

**AN ORDINANCE
AMENDING SECTIONS 1137.02 AND 1138.02, PERMITTED
USES, OF THE CODIFIED ORDINANCES OF THE VILLAGE
OF CHAGRIN FALLS TO PROVIDE THAT PERMITTED
USES, EXCEPT AS OTHERWISE PROVIDED, SHALL BE
CONDUCTED WHOLLY WITHIN ENCLOSED BUILDINGS.**

WHEREAS, Section 1137.02 establishes permitted uses in a Retail Business District; and

WHEREAS, Section 1138.02 establishes permitted uses in the Central Shopping District; and

WHEREAS, this Council desires to amend Section 1137.02 and Section 1138.02 to clarify that permitted uses, except as otherwise provided, shall be conducted wholly within enclosed buildings; and

WHEREAS, this ordinance was referred to the Planning and Zoning Commission for report and recommendation; and

WHEREAS, upon receiving the report and recommendation of the Planning and Zoning Commission, this Council held a public hearing in accordance with Section 1113.04 of the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That Section 1137.02, Permitted Uses, of the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby amended to read and provide, in its entirety, as follows:

"1137.02 PERMITTED USES.

In a Retail Business District, buildings and land shall be used by right for only the main and accessory uses set forth below, ~~such uses conducted wholly within enclosed buildings except as otherwise permitted.~~ **Except as otherwise permitted, such uses shall be conducted wholly within enclosed buildings.** Processing, production and repair activities are further regulated in Section 1137.05(d).

(a) Main Uses.

- (1) Office uses. General and medical office uses as permitted in Office Districts.
- (2) Retail sales. Establishments engaged primarily in the retail sale of merchandise as delineated below.
 - A. Convenience stores, including those selling food (excluding freezer or locker provisioners), beverages, pharmaceuticals, hardware, variety items, stationery, cards, tobacco, reading matter, flowers and plants, musical supplies and photographic supplies.
 - B. Specialty stores including those selling artwork, antiques, crafts, gifts, jewelry, leather goods and novelties.
 - C. Shopping goods stores including those selling apparel, furniture,

luggage, appliances, bicycles, auto parts, sporting goods, office supplies, musical instruments, major photographic equipment, and lawn and garden supplies and equipment, with outdoor sales as regulated in Section 1137.05(f).

- (3) Retail services. Establishments engaged primarily in the sale of services, as delineated below.
 - A. Restaurants and other establishments engaged primarily in the sale of food in a ready-to-consume state, as regulated in Section 1137.05(a).
 - B. Personal service establishments including tailor, shoe repair, dry cleaner, laundromat, barber, beautician, musical instruction, artist studio, photography studio, and copying and printing.
 - C. Banks, credit unions and savings associations, which may or may not include drive-in services as regulated in Section 1137.05©.
 - D. Repair and servicing establishments for such products as household appliances, watches, clocks and jewelry, but excluding industrial equipment and motorized vehicles except as permitted in subsection (a)(3) E. hereof.
 - E. Automotive service stations, as regulated in Sections 1137.05(b) and © respectively.
 - (4) Motels and hotels. As regulated in Section 1137.05(g).
 - (5) Recreation and entertainment uses. Fitness centers, bowling alleys, party centers, indoor theaters, and similar uses conducted wholly within buildings sufficiently sound-insulated to confine all noise to the premises. Coin-operated amusement machines are prohibited by the provisions of Chapter 715 of the Business Regulation Code.
 - (6) Trade schools, etc. Trade and business schools and private establishments offering classes in such areas as self-improvement, dance, exam preparation and weight loss.
 - (7) Public buildings. Village hall, library, post office and other public facilities providing frequently used, pedestrian-oriented services. Police stations, fire stations and ambulance services shall be permitted only as regulated in Section 1137.05(e).
 - (8) Museums and similar facilities.
 - (9) Community centers.
 - (10) Parking lots. As regulated in Section 1137.05(h).
 - (11) Residential use. As regulated in Section 1137.05(I).
 - (12) Similar uses. As regulated in Chapter 1147.
- (b) Accessory Uses.
- (1) Parking areas (open or enclosed) and loading areas, driveways and walkways.
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148.
 - (3) Utility, maintenance, sanitation and storage facilities as regulated in Section 1144.02(d) and provided such use is located so as not to significantly interrupt the commercial street frontage.
 - (4) Rooftop mechanical equipment necessary for the normal operation of a

permitted use.

