, such approval shall not become effective for a period of 30 days after the meeting at which the Commission or Board approved the motion for preliminary or final approval of a conditional use. Within said 30-day period, Council, either by letter filed with the Clerk of Council signed by four members of Council or by the affirmative vote of four members of Council, may call up the issue of the approval of the conditional use. Council may at any time during said 30-day period waive its right to exercise such call up authority. Upon Council exercising its call up authority, the action of the Commission or Board in granting preliminary or final approval of the conditional use shall not become effective and Council may review the approval of the conditional use using the same standards as are contained in the Zoning Code governing the Commission's consideration of applications for approval of conditional uses. The Council shall

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not be bound by any time limit in its deliberations. In any such case in which Council exercises its authority to call up the application for approval of a conditional use under this section, the determination of Council shall have final approval authority over the consideration of application for approval of a conditional use.
(Ord. 25-2011. Passed 9-20-11.)

**1173.09 REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED
USES IN RESIDENTIAL DISTRICTS.**

(a) Regulations in this section pertain only to those suggested conditionally permitted uses as specifically referenced. The regulations are listed in this section for ease of reference and to avoid duplication, as they may apply to more than one use.

(b) During review of a permit application, the Commission may incorporate the regulations listed in this section that it determines appropriate for the proposed use:

- (1) All structures and activity areas should be located at least 100 feet from all property lines. Maximum lot coverage by buildings and parking areas shall not exceed 40% of the lot area.
- (2) Loudspeakers, which cause a hazard or annoyance, shall not be permitted.
- (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (4) No lighting shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (5) All schools shall be located on a major thoroughfare or collector road.
- (6) Such development shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (7) Such development shall be located adjacent to nonresidential uses, such as places of worship, parks and industrial or commercial districts.
- (8) Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- (9) Such uses shall be properly landscaped to be compatible with surrounding residential uses.
- (10) Such structure shall be located adjacent to parks and other nonresidential uses, such as schools and shopping facilities where use could be made of joint parking facilities.
- (11) All schools and places of worship shall be served by sanitary sewers and public water.
- (12) Private stables will not be approved on lots less than four acres. A maximum of two horses, both of which are owned by the lot occupant, may be permitted on a four-acre lot. For each animal over two, the minimum lot size shall be increased by one-half acre. The stable building shall be located on the lot a minimum of 100 feet from any residence, water well or property line. The corral fence shall be at least 25 feet from any property line.

(c) Senior Housing may be permitted as a conditional use in an R-3 Residential District provided the development area is not less than five acres; that the overall density shall be not less than one dwelling unit per 6,000 sq. ft. of development area; that the front side and rear yards shall be not less than required in the R-3 District; and that the minimum dwelling area shall be not less than 800 sq. ft.
(Ord. 25-2011. Passed 9-20-11.)

1173.11 PLANNED UNIT DEVELOPMENT IN R-3 DISTRICTS.

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It is the intent of this subsection to permit, in a large scale development, a more flexible placing of buildings on the land, the grouping of open space and accessory facilities, such as garages or parking spaces, flexibility in architectural design, including detached single-family cluster dwellings on separate lots and attached single-family dwellings. The area proposed shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. In addition to the regulations outlined in Chapter 1130, the following conditions shall apply:

- (a) A public water supply and central sanitary sewer facilities shall be required.
- (b) The proposed development area shall be not less than 10 acres.
- (c) Development plans shall be submitted as provided in Chapter 1171.
- (d) Not less than ten percent of the gross area of the project shall be devoted to parks and playgrounds dedicated to public use or for the exclusive use of residents of the planned unit development. Where parks, playgrounds and common open spaces are to be for the exclusive use of residents of the development, restrictions and covenants shall provide for the continuing maintenance of the parks, playgrounds, and common open spaces.
- (e) The minimum percentage of open space in the development shall be not less than 40%.
- (f) Off-street parking shall be provided as regulated by Chapter 1177.
- (g) Developments regulated by this section shall conform to the Subdivision Regulations applicable to residential districts.
(Ord. 25-2011. Passed 9-20-11.)

