

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 158

By: Mayor Perciak, Mr. Carbone and Mr. Schonhut

AN ORDINANCE AMENDING SECTIONS 1242.07(b), 1258.02, 1258.03 and 1258.06, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN BUSINESSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City has a legitimate, substantial and compelling interest in protecting City residents and visitors from criminal activity and health risks; and

WHEREAS, the City has a legitimate, substantial and compelling interest in fostering positive perceptions of the City and pride in our neighborhoods; and

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging development patterns that minimize the secondary effects of land uses, such as pawn shops, paraphernalia stores, vape shops, vaporizer stores, tattoo parlors, hookah lounges and vapor lounges; and

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging economic investment in our communities and neighborhoods; and

WHEREAS, this Council believes that operating pawn shops, paraphernalia stores, vape shops, vaporizer stores, tattoo parlors, hookah lounges and vapor lounges may have inappropriate impacts on children, surrounding neighborhoods and adjacent retail space; and

WHEREAS, the location of these business uses near places frequented by children, such as schools, creates unnecessary exposure; and

WHEREAS, the density of such business uses can increase their potential negative impacts on property values and the viability of adjacent retail space; and

WHEREAS, this Council desires to regulate these business uses located in the City so as to protect children and neighborhoods, maintain property values and generally preserve and protect the quality of the residential and business neighborhoods in the City of Strongsville; and

WHEREAS, this Council does hereby determine that it is in the best interests of the health, safety and welfare of the citizens of the City of Strongsville to enact this Ordinance.

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

Section 1. That Section 1242.07(b) of Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Conditional Use Permits, be and is hereby amended to read as follows:

1242.07 CONDITIONAL USE PERMITS.

* * *

(b) Standards for Evaluating Conditional Use Permits. An application for a conditional use permit shall not be approved unless the following conditions and standards are complied with as set forth for the following districts:

* * *

(10) Pawn Shops, Paraphernalia Stores, Vape Shops, Vaporizer Stores, Tattoo Parlors, Hookah Lounges, Smoke Lounges, and Vapor Lounges. In addition to complying with all other requirements of this Zoning Code, these uses shall comply with the following requirements and standards:

- A. No such use shall be established or operated within 500 feet of a school.
- B. No such use shall be established or operated within 500 feet of an existing use of the same specific type.
- C. No such use shall be operated or open for business between the hours of 12:00 midnight and 8:00 a.m.

~~(1011)~~ Safeguards and conditions. In addition to complying with the above general standards set forth in this section, conditions appropriate to each particular application may also be set forth in the permit.

~~(1112)~~ Approval. The approval of a conditional use permit shall become null and void if the construction of the building or site improvements are not started within a six-month period after date of approval.

~~(Ord. 2011-055. Passed 6-20-11.)~~

* * *

Section 2. That Section 1258.02 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; Local Business District, be and is hereby amended to read in its entirety as follows:

1258.02 USE REGULATIONS; LOCAL BUSINESS DISTRICT.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in Local Business Districts, only for the uses set forth in the following schedules and regulations:

- (a) Main Buildings and Uses Permitted.

- (1) Office buildings and offices, including professional, financial, govern mental, public utility, sales, executive and administrative;
- (2) Retail stores and services conducted wholly within enclosed buildings and devoted to supplying neighborhood needs to the following limited extent:
 - A. Retail sales.
 1. The sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products and packaged beverages;
 2. The sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies (provided that no loudspeakers broadcast onto the street) and sporting and athletic goods, **and specifically excluding the sale of items set forth in Sections 1258.06(a)(4) and 1258.06(a)(5);**
 3. The sale of wearing apparel, shoes and hats; variety stores;
 4. The sale of hardware, tools, paint, garden supplies and household appliances; and
 5. The sale, serving and consumption of food, soft drinks, juices and ice cream in carry-out and sit-down restaurants whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings, but not as a separate business building or use, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
 6. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
 - B. Services.
 1. Personal services, such as beauty and barber shops; interior decorating, **but excluding services listed in Section 1258.06(a)(6);**
 2. Laundry agencies and laundromat; tailor, pressing and dry cleaning shops in which only nonexplosive nonflammable solvents are used provided that no work shall be done on the premises for retail outlets elsewhere; and

3. Repair services, such as shoe and hat, radio and television, household appliances.
- (3) Retail sales in open yards to the following limited extent: Garden equipment and supplies, garden furniture, nursery stock and monuments may be sold on an open lot provided the operation is in connection with an established related business conducted within a store building or retail greenhouse, not more than 150 feet therefrom, and provided the sales in open yards comply with the setbacks established in Section 1258.11 of this Zoning Code.
- (4) Child/Adult Day Care Centers. Buildings and land for child/adult day care centers, provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.
- (b) Similar Main Uses Permitted. Any other neighborhood retail store, shop or service not listed above or in any subsequent use classification, and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1242.08 of this Zoning Code. Main uses enumerated in a General Business District, except assembly halls, mortuaries, and bus passenger stations, may be permitted in a Local Business District, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.
- (c) Accessory Uses Permitted. Any accessory use, such as storage of goods or processing operations which are clearly incidental to conducting a retail business, office or service establishment, which is permitted as a main use, provided that such a use has no injurious effect on adjoining Residential Districts.
 - (1) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Zoning Code; and
 - (2) Signs in Local Business Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code.

