

ORDINANCE NO. 10-14

AN ORDINANCE AMENDING SECTIONS 1143.06 AND 1143.07 OF THE PAINESVILLE CODE OF 1998, RELATING TO CONDITIONAL USE PERMIT REQUIREMENTS and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

SECTION I. That Sections 1143.06 and 1143.07 of the Painesville Code of 1998 is hereby amended to read as follows:

1143.06 CONDITIONAL USE PERMIT REQUIRED.

As specified in Chapter 1127 District Regulations, conditional use permits shall be required for the following uses:

(a) Conditional Uses by District.

S-1 District

- Golf Courses
- Roadside stands
- Noncommercial Recreational Uses
- Public use

R-1 District

- Bed and Breakfast
- Non-commercial recreational uses
- Public Use

R-2 District

- Bed and Breakfast
- Commercial Parking lot
- Day care or nursery school
- Hospitals
- Nursing Homes
- Golf Courses
- Public Use
- Adult Group Homes for the Elderly
- Inn

B-1 District

- Residential uses as permitted in R-2 District
- Transitional retail with no more than 2,000 square feet of gross ground floor area
- Professional offices, general or medical, with more than 3,000 square feet of gross ground floor area

- Day care facilities, commercial
- Adult family homes
- Adult group homes
- Nursing homes
- Assisted living facilities
- Bed and Breakfast
- Similar uses as determined by the Planning Commission
- Public Use

B-2 District

- Residential use when accessory to a permitted commercial use
- Commercial recreational uses
- Car wash
- Public Use
- Similar uses as approved by the Planning Commission

B-3 District

- Residential uses when accessory to a permitted commercial use
- Public Use
- Similar uses as approved by the Planning Commission
- Parking Lots

OP District

- Laboratories or research facilities
- Commercial Recreational uses
- Public Use
- Similar uses

M-1 District

Public Use

Commercial/Organizational recreation uses

Similar uses as approved by the Planning Commission

M-2 District

Public Use

Commercial/Organizational recreation uses

Manufacturing uses which involve potentially hazardous, explosive or flammable materials

Similar uses as approved by the Planning Commission

(b) In all districts the following uses shall require a conditional use permit:

Sand, gravel and top soil removal and deposit

Oil, gas or brine wells

Installations for commercial transmissions of radio, television or communication systems.

1143.07 SPECIAL REQUIREMENTS FOR CONDITIONAL USES.

In addition to the requirements of this chapter the following conditional uses shall meet additional requirements. The Commission may vary these requirements if they determine the standard is an unnecessary hardship on the applicant and is in the best interest of the City, the neighborhood and the surrounding community members.

(a) Bed and Breakfast. In the R-1 and R-2 Districts the following minimum standards shall be the basis for review of a conditional use permit request.

(1) That the proposed Bed and Breakfast is located along the following designated streets:

A. Mentor Avenue - Western corporation line to Liberty Street.

B. Wood Street - Washington to Mentor Avenue.

C. Washington Street - Mentor Avenue to Liberty Street.

D. Erie Street - Watson Street to eastern Corporation Line.

E. Bank Street - S. State Street to Walnut Street.

(2) Height and area requirements. Shall meet minimum standards of Chapter 1129 for the R-1 Zoning district.

A. An additional 700 square feet of land area shall be required for each guest room over two.

B. Guest rooms shall have a minimum area of eighty square feet per room for single occupancy, 100 square feet per room for double occupancy, plus forty square feet for each additional room occupant. There shall be one bathroom per two guest rooms.

(3) Off-street parking. Shall be regulated under Section 1137.03, 1137.04 and 1137.11 of the Zoning Code. There shall be a minimum of two spaces plus one space for each guest room.

(4) Certificate of Compliance. Shall be renewed on an annual basis.

(5) Signs shall conform to Chapter 1135. Identification signs shall not exceed three square feet in area and may be illuminated by indirect lighting where such sources of light are not visible from adjacent properties.

(6) Alteration/addition. In the event any exterior changes are made, such changes shall match or be compatible with the existing structure and in compliance with zoning requirements.

(7) The Bed and Breakfast shall contain no more than five guest rooms.

(8) The residence in which the Bed and Breakfast is located shall be architecturally or historically significant as determined by the Planning Commission.