1173.13 REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS.

(a) Regulations in this section pertain only to those suggested conditionally permitted uses as specifically referenced. The regulations are listed in this section for ease of reference and to avoid duplication as they may apply to more than one use.

(b) During review of a permit application, the Commission may incorporate the regulations listed in this section that it determines appropriate for the proposed use:

- (1) All structures and activity areas should be located at least 100 feet from all property lines.
- (2) Loud speakers, which cause a hazard or annoyance, shall not be permitted.
- (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares; or no closer than 100 feet from the intersection of major thoroughfare or local street or collector road.
- (4) No lighting shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (5) Such development should be located on major thoroughfares or at intersections of major thoroughfare or collector roads.
- (6) Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- (7) Such uses should be properly landscaped to be compatible with surrounding residential uses.
- (8) Such structures should be located adjacent to parks and other nonresidential uses, such as schools and shopping facilities, where use could be made of joint parking facilities.
- (9) Automotive service stations shall be permitted under the following conditions:
 - A. Such facilities shall be located at the extremity of the commercial districts so as not to interfere with pedestrian interchange between

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- stores in the district and so that they will not limit expansion of the pedestrian-oriented facilities.
- B. All activities, except those required to be performed at fuel pumps shall be carried on inside a building. If work is performed on a vehicle; such work shall be performed entirely within a building.
 - C. No more than two driveway approaches shall be permitted directly from any thoroughfare and they shall not exceed 30 feet in width at the property line.
 - D. If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.
- (10) Establishments offering "drive-thru" or "pick up" services shall provide a separate vehicle lane separated from the parking area by a curb not less than five inches in height.
(Ord. 25-2011. Passed 9-20-11.)

**1173.15 REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED
USES IN INDUSTRIAL DISTRICTS.**

(a) Regulations in this section pertain only to those suggested conditionally permitted uses as specifically referenced. The regulations are listed in this section for ease of reference and to avoid duplication as they may apply to more than one use.

(b) During review of a permit application, the Commission may incorporate the regulations listed in this section that it determines appropriate for the proposed use:

- (1) All structures and activity areas should be located at least 100 feet from all property lines.
- (2) Loudspeakers, which cause a hazard or annoyance, shall not be permitted.
- (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local street or collector road.
- (4) No lighting shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (5) Such development should be located on major thoroughfares or at intersections of major thoroughfares and/or collector streets.
- (6) Such development should be located adjacent to non-residential uses, such as places of worship, parks or industrial or commercial districts.
- (7) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- (8) Such uses should be properly landscaped to be compatible with surrounding residential uses.
- (9) Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and proven hazards and damage to other properties in the community.
- (10) Truck parking 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. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
- (11) Trucking terminals shall be permitted in the Industrial District only upon compliance with the following provisions of this section and conditions deemed by the Commission to be necessary for the promotion of the public health, safety, morals and general welfare, and the approval by the Commission of a site plan of the proposed development:

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- A. Every portion of the property used for buildings shall be located no closer than 100 feet to any R-District; at least 50 feet (nearest the residential zone) of the 100 feet shall be landscaped in an orderly fashion and a solid board fence, masonry wall or other type of fence approved by the Commission shall be constructed along the interior line of the required landscaped area to a height of six feet, effectively screening truck loading, unloading and maneuvering activities from the view of any abutting R-District.
 - B. Access for motor freight vehicles shall be by way of streets of adequate width, construction and existing or planned function according to the Land Use and Thoroughfare Plan.
 - C. In addition to adequate area within the site for docking, manipulation and maneuvering of motor freight vehicles waiting to be loaded or unloaded, additional space shall be provided at the rate of parking space sufficient to park a motor freight vehicle for every four loading docks.
 - D. The site shall be designed in such a manner as to permit foreword movement of all vehicles both upon entering and upon leaving the site.
 - E. The number, location and width of entrances to and exits from the site shall be determined by the Commission, which may obtain expert opinion on the specific site proposal.
- (12) All above ground storage of flammable materials shall be located not less than 100 feet from the nearest property line; a fence at least six feet in height with a gate that locks shall be constructed completely surrounding the storage facilities and the site shall be graded and ditches shall be provided to prevent the possible spread of flammable liquids beyond the site should leakage occur.
- (13) Automotive service stations shall be permitted under the following conditions:
- A. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building. If work is performed on a vehicle, such work shall be performed entirely within a building.
 - B. No more than two driveway approaches shall be permitted directly from any thoroughfare and they shall not exceed 30 feet in width at the street right of way.
 - C. If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.
- (14) Conference Centers shall adhere to the following conditions:
- A. Food and beverages (both non-alcoholic and alcoholic with all applicable local and state permits) may be provided only to guests of the center attending functions, meetings, conferences and other events at the facility. Retail restaurant uses are prohibited. All conference center structures in which alcoholic beverages are being served to guests and areas where alcoholic beverages are being consumed by guests shall be located a minimum of 1,000 feet from any structure on an adjoining parcel that is being used as a hospital, church or school or facility that serves youth.
 - B. Any proposed building(s) will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, pedestrian circulation and pedestrian plazas. Additionally, all buildings must be designed to relate to