~~(Ord. 2009-155. Passed 11-16-09.)~~

Section 3. That Section 1258.03 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; General Business District, be and is hereby amended to read in its entirety as follows:

1258.03 USE REGULATIONS; GENERAL BUSINESS DISTRICT.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in General Business Districts, only for uses set forth in the following schedules and regulations:

(a) Main Building and Uses Permitted.

- (1) Offices, stores, services and other use classifications as permitted in Local Business Districts;
- (2) Mortuaries (Funeral Homes);
- (3) Additional retail business stores and services conducted wholly within enclosed buildings and devoted to supplying the retail business needs of the community to the following extent:
 - A. Retail sales.
 1. The sale of all food; frozen food lockers;
 2. The sale of all general merchandise; dry goods, variety and department stores, **but excluding the sale of items listed in Section 1258.06(a)(4) and 1258.06(a)(5);**
 3. The sale of all hardware, appliances, china, furniture, floor and wall covering, business equipment, music, radio and television, provided no loudspeakers broadcast outside the parcel;
 4. The sale of bicycles, sport and athletic equipment, pet shops;
 5. Wholesale offices and showrooms, with storage limited to samples;
 6. The sale, serving and consumption of food, soft drinks, juices and ice cream in carry-out and sit-down restaurants whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings, but not as a separate business building or use, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
 7. Restaurants, taverns, night clubs, delicatessens, eating establishments, businesses permitting dancing and live entertainment, whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings but not as a separate building or use provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
 8. Individual retail business stores of 100,000 square feet and larger may be permitted a limited area to display merchandise outside the store building in an approved

designated, self-contained, screened area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.

9. The sale and/or exchange of propane canisters not exceeding twenty (20) pounds at freestanding "big box" stores exceeding 50,000 square feet gross floor area; and freestanding "super" drug stores exceeding 14,000 square feet gross floor area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.

~~(Ord. 2014-132. Passed 9-2-14.)~~

10. Brewpubs and microbreweries which include attached restaurant facilities for the on-site consumption of food and beverages provided that a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.

(Ord. 2015-114. Passed 7-20-15.)

B. Services.

1. Shops for custom work for the making of articles to be sold only at retail on the premises, excluding internal combustion engines;
2. All personal service establishments without limitations on the number of persons engaged in such work, **but excluding services listed in Section 1258.06(a)(6)**;
3. Photographic developing, blueprinting, letter, job and newspaper printing, radio or television stations with ancillary transmittal towers, telephone exchanges, transformer stations;
4. Bus passenger stations, taxi stations; and
5. Veterinary office/out-patient clinic provided such use is a single use in a free-standing building with no dog runs and no overnight housing of animals.

C. Churches. Buildings and land for churches provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code. To be located in a General Business District, a church shall be governed by and meet all requirements, standards and procedures of Chapter 1256 and other Codified Ordinance sections referenced therein.

D. Child/Adult Day Care Centers. Buildings and land for child/adult day care centers, provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.

E. Exercise Facilities. Dance instruction, gymnastics, yoga, martial arts training, gymnasiums, and physical fitness centers, none of which shall exceed 5,000 square feet, provided that a conditional

use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.

- F. Automotive Service Centers. Automotive Service Centers in accordance with the provisions of Section 1258.14 and provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
- (b) Similar Main Uses Permitted. Any other general business store, shop or service not listed above or in any subsequent use classification and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1242.08.
- (c) Accessory Uses Permitted. Any accessory use such as storage of goods or processing operations which are clearly incident to conducting a retail business, office or service establishment or other permitted main use, provided that such accessory use serves solely as an accessory use to permitted main uses on the same zoning lot, and provided such an accessory use has no injurious effect on the adjoining residential districts. The following accessory uses are also permitted:
- (1) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Zoning Code; and
 - (2) Signs in General Business Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code.
 - (3) Crematories only as an integral component of a licensed mortuary (funeral home) provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07.

~~(Ord. 2014-132. Passed 9-2-14.)~~

Section 4. That Section 1258.06 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; Restaurant-Recreational Services District, be and is hereby amended to read in its entirety as follows:

1258.06 USE REGULATIONS; RESTAURANT-RECREATIONAL SERVICES DISTRICT.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in whole or in part in Restaurant-Recreational Services Districts only for the uses set forth in the following schedules and regulations:

- (a) Main Buildings and Uses Permitted.
- (1) The sale, serving and consumption of food, soft drinks, juices and ice cream in such places as drive-in, carry-out and sit-down restaurants. Places where food or beverages are not consumed within a building may be permitted only if a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional

use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.