(9) The Bed and Breakfast must be owner occupied.

(10) Guest may not stay longer than three (3) weeks at any one stay.

(11) Meals shall be provided for guests only.

(12) The facility must be in compliance with all appropriate health, safety and fire regulations.

(b) Residential in the B-2 and B-3 Zoning Districts. The Commission shall review each application based on the following standards:

(1) The residential use shall be accessory to the main permitted use on the property.

(2) Each residential unit shall meet the minimum parking requirements of Chapter 1137 in addition to the minimum number of spaces required for the main permitted use.

(3) The residential use shall occupy the same building as the main use. No separate buildings for residential use shall be permitted.

(4) The residential use may exceed the commercial use in total floor area provided the residential use does not occupy the first floor of the building.

(5) The minimum floor area requirements per unit shall be as required for multi-family units in the R-2 District.

(c) Commercial and Industrial Parking in Residential Districts. The Planning Commission may authorize as a conditional use, subject to the provisions of this Zoning Ordinance, the establishment and operation of off-street parking area in such parts of any R-2 District it abuts, either directly or across a street from a commercial or industrial district, subject to the following conditions and requirements:

(1) The parking lot shall be accessory to and for the use in connection with one or more business or industrial establishments located in and adjoining commercial or industrial district.

(2) Such parking lot shall provide parking spaces for at least twenty-five (25) automobiles, shall have an area of not less than 10,000 square feet, and shall abut at least fifty (50) feet, either directly or across a street in a commercial or industrial district.

(3) Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district.

(4) The parking lot shall be subject to all the requirements of Section 1137.10 Off Street Loading Requirements, of this Chapter and any additional conditions or requirements, in respect to development, maintenance and operation which the Commission deems necessary or desirable for the protection of adjacent property or the public interest.

(5) The location and design of entrances, exits, surfacing, marking and lighting shall be subject to the approval of the City Departments having jurisdiction.

(6) No sign of any kind, other than designating entrances, exits and conditions of use, shall be maintained on such parking lot.

(7) Such parking lot shall be used solely for the parking of passenger cars.

(8) No commercial repair work or service of any kind shall be conducted on such parking lot.

(9) No charge shall be made for parking in such parking lot.

(10) The parking lot may be open from 7:00 a.m. to 7:00 p.m., and shall be closed at all other times; provided, however, that when regularly policed or when supervised by one or more full-time attendants, a parking lot may be kept open from 7:00 p.m. until 12:00 midnight, and provided further that such parking lot may be open and used at all times as a parking area accessory to a principal use permitted in a residential district in which located under agreement with the owners or tenants of such use or uses, but only on a weekly or monthly rental basis.

(11) Any person, firm, or corporation desiring to secure permission to establish and maintain a restricted business or industrial parking lot, within the meaning of the subsection, shall make application to the Commission accompanied by a plan which clearly indicates the proposed development, including the location, size, shape, design, landscaping curb cuts, and other features and appurtenances of the parking lot. Such application shall be accompanied by the names and addresses of all the owners of all the properties within the same block as the proposed parking lot and all the properties within 200 feet of any part of such proposed parking lot and located in a residential district.

(12) Any such permit issued by the Administrator may be revoked any time the aforementioned requirements are not complied with, and any permittee who uses premises to which such permit relates in violation of any conditions herein specified or fixed to such permit, shall be deemed in violation of this Zoning Ordinance and shall be subject to the penalty prescribed in Section 1151.99 for such violation.

(d) Public Uses. The following minimum standards shall be the basis for review of a Conditional Use Permit request:

(1) The proposed public use shall have adequate parking available for employees and customers.

(2) In Residential Districts the facility shall be located to minimize the impact on adjacent properties.

(3) In all districts, the proximity of the public use to other public uses shall be reviewed, so as not to have a detrimental impact on the neighborhood.

(e) Parking Lots. The following minimum standards shall be the basis for review of a conditional use permit request:

(1) The proposed parking lot location shall not hinder the implementation of the objectives and strategies of the Economic Development Strategy or Comprehensive Plan of the City.

(2) Use and availability of parking lot to as many people or entities shall be encouraged.

(3) Proximity of the parking lot to other lots shall be reviewed to minimize impact on the streetscape.

