

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 114

By: Mayor Perciak and Mr. Maloney

AN ORDINANCE ENACTING NEW SECTIONS 1242.07(b)(4) AND 1258.03(a)(3)(A)(10), 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 BREWPUBS AND MICROBREWERIES, AND DECLARING AN EMERGENCY, **AS AMENDED.**

WHEREAS, it is the intent of this Council to establish appropriate zoning regulations in order to permit brewpubs and microbreweries as conditional uses in General Business Districts; and

WHEREAS, the establishment of safe and appropriate areas compatible with surrounding uses for conducting such activities is of paramount concern.

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

Section 1. That new Section 1242.07(b)(4) 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 enacted to read in its entirety 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:

* * *

~~(4) This subsection intentionally deleted and not renumbered.
(Ord. 2012-085. Passed 9-17-12.)~~

(4) Brewpub or Microbrewery. For purposes of these regulations, a brewpub or microbrewery shall be defined as an establishment which produces alcoholic beverages, including beers, ales, meads, hard ciders, wines and spirits, and which contains restaurant facilities for the on-site consumption of food and beverages. In addition to complying with the requirements and standards in Sections 1242.07(a), (b)(2), and (b)(10), each brewpub or microbrewery shall comply with the following specific standards and conditions:

- A. Each brewpub or microbrewery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
- B. Each brewpub or microbrewery shall include an attached restaurant for on-site consumption of food and beverages which restaurant shall be a minimum of fifteen percent (15%) of the total square footage of the entire facility, including but not limited to the manufacturing, bottling and storage areas.
- C. The maximum size of any brewpub or microbrewery shall not exceed ~~50,000~~60,000 square feet.
- D. Each brewpub or microbrewery shall have direct access to an arterial street for delivery of materials and shipping of products with a traffic design to be approved by the Planning Commission.
- E. Brewpubs or microbreweries shall have retail outlets for the sale of alcoholic beverages for off-site consumption.
- F. No brewpub or microbrewery shall abut property zoned residential as set out in Section 1252.02 except RMF-1 districts.
- G. Each brewpub or microbrewery shall be architecturally compatible with the surrounding commercial uses.
- H. The minimum lot area for any brewpub or microbrewery shall be six (6) acres.
- I. The emission of odorous matter or smells in such quantities as to produce a public nuisance or hazard is not permitted.
- J. The facility shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.

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Section 2. That new Section 1258.03(a)(3)(A)(10) 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 enacted to read in its entirety as follows:

1258.03 USE REGULATIONS; GENERAL BUSINESS DISTRICT.

* * *

- (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.

* * *

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.

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

Section 3. 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 4. 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 a General Business District 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: June 1, 2015

Second reading: June 15, 2015

Third reading: July 20, 2015.

Public Hearing: July 20, 2015

Referred to Planning Commission

June 2, 2015

Approved: Favorable recommendation
by Planning Commission
6-11-15.

Michael Daymut
 President of Council

Approved: Thomas S. Serio
 Mayor

Date Passed: July 20, 2015

Date Approved: July 21, 2015

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	<u>_____</u>
Daymut	<u>✓</u>	<u>_____</u>
DeMio	<u>✓</u>	<u>_____</u>
Dooner	<u>✓</u>	<u>_____</u>
Maloney	<u>✓</u>	<u>_____</u>
Schonhut	<u>✓</u>	<u>_____</u>
Southworth	<u>✓</u>	<u>_____</u>

Attest: Doreen Meneh
 Assistant Clerk of Council

ORD. No. 2015-114 Amended: _____
 1st Rdg. 06/01/15 Ref: PL/PZE
 2nd Rdg. 06/15/15 Ref: PZE
 3rd Rdg. 07/20/15 Ref: _____

Pub Hrg. 07-20-15 Ref: _____
 Adopted: 07/20/15 Defeated: _____

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: June 12, 2015

Please be advised that at its meeting of June 11, 2015, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ARMELLI-HARLEY/ Joseph Armelli/Principal

- a) Modification pursuant to Codified Ordinance Section 1228.01(i), to permit a Subdivision without Sanitary Sewers.
- b) Subdivision of PPN's 394-07-002 and 003 located at 18179 Marks Road zoned General Industrial.

FIBER TECHNOLOGIES NETWORKS/ Kate Smith, Agent

Site Plan approval for the installation of a Dual Band Omni Antenna, a Universal Broadband Enclosure, two Radio Heads, a Coyote, for the co-location on an existing AT & T power pole located near 15650 Pearl Road in the public right-of-way, PPN 393-27-017 zoned Public Facility. **ARB Favorable Recommendation 6-9-15.*

FIBER TECHNOLOGIES NETWORKS/ Kate Smith, Agent

Site Plan approval for the installation of a Dual Band Omni Antenna, a Universal Broadband Enclosure, two Radio Heads, a Coyote, for the co-location on an existing AT & T power pole located near 15906 Pearl Road in the public right-of-way, PPN 397-09-006 zoned General Business. **ARB Favorable Recommendation 6-9-15.*

SOUTHPARK MALL/ Bill Aftoora, Agent

Amendment to the Master Sign Program for SouthPark Mall adding (4) signs (B57, B58, B59 and B60) for the Brew Garden, property located at 16555 SouthPark Center, PPN 396-25-001 zoned Shopping Center. ARB Favorable Recommendation 5/19/15.

ORDINANCE NO. 2015-109:

An Ordinance authorizing the Mayor to accept a Grant of Easement for the purposes of constructing, reconstructing, maintaining, operating, using, repairing and replacing a Sanitary Sewer System with a Pump Station and Appurtenances, from Spyglass Hill Homeowner's Association, in connection with the West 130th Pump Station Project and Declaring an Emergency.

ORDINANCE NO. 2015-114:

An Ordinance enacting New Sections 1242.07(B)(4) and 1258.03(A)(3)(A)(10), 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 Brew Pubs and Microbreweries, and Declaring an Emergency.