- (2) The sale, serving and consumption of alcoholic beverages, including dancing and live entertainment, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code;
 - (3) Commercial, amusement and recreational services, such as assembly and meeting halls, billiard halls, bowling alleys, dance halls, indoor theaters, ice and roller skating rinks and other social, fraternal, sport and recreational establishments, provided they are conducted within an enclosed building and sufficiently sound-insulated to confine the noise to the premises. A game room or amusement arcade may be permitted only if a conditional use permit is granted in accordance with the general and specific standards set forth in Section 1242.07 of this Zoning Code.
 - (4) **Pawn shops, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.**
 - (5) **The sale of paraphernalia typically associated with controlled substances, vape shops, vaporizer stores, and similar operations, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.**
 - (6) **Tattoo parlors, hookah lounges, smoke lounges, vapor lounges, or other similar services, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.**
- (b) Similar Main Uses Permitted. Any other restaurant or commercial recreational service facility not listed above or in any subsequent use classification and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1242.08 of this Zoning Code;
- (c) Accessory Uses Permitted. Any accessory use, such as storage of goods which are clearly incidental to conducting a restaurant or commercial recreational use, shall be permitted, provided such accessory use is compatible with the permitted main use.
- (1) Mechanical amusement devices as defined in Section 1240.08(c)(19), provided, however, that a conditional use permit must be obtained pursuant to this section for the use of more than one device in the business premises;
 - (2) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Code; and
 - (3) Signs in Restaurant-Recreational Services Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type,

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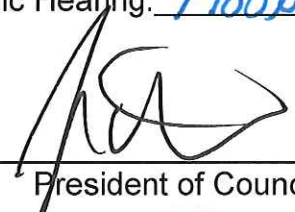
design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code.

~~(Ord. 2009-155. Passed 11-16-09.)~~

Section 5. That 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 any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is necessary to provide for the appropriate regulation of such establishments as conditional permitted uses in certain districts, and to ensure the safety of the general public. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: September 6, 2016 Referred to Planning Commission
 Second reading: October 3, 2016 September 7, 2016
 Third reading: November 21, 2016 Approved: September 22, 2016 *Favorable recommendation by PC*
 Public Hearing: November 7, 2016



 President of Council

Approved: 

 Mayor

Date Passed: November 21, 2016 Date Approved: 11-21-16

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Daymut	<input checked="" type="checkbox"/>	_____
DeMio	<input checked="" type="checkbox"/>	_____
Dooner	<input checked="" type="checkbox"/>	_____
Schonhut	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____
Southworth	<input checked="" type="checkbox"/>	_____

Attest: 

 Clerk of Council

ORD. No. 2016-158 Amended: _____
 1st Rdg. 09-06-16 Ref: PC/PZE
 2nd Rdg. 10-3-16 Ref: PZE
 3rd Rdg. 11-21-16 Ref: _____

 Pub Hrg. 11-7-16 Ref: _____
 Adopted: 11-21-16 Defeated: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Aimee Pientka, Clerk of Council
DATE: September 7, 2016
SUBJECT: Referral from Council: Ordinance Nos. 2016-158 & 2016-159

Please be advised that at its regular meeting of September 6, 2016, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2016-158 by Mayor Perciak, Mr. Carbone and Mr. Schonhut. AN ORDINANCE AMENDING SECTIONS 1242.07(b), 1258.02, 1258.03 and 1258.06, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN BUSINESSES, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 09-06-16.*

- Ordinance No. 2016-159 by Mayor Perciak and Mr. Daymut. AN ORDINANCE APPROVING AND AUTHORIZING THE GRANT OF REVOCABLE LICENSES TO MEGHAN RUGGIERO AND JOSEPH RUGGIERO; NICHOLAS R. CATANZARITE AND LAUREN A. CATANZARITE; AND ANTHONY M. CATANZARITE AND ANDREA M. CATANZARITE, FOR THE USE OF A PUBLIC WAY FOR THE ERECTION OF STREET LIGHTS AND APPURTENANCES; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS IN FURTHERANCE THEREOF; AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 09-06-16.*

A copy of these Ordinances are attached for Planning Commission review.

AKP
Attachments

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: September 23, 2016

Please be advised that at its meeting of September 22, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2016-158

AN ORDINANCE AMENDING SECTIONS 1242.07(B), 1258.02, 1258.03 and 1258.06, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN BUSINESSES AND DECLARING AN EMERGENCY.

ESCAPE ROOM/ Nimer Elder, Agent

Determination of a Similar Use pursuant to Codified Ordinance Section 1242.08 and 1258.03(b) to permit a training center conducted within an enclosed building in a General Business District.