(f) Adult Group Home for the Elderly. Congregate living facilities for elderly persons may be permitted in any R-2 District provided that a conditional use permit is first obtained. In addition to the conditions which shall be evaluated for any conditional use, the following specific conditions shall also be met:

- (1) The minimum land area per bed shall be 1,250 square feet.
- (2) All applicable provisions of the Fire Code shall be met and certification of such compliance by the appropriate officer shall accompany the application.
- (3) Evidence that the facility meets the certification, licensing or approval requirements of the appropriate state agency shall accompany the application and shall be submitted to the Building and Zoning Inspectors annually thereafter. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use permit.
- (4) The facility shall comply with the following parking regulations: one off-street, on-site parking space shall be provided for every two resident beds. In addition, three off-street, on-site parking spaces shall be provided for use by resident supervisors and visitors.
- (5) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes within the neighborhood so as not to change the character of the area, create undue congestion in the public ways or otherwise adversely affect a given area with such use. In no case shall a group home be located within a radius of 2,000 feet to any other group home or family home in any zoning district.
- (6) Residents shall be sixty-two years of age or older, evidence of which shall accompany the application.

(g) Inn. In the R-2 Districts the following minimum standards shall be the basis for review of a conditional use permit request.

(1) Locations. That the proposed inn is located along the following designated streets:

- A. Mentor Avenue - Western corporation line to Liberty Street.
- B. Washington Street - Mentor Avenue to Liberty Street.
- C. Erie Street - Watson Street to eastern corporation line.
- D. Liberty Street - Washington Street to Walnut Street.
- E. The Commission may also approve an inn within other areas of the City

provided the residence in which the inn is located is architecturally or historically significant as determined by the Planning Commission.

(2) Height and area requirements. Shall meet the minimum standards of Chapter 1129 for the R-2 Zoning District, except that:

- A. The minimum lot area for the establishment of an inn shall be three-quarters of an acre (or 32,670 square feet).
- B. An additional 1,000 square feet of land area shall be required for each guest room over five.

(3) Off-street parking. Shall be regulated under Sections 1137.03, 1137.04 and 1137.11 of the Zoning Code. There shall be a minimum of two spaces plus one space for each guest room. If the inn contains meeting room(s), one additional parking space per 100 square feet of meeting room space shall also be required. All parking must be behind the front setback and screened from neighboring properties. Parking areas and related drainage shall be approved by the City Engineer.

(4) Certificate of compliance. Shall be renewed on an annual basis.

(5) Signage.

A. Shall conform to Chapter 1135. Identification signs shall not exceed six square feet in area and shall not be internally illuminated. Such signage may be illuminated by indirect lighting where such sources of light are not visible from adjoining properties or the road right-of-way.

B. The design of the sign shall be compatible with the design of the inn, the surrounding neighborhood and Historic District standards, if any. Signs for the inn shall be reviewed by the Administrator and conform to the requirements of the zoning district.

(6) Alteration/addition. In the event any exterior changes are made, such changes shall match or be compatible with the existing structure and in compliance with zoning requirements.

(7) Guest rooms. The inn shall contain no more than 20 guest rooms. Guest rooms shall be contained within the principal structure. No rented room shall have an independent side entrance.

(8) Room size. Guest rooms shall have a minimum of 100 square feet per room for single occupancy, 200 square feet per room for double occupancy, plus 40 square feet for each additional room occupant.

(9) Length of stay. Guests may not stay longer than 21 consecutive days at any one stay.

(10) Character. The scale and appearance of the inn shall remain primarily residential in character. The structure in which the inn is located shall be architecturally or historically significant.

(11) Facilities. Shall consist of no more than two residential dwellings on a maximum of two parcels. Adjacent parcels shall be adjoining contiguous parcels that are not separated by a public right-of-way. The main dwelling shall serve as the inn and the dwelling unit accessory to a principal use on the adjacent property may house the owner/proprietor, caretaker, security guard, custodian or a similar position generally requiring residence on the site. The secondary dwelling shall not contain guest rooms.

(12) Bathrooms. There shall be one bathroom per two guest rooms. As used in this subsection. "bathroom" shall include a sink, lavatory and tub or shower.

