

CITY OF GAHANNA
Gahanna Zoning Code Sections

Application No. CU-0009-2016
121 James Road

12/7/16

**CHAPTER 1169
Procedure for Authorizing a Conditional Use**

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CROSS REFERENCES

Zoning certificates required - see P. & Z. 1129.03
 Variances: conditions and procedures - see P. & Z. 1131.01 et seq., 1191.15
 Flood plain zoning, conditional uses and variances - P. & Z. 1191.06 et seq., 1191.15

1169.01 NATURE OF CONDITIONAL USES; INTENT.

Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

(Ord. 29-72. Passed 5-2-72.)

1169.02 PUBLIC HEARING ADVERTISEMENT.

Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application, notice of which shall include place, time, date and nature of such applied for in a newspaper of general circulation in the Municipality during the calendar week prior to the public hearing. Notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(Ord. 0152-2011. Passed 8-1-11.)

1169.03 WRITTEN APPLICATIONS.

An application form shall be filed with the Planning and Zoning Administrator.

(a) Description of Property and Intended Use. The application shall include the following statements:

- (1) A legal description of the property.
- (2) The proposed use of the property.

- (3) A statement of the necessity or desirability of the proposed use to the neighborhood or community.
- (4) A statement of the relationship of the proposed use to adjacent property and land use.
- (5) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Commission.
- (b) Plot Plan. The application shall be accompanied by three copies of a plot plan, drawn to an appropriate scale, clearly showing the following:
- (1) The boundaries and dimensions of the lot.
- (2) The size and location of existing and proposed buildings and/or structures.
- (3) The proposed use of all parts of the lot, buildings and/or structures, including accessways, walks, off-street parking and loading spaces, and landscaping.
- (4) The relationship of the proposed development to the development standards.
- (5) The use of land and location of structures on adjacent property.
(Ord. 0152-2011. Passed 8-1-11.)

1169.04 ACTIONS OF THE PLANNING COMMISSION.

The Planning Commission shall hold a public hearing and act on a conditional use in one of the following ways:

- (a) Approval. The Planning Commission shall approve an application for a conditional use if the following four conditions are met:
- (1) The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Ordinance are met.
- (2) The proposed development is in accord with appropriate plans for the area.
- (3) The proposed development will not have undesirable effects on the surrounding area.
- (4) The proposed development will be in keeping with the existing land use character and physical development potential of the area.
- (b) Approval with Modification. The Commission may approve, with modification, an application for a conditional use if the proposed use is a conditional use of the zoning district and the applicable development standards are met, but plot plan modification is required:
- (1) To be in accord with the appropriate plans for the area; and
- (2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may include but not be limited to a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required. Requirements regarding the modification of plans or other appropriate actions shall be stated with the reasons for each requirement.

- (c) Disapproval. The Commission shall only disapprove an application for a conditional use for any one of the following reasons:
- (1) The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met.
 - (2) The proposed development is not in accord with appropriate plans of the area.
 - (3) The proposed development will have undesirable effects on the surrounding area.
 - (4) The proposed development is not in keeping with the existing land use character and physical development potential of the area.
(Ord. 0152-2011. Passed 8-1-11.)

1169.05 CONDITIONAL USE APPROVAL.

Upon a favorable finding, the Commission shall approve a conditional use application.

- (a) Conditional Use Permit. A Zoning Certificate may be issued only for an approved conditional use within the period one year from the date of final approval by the Commission.
- (b) Building Permit. A Building Permit may be obtained only for the development in accordance with the approved plot plan.
(Ord. 0152-2011. Passed 8-1-11.)

1169.06 FEES FOR CONDITIONAL USES.

A fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances shall be paid to the City.
(Ord. 0152-2011. Passed 8-1-11.)

CHAPTER 1153 General Commercial Districts

1153.03 CC Community Commercial District

1153.03(a) Permitted Uses

1153.03(a)(2) Administrative

1153.03(a)(2) 809 HEALTH AND ALLIED SERVICES, NOT ELSEWHERE CLASSIFIED

8092 Kidney Dialysis Centers

Establishments primarily engaged in providing kidney or renal dialysis services. Offices and clinics of doctors of medicine are classified in Industry 8011

Kidney dialysis centers

8093 Specialty Outpatient Facilities, Not Elsewhere Classified

Establishments primarily engaged in outpatient care of a specialized nature with permanent facilities and with medical staff to provide diagnosis, treatment, or both for patients who are ambulatory and do not require inpatient care. Offices and clinics of health practitioners are classified according to their primary activity in Industry Groups 801 through 804.