- (5) Signs, as regulated in Chapter 1143.
- (6) Lighting structures and flag poles.
- © Secondary Uses. Physical fitness programs, classes and activities provided that any equipment used exclusively as a part thereof shall be removed from the premises when not in use."

SECTION 2. That Section 1138.02, Permitted Uses, of the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby amended to read and provide, in its entirety, as follows:

"1138.02 PERMITTED USES.

In the Central Shopping District, buildings and land shall be used by right for only the main and accessory uses set forth below: **Except as otherwise permitted, such uses shall be conducted wholly within enclosed buildings.**

(a) Main Uses.

- (1) Office uses. General and medical office uses as permitted in Office Districts provided that no office use shall occupy a ground floor space with frontage on a public street from which that space has access.
- (2) Retail sales. Establishments engaged primarily in the retail sale of merchandise as delineated below.
 - A. Convenience stores, including those selling food (excluding freezer or locker provisioners), beverages, pharmaceuticals, hardware, variety items, stationery, cards, tobacco, reading matter, flowers and plants, musical supplies and photographic supplies.
 - B. Specialty stores, including those selling artwork, antiques, crafts, gifts, jewelry, leather goods and novelties.
 - C. Shopping goods stores including those selling apparel, furniture, luggage, appliances, bicycles, auto parts, sporting goods, office supplies, musical instruments, major photographic equipment, and lawn and garden supplies and equipment with outdoor sales as regulated in Section 1138.05(e).
- (3) Retail services. Establishments engaged primarily in the retail provision of services, as delineated below.
 - A. Full-service restaurants, as regulated in Section 1138.05(a).
 - B. Personal service establishments including tailor, shoe repair, dry cleaner, laundromat, barber, beautician, musical instruction, artist studio, photography studio, and copying and printing, as regulated in Section 1138.05©.
 - C. Banks, credit unions and savings associations, which may or may not include drive-in services as regulated in Section 1138.05(b).
 - D. Repair and servicing establishments for such products as household appliances, watches, clocks and jewelry, as regulated in Section

1138.05©, but excluding industrial equipment and motorized vehicles.

- (4) Motels and hotels. As regulated in Section 1138.05(f).
 - (5) Trade schools, etc. Trade and business schools and private establishments offering classes in such areas as self-improvement, dance, exam preparation and weight loss, provided that no such use shall occupy a ground floor space with frontage on a public street from which that space has access.
 - (6) Public buildings. Village hall, library, post office and other public facilities, providing frequently used, pedestrian-oriented services. Police stations, fire stations and ambulance services shall be permitted only as regulated in Section 1138.05(d).
 - (7) Residential use. As regulated in Section 1138.05(g).
 - (8) Similar uses. As regulated in Chapter 1147.
- (b) Accessory Uses.
- (1) Parking areas (open or enclosed) and loading areas, driveways and walkways.
 - (2) Landscape features, fences, walls and hedges as regulated in Chapters 1142 and 1148.
 - (3) Utility, maintenance, sanitation and storage facilities as regulated in Section 1144.02(d) and provided such use is located so as not to significantly interrupt the commercial street frontage.
 - (4) Rooftop mechanical equipment necessary for the normal operation of a permitted use.
 - (5) Signs, as regulated in Chapter 1143.
 - (6) Lighting structures and flag poles.
- © Secondary Uses. Physical fitness programs, classes and activities, provided that any equipment used exclusively as a part thereof shall be removed from the premises when not in use.”

SECTION 3. That existing Section 1137.02, Permitted Uses, and existing Section 1138.02, Permitted Uses, of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 5. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

ORDINANCE NO.: 2011- 66
INTRODUCED BY: MR. JACOBS

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SECTION 6. That this Ordinance shall become effective upon its adoption by Council and signature by the Mayor or as otherwise may be provided for in the law.

PASSED: November 28, 2011



Council President

Submitted to the Mayor for
his approval on this
29 day of November, 2011

Approved by the Mayor
November 29, 2011



Mayor

I hereby certify that Ordinance No. 2011- 66 was duly enacted on the 28 day of November
 , 2011, by the Council of the Village of Chagrin Falls and posted in accordance with Section
113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council