(13) Guest register. A guest register listing the name, address, and phone number of all paying guests shall be maintained and available for inspection. A "guest" shall be defined as a person or persons who pay for and have signed the register for an overnight stay at the inn or one that is a participant in a special event or business meeting offered by the inn.

(14) Dining/meals. Shall only be provided for guests, their invitees and attendees of special events or business meetings. The inn shall not operate as a food service establishment.

(15) Alcoholic beverages. Sale and consumption of alcoholic beverages to guests and their invitees upon approval of appropriate liquor license by the State of Ohio.

(16) Cooking. No cooking facilities of any type are allowed in any rented room, nor is there to be direct access to the cooking facility from any rented room.

(17) Commercial use. Up to 25% of the gross area of the first floor of an inn may be in non- living accessory uses, including newsstands, gift shops, lounge, and similar incidental uses provided any incidental service is approved by the Commission and conducted primarily as a service to guests. There must not be an entrance to such place of business except from inside the building.

(18) Special events. Shall only be scheduled for weekends (Friday evenings, Saturdays and Sundays, and limited to 50 persons or the designated room occupancy at any one time. Events on Sunday shall end no later than 6:00 p.m., with clean-up completed by no later than 6:30 p.m. Exceptions to the hours of operation may be granted upon review and approval by the Planning Commission.

A. Outside events. Shall be limited to no more than 50 persons including guests of the inn and end by no later than 10:00 p.m. with clean-up completed by no later than 10:30 p.m. and should be set up as far away as possible from adjacent properties.

B. Inside events. Shall be limited to the designated room occupancy, and end by no later than 11:00 p.m. with clean-up completed by 11:30 p.m.

(19) Business meetings. Shall only be held between the hours of 8:00 a.m. and 9:00 p.m. Mondays through Fridays. Business meetings shall be limited to a maximum of 20 attendees and shall be further limited by the occupancy load/capacity of the room.

(20) Outdoor storage. There shall be no outdoor storage of materials or equipment.

(21) Accessory building. Any building that is accessory to the principal use shall not have guest rooms or be used to host events.

(22) Security. The owner shall provide a security plan that is acceptable to the City.

(23) Inspections. The facility must be in compliance with all appropriate health, safety and fire regulations.

(24) Annual review. An annual review shall be conducted by the Planning Commission after each year of operation of the inn to determine appropriateness and compliance with the approved conditions.

(h) Commercial/Organizational Recreation Uses. In the M-1 and M-2 Districts the following minimum standards shall be the basis for review of a conditional use permit request.

(1) That no more than three (3) Commercial/Organizational Recreation Uses may be operational at any given time within the combined M-1 and M-2 Districts.

(2) Off-Street Parking: The Commercial/organizational recreation use shall require a minimum of 5 parking spaces per 1,000 square feet of gross floor area of the facility. No parking shall occur in the roadway in the M-1 or M-2 Districts.

(3) Handicap parking spaces shall be provided as required under Section 1137.04(c) of the Planning and Zoning Code.

(4) Building Inspections: The facility used for a commercial/organizational recreation use shall be compliant with all appropriate building, health, safety & fire codes applicable to the use of Commercial/Organizational Commercial/Organizational Recreation Uses. Occupancy permits specific to the use of Commercial/Organizational Recreation Uses shall be obtained prior to the facility commencing operation.

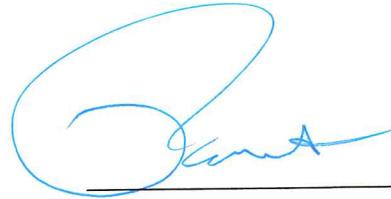
(5) The Conditional Use Permit shall be valid for a period of one year from the date of issuance. The Conditional Use Permit may be renewed by the submission of a new application to the

Planning Commission. In addition to the other factors in the Ordinances that must be considered for the issuance or renewal of a conditional use permit, the conditional use permit issuance or renewal may be denied if there is a commercial need for this space or for other factors deemed relevant by the Planning Commission.

(6) Accessory Building: Any building that is accessory to the principle use shall not be used in the operation of a place of a Commercial/Organizational Recreation Use.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective immediately.

PASSED: May 19, 2014
EFFECTIVE DATE: May 19, 2014



Paul W. Hach, II
President of Council

ATTEST:



Tara Diehl
Clerk of Council