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other buildings on the site, and be visually compatible and reflect good design and building proportions as viewed from adjacent properties and rights-of-way.

- C. Outdoor storage of goods, materials and equipment is prohibited.
- D. Planning Commission may require appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for soundproofing of arenas, halls or auditoriums, shielding of floodlights, and surfacing of all access roads or driveways.

1173.17 ADDITIONAL CONDITIONS.

The Commission shall have the power to impose additional conditions where it deems it necessary to safeguard the health, safety and welfare of the community.
(Ord. 25-2011. Passed 9-20-11.)

1173.19 VIOLATION AND REVOCATION OF CERTIFICATE: PENALTY.

The breach of any condition or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Zoning Code. Such violation shall be punishable in accordance with Section 1105.29.
(Ord. 25-2011. Passed 9-20-11.)

1173.21 REAPPLICATION.

No application for a conditional zoning certificate which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence, or proof of changed conditions which would be sufficient to justify reconsideration. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by a fee, as set forth by Council.
(Ord. 25-2011. Passed 9-20-11.)

1173.23 TERMINATION AND EXTENSION.

The conditional zoning certificate shall become void at the expiration of one year after the date of issuance, unless the structure or alteration thereof is started or an occupancy certificate is obtained.

Prior to the expiration of a conditional zoning certificate, the Commission may grant a one year extension of the approval provided an applicant demonstrates good cause or need for the extension

1173.25 CONTINUATION OF EXISTING USES CONDITIONALLY PERMITTED.

All uses existing at the time of passage of this Zoning Code, or amendments thereto, and conditionally permitted in the respective districts under this Zoning Code, shall be issued conditional zoning certificates by the Commission within one year after the passage of this Zoning Code, or amendments thereto.

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CHAPTER 1177
Off-street Parking and Loading Requirements

- 1177.01 Off-street parking.**
- 1177.03 General regulations.**
- 1177.05 Minimum number of off-street parking spaces required.**
- 1177.07 Parking requirements for uses not specified.**
- 1177.09 Minimum loading and unloading spaces required.**

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1177.01 OFF-STREET PARKING.

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be in accordance with this Chapter. (Ord. 25-2011, Passed 9-20-11.)

