

ORDINANCE NO. 123-2024 (As Revised 09/24/2024)

INTRODUCED BY: Mayor Thomas *2 All of Council*

AN ORDINANCE AMENDING CHAPTER 1123 "DEFINITIONS" OF THE ZONING CODE TO ADD A DEFINITION OF "CAR WASH", AMENDING SECTION 1151.03 "PERMITTED, CONDITIONAL AND SPECIFICALLY PROHIBITED USES", AND AMENDING SECTION 1169.08 "STANDARDS FOR SPECIFIC CONDITIONAL USES" OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS TO CONDITIONALLY PERMIT CAR WASHES.

WHEREAS, Council desires to amend its Zoning Code to permit car washes as a conditionally permitted use in certain specific zoning districts of the City of Richmond Heights;

WHEREAS, Council desires to amend Chapter 1123 "Definitions" of the Zoning Code to add the definition of "Car Wash" and to amend Section 1151.03 "Permitted, Conditional and Specifically Prohibited Uses" of Chapter 1151 "O-S Office Service District, B-1 Local Business District and B-2 Regional Business District" of the Zoning Code to add automatic and in-bay car washes to the list of conditionally permitted uses in the B-1 Local Business District and to add automatic car washes to the list of conditionally-permitted uses in the B-2 Regional Business District, and to amend Section 1169.08 "Standards for Specific Conditional Uses" of Chapter 1169 "Conditional Uses" of the Zoning Code to add car washes to the list of conditionally-permitted uses thereunder.

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

SECTION 1: Chapter 1123 "Definitions" of the Zoning Code of the Codified Ordinances of the City of Richmond Heights is hereby amended to add a new subsection (a) to read as follows:

"1123.03 LETTERS C-D.

As used in this Zoning Code:

(a) Car Wash. "Car Wash" means any building, structure, or facility used for a commercial enterprise of washing motor vehicles by self-service, attendant or machine, which is operated at charge to the customer, including, but not limited to, facilities subject to licensing requirements imposed by federal and state regulations including the Environmental Protection Agency and/or Occupational Safety and Health Administration, if applicable, and including, but not limited to, automatic, conveyor, and in-bay facilities as defined herein. "Automatic Car Wash" means a subset of Car Wash that moves motor vehicles through the wash equipment by means of a conveyor style mechanical apparatus during the wash, which is located completely inside a building or structure, and in which the driver may remain in the vehicle. "In-Bay Car Wash" means a subset of Car Wash in which the driver drives into or onto a bay or parking surface, parks the vehicle, and the motor vehicle remains stationary while either a machine moves over the vehicle to clean it; one or

more employees clean the vehicle, or in which a customer parks the car and utilizes spray wands and/or brushes to wash the vehicle.

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SECTION 2: All remaining subsections of Section 1123.03 LETTERS C-D shall be redesignated with letters and numbers to conform with the new subsection adopted in Section 1 of this Ordinance.

SECTION 3: Section 1151.03 "Permitted, Conditional and Specifically Prohibited Uses" of Chapter 1151 "O-S Office Service District, B-1 Local Business District and B-2 Regional Business District" of the Zoning Code of the Codified Ordinances of the City of Richmond Heights shall be and is hereby amended to provide as follows:

"1151.03 PERMITTED, CONDITIONAL AND SPECIFICALLY PROHIBITED USES.
Uses in the O-S, B-1 and B-2 Districts shall be as set forth in Table 1151.03.

Conditional Uses		
O-S Office-Service District	B-1 Local Business District	B-2 Regional Business District
Restaurant	Bar, tavern, restaurant. Restaurant with outdoor dining or service. Restaurant with drive-through facility	Restaurant with outdoor dining or outdoor service, including drive-through facilities
Retail use accessory to a permitted or conditionally permitted use	Studios and classrooms for instruction in dance, yoga, martial arts, painting, sculpture, job skills, and similar	Amusement and recreation uses within an entirely enclosed soundproofed building, such as: (1) Assembly and meeting halls; (2) Bowling alleys, billiard halls; (3) Theaters.
Day care center	Day care center	Day care center
Banquet Facility	Hotel, motel	Hotel
	Indoor entertainment facilities that do not exceed 5,000 square feet of floor space for each individual business	Indoor assembly for recreation and/or amusement, including lectures, concerts and plays; indoor sporting activities or events; museums, exhibitions, galleries and libraries.
		Laboratories, including research, medical, photographic and similar type laboratories.
		Basic research facilities for the research and design of experimental product development when conducted within a completely enclosed building.
		Data processing and computer centers, including sales, service and maintenance of electronic and data processing equipment; and computer data storage/cloud server storage.
		Offices for law, engineering, drafting, accounting, insurance, broadcasting, investing and other similar professions and occupations.
		Public or private schools or universities
		Assembling, packaging and the accessory warehousing of small electronic instruments and devices, toys, novelties and other small household items.

