

ORDINANCE NO: 2020-11
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING CHAPTER 1176 OF THE ZONING CODE OF THE CITY TITLED "SUPPLEMENTARY REGULATIONS" BY AMENDING SECTION 1176.07 REGARDING PROHIBITED USES

WHEREAS, an amendment to the City's Planning and Zoning Code with regard to Tattoo and Body Piercing Businesses been referred to the Planning Commission for review; and

WHEREAS, the Planning Commission reviewed the proposed amendment on May 16 and June 27, 2019, and unanimously approved this amendment to the City's Planning and Zoning Code; and

WHEREAS, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst Planning Commission; and

WHEREAS, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review; and

WHEREAS, since that amendment has been adopted it is necessary to amend Section 1176.07 of the Codified Ordinances to comport with said amendment. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Section 1176.07 of the Zoning Code of the Zoning Code of the City titled "SALVAGE, WRECKING AND JUNK YARDS; PROHIBITION OF HAZARDOUS WASTE" is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

SECTION 1176.07 SALVAGE, WRECKING AND JUNK YARDS; PROHIBITION OF HAZARDOUS WASTE.

(a) Prohibited Uses; Violations; Declaration of Public Nuisance. The storage, processing or salvaging of discarded lumber or other building material, or any kind of material, including, but not limited to, hazardous waste, infectious wastes, or low-level radioactive waste, the wrecking or dismantling of motor vehicles, and junk yards of any description, are specifically prohibited within the City except as otherwise provided herein, and may not be authorized by the Board of Zoning Appeals. It is hereby declared to be a nuisance, and against the public peace, health, safety and general welfare of the City, to violate the provisions of this section.

(b) Definitions. As used in this section:

(1) "Hazardous waste" means any waste or combination of wastes in solid, liquid, semi-solid or contained gaseous form that, in the determination of the Director of the Ohio Environmental Protection Agency, because of its quantity, concentration or physical or chemical characteristics, may do either of the following:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

B. Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as a hazardous waste under the Resource Conservation and Recovery Act of 1976, 90 Stat 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C.A. 2011, as amended. "Hazardous waste" also includes all of the substances or categories of substances set forth in Ohio R.C. Chapter 3734.

(2) "Infectious wastes" includes all of the substances or categories of substances set forth in Ohio R.C. 3734.01(R).

(3) "Low-level radioactive waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of 1954.

(c) Exceptions. Businesses which store infectious wastes incidental to their primary business, such as doctors' offices, laboratories, nursing homes and the like, shall be permitted to store infectious wastes, provided that they comply with the provisions of Ohio R.C. 3734.021.

Also excepted from the provisions of subsection (a) hereof are those materials which are stored pursuant to the provisions of Section 1355.09 of these Codified Ordinances and the Ohio Fire Code.

(d) Tents, Trailers and Dining Cars. No tents, camp cars, trailers, dining cars or similar facilities shall be placed on any lot or premises within the City or used for living, business or commercial purposes, or for accessory uses, and their use shall not be authorized by the Board of Zoning Appeals. Construction of shanties or trailers used in conjunction with construction activities may be permitted with the approval of the Building Commissioner.

(e) Cultivating, processing or dispensing medical marijuana in accordance with Chapter 3796 of the Ohio Revised Code is prohibited.

(f) Other Prohibited Uses. Crematories, ~~tattoo parlors~~, trailer parks, storage garages, and car washes not attached to an automotive fueling station as a conditional use are also prohibited in the City.

SECTION 2. Any and all provisions of Section 1176.07(f) inconsistent herewith are hereby repealed but all other provisions of Section 1176.07 of the Zoning Code of the City shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.

PASSED: March 2, 2020

MAYOR

VICE MAYOR

ATTEST: _____

Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on March 12, 2020 and March 19, 2020.

Clerk of Council

First Reading: February 3, 2020

Second Reading: February 17, 2020

Third Reading: March 2, 2020