1177.03 GENERAL REGULATIONS.

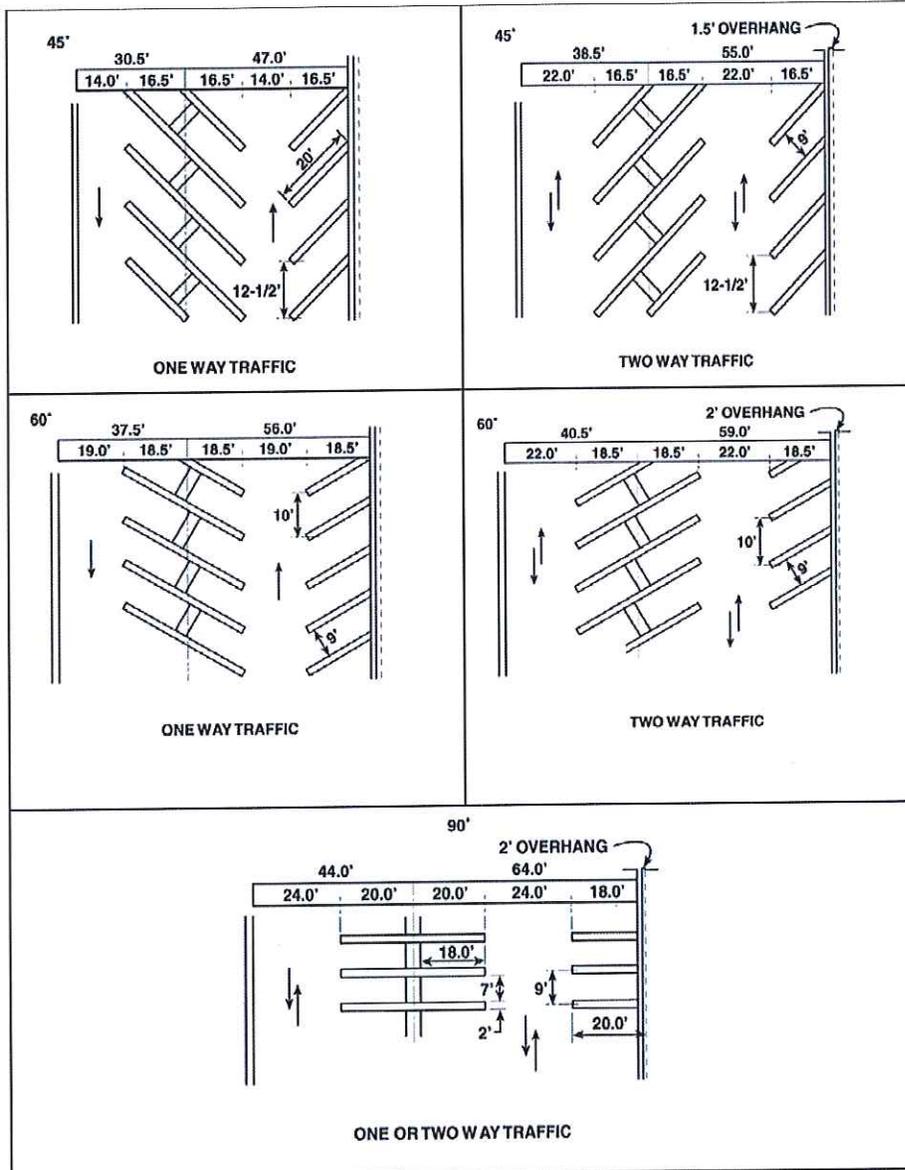
(a) Floor Area. For the purposes of this chapter, "floor area" means usable floor area as set forth in Section 1103.03.

(b) Parking Space. Off street accessory parking areas shall provide parking spaces, each of which shall not be less than nine feet wide and not less than twenty feet long, exclusive of all driveways, aisles, ramps and turning spaces. An off street parking space for the physically handicapped shall not be less than thirteen feet wide and not less than twenty feet long exclusive of all driveways, aisles, ramps and turning spaces.

(c) Parking Area Design. Parking areas shall be of usable shape, improved with bituminous concrete or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources, such as the stringing of light bulbs, shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces and to prevent bumper overhang. All spaces shall be provided with adequate access by means of maneuvering lanes. Parking areas shall be designed according to the following diagram:

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STANDARDS FOR DESIGNING PARKING AREAS



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(d) Driveways.

- (1) Driveways shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections. Generally, there shall be not more than two driveways on to one street from each parcel of property. Minimum and maximum driveway widths shall be as follows:

Number of Lanes in Driveway	Minimum Width of Driveway (ft.)	Maximum Width of Driveway (ft.)
One(A)	10	12
Two	20	24
Three	30	36
Four	40(B)	48(B)

- A. Permitted where there are 10 or less parking spaces served provided there shall be two lanes having a minimum width of not less than twenty feet from the pavement of the road for a distance of not less than 20 feet.

- B. Plus a minimum six-foot island or traffic divider.

- (2) Curb cuts for parking area driveways shall have a radius of not less than ten feet nor more than 60 feet.

