

§ 150.102 CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

(A) Permitted uses. The primary permitted use in this residential district is to promote and encourage the use of property for single-family dwellings. Certain other types of uses may be integrated into this district but will be compatible with the primary single-family use only if the impact of certain activities and improvements are specifically mitigated by regulations and conditions. The activities and improvements of institutional uses which may be incompatible with single-family dwelling use include traffic, ingress and egress, large parking surfaces, noise, lights, large buildings, hours of usage, and other activities that may be inconsistent and have a negative impact upon the primary permitted use of single-family dwellings. Failure to regulate these activities and improvements may result in the reduction of the desirability of single-family dwellings and corresponding reduction in property values. The conditional uses permitted in this residential zoning district are those uses which traditionally have complemented and enhanced the desirability of a residential community provided the intensity of the use of the facilities is not permitted to become

so disproportionate as to cause a reduction in the desirability and value of single-family dwellings within the vicinity. The conditional uses permitted in residential districts are limited to the following:

- (1) Religious places of worship;
- (2) Government buildings and utilities;
- (3) Educational institutions, but not trade schools;
- (4) City parks and playgrounds;
- (5) Libraries opened to the public;
- (6) Firehouses for serving the city, including living quarters for necessary fire-fighting personnel;
- (7) Residential facilities that are either foster homes or family foster homes as defined in R.C. § 2159.011(B), family homes and group homes licensed pursuant to R.C. § 5123.19, and adult family homes and adult group homes licensed pursuant to R.C. § 3722.02;
- (8) A public museum which is open to the public and displays items of local interest.

(B) Standards and procedures for conditional use permit in residential districts. The Planning Commission shall not grant a conditional use permit unless it shall, in each specific case, make specific findings of fact directly, based on the particular evidence presented to it, that support the conclusions that:

- (1) Outdoor lighting shall be reflected away from adjacent residential property and installed at the lowest height that is consistent with safety and security intended to be provided by such lighting.
- (2) The minimum lot size shall be three acres, unless the Planning Commission specifically determines that a smaller sized parcel is suitable for the proposed use, that the smaller size will not cause an unreasonable intrusion of institutional activity into property used for residential uses in the vicinity, and is in harmony with the other conditions set forth in this section regulating conditional uses.
- (3) No parking areas or above ground structures shall be closer than 25 feet to adjacent residential areas.
- (4) Screening and buffering along the common boundary or portion thereof shall be provided in accordance with the following regulations and shall be approved as part of the development plan required by this section:

(a) Intent. It is not intended that such a landscaped buffered area be required to screen out all activity or buildings on the subject property. The Planning Commission may authorize a reduction in the size of the buffer area if it is recommended by the ARO and the Planning Commission determines such reduction will not be inconsistent with the purpose of this section.

8D Madeira - Land Usage

(b) When required. Screening and buffering shall be required for parking lots, access drives or loading and service areas when adjacent to a residential use or district.

(c) Width of buffer yard. Each required buffer yard shall have a minimum width of 25 feet.

(d) Type of screening. A brick, stone or decorative masonry wall of acceptable design along the common boundary, or portion thereof, shall be required. The spaces between the wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of a wall, a solid, continuous, visual screen along the common boundary or portion thereof with one or more of the items listed below can be substituted, only when it is determined by the Planning Commission that such screening can be equally as effective as the solid wall.

1. Existing natural vegetation; or

2. New screening materials consisting of one or a combination of the following:

a. A landscaped mound or berm at least three feet in height, and planted with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height measured from the natural grade;

b. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer; or

c. A solid fence.

(e) Location. The location of the wall, fence or vegetation shall be placed within the buffer yard to maximize the screening effect as determined by the Architectural Review Officer.

(f) Height of screening. The height of the screening, measured from the natural grade, shall not be less than six feet in height and shall be maintained in good condition without any advertising thereon. When the screening or a portion thereof is intended to be achieved with vegetation, the required height shall be a minimum of 42 inches at planting, with a height of six feet achieved no later than 24 months after the initial installation. Whenever the required screening is located along the common side lot line of the area extending from the front of the building line of the residential use to the street, the required screening shall not exceed a height of four feet.

(5) The location of curb cuts for the ingress and egress of motor vehicles shall be approved by the City Engineer and the City Manager. The location and width of such access points shall consider the following: Potential high traffic areas shall be located away from adjacent residential property in order to minimize the intrusion of motor vehicle noise, lights and high traffic volume into the adjacent residential areas.