		Wholesale sales or online sale establishments and accessory warehousing.
		New vehicle, light truck, trailer or garden equipment dealerships (sales and service facilities) with accessory used vehicle or equipment sales and service; new and/or used automobile, light truck or equipment leasing or renting establishments, subject to Section 1151.04.
		Any accessory buildings, fences, signage, off-street parking or other appurtenances as they relate to a use listed herein.
Cultivation, processing and testing of medical marijuana		Cultivation, processing and testing of medical marijuana
	Veterinary clinics and veterinary hospitals	Garden Center
	Banquet Facility	Drive-through facility
	Drive-through facility	Sweepstakes/Internet Cafe
Publicly owned buildings, public utility buildings, including electric transformer stations and substations and gas regulator stations excluding storage yards; water and sewage pumping stations.	Publicly owned buildings, public utility buildings, including electric transformer stations and substations and gas regulator stations excluding storage yards; water and sewage pumping stations.	Publicly owned buildings, public utility buildings, including electric transformer stations and substations and gas regulator stations excluding storage yards; water and sewage pumping stations.
<i>Auto Repair & Service Uses</i>		
	Gasoline service stations as controlled by Chapter 1165 and Chapter 1169.	<u>Automatic Car Wash</u>
	Self-service auto laundries as controlled by Chapter 1165 and Chapter 1169.	
	<u>Automatic Car Wash and In-Bay Car Wash</u>	
	Automotive major repair	
<i>Similar Use</i>		
See standards for Similar Use as a conditional use in Section 1169.08	See standards for Similar Use as a conditional use in Section 1169.08	See standards for Similar Use as a conditional use in Section 1169.08

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SECTION 4: Section 1169.08 “Standards for Specific Conditional Uses” of Chapter 1169 “Conditional Uses” of the Zoning Code of the Codified Ordinances of the City of Richmond Heights is hereby amended to add new subsection (m) as follows:

“(m) Car wash, as defined in Section 1123.02 (a) of this code, may be a conditionally-permitted use subject to the following conditions:

(1) Car Washes shall be located in an area least disruptive to pedestrian and vehicular traffic and shall also comply with the requirements for Drive-through facilities at Subsection 1169.08 (h) of this section.

(2) Car washes shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting or stacking line of motor vehicles prior to the time the vehicles are actually serviced.

(3) Any proposed loudspeaker system shall be approved as part of the conditional use and shall comply with the requirements for drive-through facilities at subsection 1169.08 (h) of this section.

(4) In-bay car washes shall not be permitted in any zoning district in the City of Richmond Heights except the B-1 Local Business District.

(5) Automatic car washes shall not be permitted in any zoning district in the City of Richmond Heights except the B-1 Local Business District and the B-2 Regional Business District.

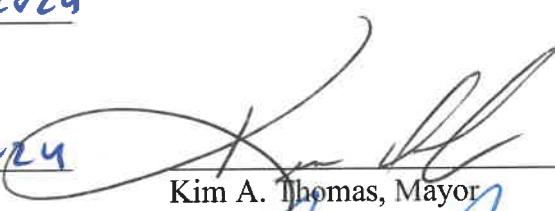
(6) Car washes shall not be permitted within 1,500 feet of the boundaries of a parcel of real estate having situated on it any other car wash as measured at the closest property lines.”

SECTION 6: 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, including Section 121.22 of the Ohio Revised Code.

SECTION 7: This Ordinance shall take effect and be in force at the earliest time permitted by law.

PASSED: September 24, 2024

APPROVED: September 24, 2024


Kim A. Thomas, Mayor

ATTEST: Tracey Blair

Tracey Blair
Clerk of Council


Bobby Jordan
President of Council