- (e) Yard Restrictions. Off-street parking facilities may not occupy the front 50 feet of the required front yard, but may occupy the remaining front yard if adequately screened.

(f) Joint Use.

- (1) Parking spaces already provided to meet off-street parking requirements for places of public assembly and commercial and industrial establishments, lying within 500 feet of a place of worship measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and are made available for other parking, may be used to meet not more than 75% of the off-street parking requirements of a place of worship.
- (2) Parking spaces already provided to meet off-street parking requirements for commercial and industrial establishments lying within 500 feet of a place of public assembly along lines of public access, that are not normally in use between the hours of 6:00 p.m. and 12:00 midnight and are made available for other parking, may be used to meet not more than 50% of the total requirements of parking space.
- (3) In the instance of dual functions of off-street parking spaces, the districts other than residential, where operating hours do not overlap, one parking area may be used, and the number of spaces shall be the higher of the uses.
- (4) A commercial use located within the CH-I and CH-II Commercial District may be permitted to allocate not more than 50% of the required off street parking spaces to another existing parking area on another parcel within 500 feet of the property boundary provided the owner/occupancy can demonstrate to the satisfaction of the Commission that the total number of parking spaces for both uses available during regular business hours shall

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be not less than required for the uses and further provided that the Commission shall receive a signed copy of a permanent easement agreed to by the owner/occupants for such joint use of parking facilities.

(g) Storage and Repair. The storage of merchandise or motor vehicles or the repair of such vehicles is prohibited.

(h) Parking Spaces for Physically Handicapped. Parking spaces for the physically handicapped shall be designated and may be used to compute the total number of spaces required. The number and location of the designated spaces shall be in compliance with the requirements of the Ohio Basic Building Code as follows:

Total Number of Spaces in the Lot or Structure	Required Number of Accessible Spaces
Up to 100	One space per 25 parking spaces
101 to 200	Four spaces plus one space per 50 parking spaces over 100
201 to 500	Six spaces plus one space per 75 parking spaces over 200
Over 500	Ten spaces plus one space per 100 parking spaces over 500

All such handicapped parking spaces shall be designated by freestanding signs as provided for pursuant to the Ohio Manual of Uniform Traffic Control Devices, Type R-59-A and/or R-59-B.

(i) Striping and Traffic Control.

- (1) Any parking area with four or more off street parking spaces shall be striped and maintained in good condition to be clearly visible with lines four inches wide to indicate parking space limits.
- (2) Any off street parking area shall be marked or posted with such traffic control devices as may be determined by the Police Chief for the protection of operators and pedestrians, including directional arrows, one way signs, no parking signs and fire lane signs.

(j) Parking Lots in Residential Districts. The Commission may issue a conditional zoning certificate for parking lots in residential districts subject to this chapter and the following conditions:

- (1) The parking lot shall be accessory to and for a use in connection with one or more permitted or conditionally permitted uses in an adjoining Commercial District.
- (2) Such parking lot shall contain not less than 5,000 square feet, which shall abut at least 50 feet either directly or across an alley or street, on the district in which the use for which the parking is provided is permitted or conditionally permitted.
- (3) Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
- (4) No sign of any kind, other than those designating entrances, exits and conditions of use shall be maintained on such parking lot, and no charge shall be made for parking.