(6) All buildings shall maintain a front, rear and side yard set back of not less than 50 feet. Buildings in excess of 35 feet in height shall be required to be set back one additional foot for every foot that the building height is in excess of 35 feet. The maximum height of any building shall be 50 feet, including steeples, other appurtenances or any other architectural features. The height of any building shall also be reviewed and commented on by the Fire Department.

Zoning Code 8E

(7) Interior landscaping of parking lots shall be provided in accordance with the following requirements:

(a) When any parking area is designed to accommodate 20 or more vehicles, a minimum of 5% of that portion of the parking lot shall be planted as landscaped areas, developed and reasonably distributed throughout such portion so as to provide visual and climatic relief from broad expanses of pavement.

1. Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes and provide visual and climatic relief from the broad expanses of pavement.

2. Each island shall be a minimum of six feet in any horizontal dimension.

3. Within the landscaped islands, there shall be provided one major shade tree for the first 20 parking spaces and one additional shade tree for every ten additional parking spaces, provided there is no impairment to the visibility of motorists or pedestrians. Each tree, at the time of installation, having a clear trunk height of at least six feet and a minimum caliper of two inches.

4. Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.

5. Landscaping needed to meet the perimeter landscape requirement shall not be counted toward interior landscaping.

(b) For the purpose of this section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.

(8) The ARO shall determine the type and location of landscaping that is necessary and appropriate to be placed at the exterior of buildings in order to minimize the visual impact of large expanses of all areas of buildings. The Planning Commission shall determine that the application is consistent with the recommendations of the ARO.

(9) Adequate utility, drainage and other necessary facilities will be provided per city storm water regulations to assure that other parcels in the vicinity shall not be unreasonably burdened with surface water runoff from the subject parcel.

(10) Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts in congestion in public streets and alleys.

(11) The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with

respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

(12) The location, nature, and height of buildings, structures, walls and fences of the site and the nature and the extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures for the primary permitted use of this district, single-family residential use.

2004 S 13

8F Madeira - Land Usage

(13) The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

(C) Authorization for conditional uses. The Planning Commission may allow as conditional uses only those uses classified as conditional uses in this zoning district.

(D) Hearings on conditional use permit. The Planning Commission shall hold a hearing on an application for conditional use within 45 days after the application has been filed unless otherwise agreed by the applicant. Planning Commission shall make a reasonable effort to substantially comply with the following standards for notice of such hearing. Public notice of such hearing shall be published at least once in the newspaper of general circulation in the city not less than ten days before such hearing. The property which is the subject of the proposed conditional use shall be posted with a sign indicating that such application has been filed. Notices shall contain the date, time and place of the hearing and a brief description of the relief sought. Written notice shall be given at least ten days before the hearing to owners of property within 400 feet of the perimeter of the parcel or parcels of land in the application. The Planning Commission may give such additional notice as may be deemed appropriate.

Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney. However, any failure to send, post or receive any of the notices set forth herein shall not be basis for denying the application for a conditional use, nor shall it be a basis for reversing or voiding a decision of Planning Commission.

(E) Conditions and restrictions. In granting a conditional use, the Planning Commission may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set forth herein and to reduce or minimize any potentially injurious effect of such conditional uses upon other property in the neighborhood and to carry out the general purpose and intent of this zoning code.

(F) Decision and records. The Planning Commission shall render a written decision on an application for conditional use without unreasonable delay after the close of the hearing, and in all cases within 45 days from the close of the hearing. The decision of the Planning Commission shall contain specific findings of fact and shall clearly set forth any such conditions, safeguards or restrictions imposed. The Planning Commission shall maintain complete records of all actions of the Planning Commission with respect to applications for conditional uses.

(G) Conditional uses. No use of a building, structure, or land that is designated as a conditional use shall hereafter be changed to another conditional use until a new conditional use permit has been secured in accordance with these procedures. Any use which is a permitted use when established but changed to a conditional use by amendments to this zoning code shall be classified as a conditional use and shall have all the rights and limitations of a conditional use. No expansions of buildings, new buildings, or additional parking areas shall be constructed on any existing conditional use without also submitting a plan for approval that demonstrates reasonable efforts to bring existing parking areas, access ways, buffer/landscaping areas, and buildings into conformity with the criteria and guidelines stated herein. No existing conditional use shall be altered, modified or enlarged unless a new conditional use permit has been secured in accordance with the procedures set forth herein. A conditional use which is voluntarily discontinued for a period of 180 days or more shall not be reestablished unless a new conditional use permit has been secured in accordance with the provisions of this zoning code.

(Ord. 02 40, passed 1 13 03)