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- (5) Entrances and exists shall be at least 20 feet from any adjacent property located in any Residential District.
 - (6) Such parking lot shall be efficiently screened on each side by a fence of acceptable design, a wall or compact hedge. Such fence, wall or hedge shall not be less than four feet in height, and no solid portion thereof shall be more than six feet in height. Such fence, wall or hedge shall be maintained in good condition. The planting strip for hedges shall be no less than three feet in width. At least one water outlet shall be provided not more than 50 feet from the lot for maintenance of plant materials. The space between such fence, wall or hedge and the side lot line of adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs or evergreen covers and maintained in good condition.
- (k) Limitations of Use of Residential Parking Lots.
- (1) Parking lots in Residential Districts shall not be used to park a school bus, truck in excess of manufacturer's recommended one-ton carrying capacity, tractor, bus, trailer, semi-trailer, pole trailer, moving van or other commercial motor vehicle.
 - (2) Agricultural tractors, boat trailers, camper trailers and utility trailers which are designed to be pulled by passenger automobiles and other similar vehicles, including wholly contained self-propelled recreational vehicles, which are primarily for the purpose of private, domestic and recreational use, are exempt from paragraph (k)(1) hereof, provided, however, that such vehicles are owned by the person who has legal or equitable interest in the residence area, and that such a vehicle is parked in the least noticeable but practical location as viewed from the street. The exemptions of this paragraph apply only to persons having a legal or equitable interest in the residence area and to temporary transient and gratuitous guest.
 - (3) No person shall rebuild, overhaul or dismantle a vehicle or store motor vehicles parts in a residential parking lot.
 - (4) Paragraph (k)(1) shall not apply to emergencies, to the standing of vehicles designed for and engaged in the receipt or distribution of foods, wares and merchandise; or to parking at public institutions.
(Ord. 25-2011. Passed 9-20-11.)

**1177.05 MINIMUM NUMBER OF OFF-STREET PARKING SPACES
REQUIRED.**

- (a) Auditoriums, Stadiums, Concert Halls, Theaters Spectator Sports and Similar Uses: one for each four seats based on maximum seating capacity.
- (b) Places of Worship and School Auditoriums: one for each four seats in the principal auditorium, based on maximum seating capacity.
- (c) Clubs, Conference Centers, ~~and~~ Lodges, and Party Centers: one per 150 square feet, or fraction thereof, of floor area, or one for each three seating spaces in the assembly room.
- (d) Dwellings.
 - (1) Single-family dwellings, in RR, R-1 and R-2 Districts, two spaces for each dwelling, one of which shall be in an enclosed structure.
 - (2) Single-family detached and single-family attached in R-3 and R-4 Districts, two spaces for each dwelling unit of which one space shall be in an enclosed structure.
 - (3) Multifamily dwellings of two spaces per dwelling unit of which one space shall be in an enclosed structure.

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- (e) Hospitals: two and one half spaces per bed.
- (f) Hotels, Motels, and Tourist Homes: one parking space for each sleeping room plus one space for each employee.
- (g) Medical and Dental Offices and Clinics: five spaces for each physician or dentist, plus one for each employee.
- (h) Nursing Homes, Assisted Living Facilities: one space for each three beds plus one space per employee on the two largest successive shifts.
- (i) Restaurants: one space for each two seats plus one space for each employee.
- (j) Retail Stores and Personal Service Shops, Etc: one space for each 250 sq. ft. of usable floor area.
- (k) Indoor Theatres: one space for each three seats.
- (l) Libraries and Museums: one space for each 500 square feet of usable floor area.
- (m) Automobile Repair Garages: one space for each employee, plus one space for each 500 sq. ft. of floor area.
- (n) Drive-In Carry Out Restaurants: ten spaces in addition to the number of spaces required for restaurants.
- (o) Personal Services (Beauty, Barber, etc.): two spaces plus one and one-half for each station.
- (p) Business and Professional Offices: one space for each employee or one space for each additional 250 sq. ft. whichever is greater.
- (q) Banks and Studios: one space for each 250 sq. ft. of floor area.
- (r) Research and Development Laboratory; Light Manufacturing: one space for each motor vehicle maintained on the premises; and sufficient spaces for anticipated visitors; and one space for each 1.5 employees of the two largest successive shifts, or one space for every 300 sq. ft. of building floor area, whichever is greater.
(Ord. 25-2011. Passed 9-20-11.)

1177.07 PARKING REQUIREMENTS FOR USES NOT SPECIFIED.

Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Commission and such determination shall be based upon the requirements for the most comparable use specified herein.
(Ord. 25-2011. Passed 9-20-11.)

1177.09 MINIMUM LOADING AND UNLOADING SPACES REQUIRED.

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way and automobile parking areas.

- (a) Every building having over 5,000 square feet of floor area shall be provided with at least one truck loading and unloading space not less than 12 feet in width, 40 feet in length and feet in clearance. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet, or fraction thereof, of gross floor area in the building.

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- (b) Loading space shall be provided as areas additional to off-street parking spaces.