Alcohol treatment, outpatient clinics	Outpatient treatment clinics for alcoholism and drug addiction
Biofeedback centers	Rehabilitation centers, outpatient (medical treatment)
Birth control clinics (family planning)	Respiratory therapy clinics
Drug treatment, outpatient clinics	
Outpatient detoxification centers	
Outpatient mental health clinics	

8099 Health and Allied Services, Not Elsewhere Classified

Establishments primarily engaged in providing health and allied services, not elsewhere classified. Offices and clinics of health practitioners are classified according to their primary activity in Industry Groups 801 through 804.

Artists, medical	Medical photography and art
Blood banks	Osteoperosis centers
Blood donor stations	Oxygen tent service
Childbirth preparation classes	Physical examination service, except by physicians
Health screening service	Plasmapheresis centers
Hearing testing service	Sperm banks
Insurance physical examination service, except by physicians	

CHAPTER 1153 General Commercial Districts
1153.03 CC Community Commercial District
1153.03(b) Conditional Uses
1153.03(b)(2) Residential

Living quarters as an integral part of a permitted use building.

CHAPTER 1123 Definitions
1123.31 Hospital, Nursing, Rest and Convalescent Home; Home for Substance Abusers

“Hospital”, “nursing home”, “rest home”, “convalescent home”, “home for substance abusers” means a building or part of a building used for a hospital, the nursing and care of convalescents, aged people, and/or substance abusers, which must meet the provisions for the same found in the Ohio Revised Code and any proper and legal operations promulgated thereunder (Ord. 21-90. Passed 2-20-90.)

CHAPTER 1153 General Commercial Districts

1153.03 CC Community Commercial District

1153.03(a) Permitted Uses

1153.03(a)(2) Administrative

1153.03(a)(2) 805 NURSING AND PERSONAL CARE FACILITIES

This group includes establishments primarily engaged in providing inpatient nursing and health-related personal care. Establishments providing diagnostic, surgical, and extensive medical services are classified in Industry Group 806, and those providing residential care with incidental nursing or medical services are classified in Industry Group 836.

8051 Skilled Nursing Care Facilities

Establishments primarily engaged in providing inpatient nursing and rehabilitative services to patients who require continuous health care, but not hospital services. Care must be ordered by and under the direction of a physician. The staff must include a licensed nurse on duty continuously with a minimum of one full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs.

Convalescent homes with continuous
nursing care
Extended care facilities

Mental retardation hospitals
Nursing homes, skilled

8052 Intermediate Care Facilities

Establishments primarily engaged in providing inpatient nursing and rehabilitative services, but not on a continuous basis. Staffing must include 24-hour per day personnel with a licensed nurse on duty full-time during each day shift. At least once a week, consultation from a registered nurse on the delivery of care is required. Included are facilities certified to deliver intermediate care under the Medicaid program.

Intermediate care facilities

Nursing homes, intermediate care

8059 Nursing and Personal Care Facilities, Not Elsewhere Classified

Establishments primarily engaged in providing some nursing and/or health-related care to patients who do not require the degree of care and treatment that a skilled or intermediate care facility is designed to provide. Patients in these facilities, because of their mental or physical condition, require some nursing care, including the administering of medications and treatments or

the supervision of self-administered medications in accordance with a physician's orders. Establishments primarily engaged in providing day-to-day personal care without supervision of the delivery of health services prescribed by a physician are classified in Industry 8361.

Convalescent homes for psychiatric patients, with health care
Convalescent homes with health care
Domiciliary care with health care
Homes for the mentally retarded with health care, except skilled and intermediate care facilities

Nursing homes except skilled and intermediate care facilities
Personal care facilities with health care
Personal care homes with health care
Psychiatric patient's convalescent homes
Rest homes with health care

1123.28 GRADE.

"Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building. (Ord. 21-90. Passed 2-20-90.)

1123.28A HARDWARE CLOTH.

"Hardware cloth" means plain weave square mesh cloth of relatively light wire galvanized after weaving or welding.
(Ord. 0024-2007. Passed 2-20-07.)

1123.29 HOME OCCUPATION.

"Home occupation" means an accessory use of single family dwelling units for legitimate businesses, professions, trades or vocations conducted within enclosed single family dwelling units, which is clearly incidental and secondary to residential occupancy and does not change the residential character thereof. (Refer to Chapter 1177.)
(Ord. 166-93. Passed 7-20-93.)

1123.30 HOSPITAL.

"Hospital" means a building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. (Ord. 21-90. Passed 2-20-90.)

1123.31 HOSPITAL, NURSING, REST AND CONVALESCENT HOME; HOME FOR SUBSTANCE ABUSERS.

"Hospital", "nursing home", "rest home", "convalescent home", "home for substance abusers" means a building or part of a building used for a hospital, the nursing and care of convalescents, aged people, and/or substance abusers, which must meet the provisions for the same found in the Ohio Revised Code and any proper and legal operations promulgated thereunder. (Ord. 21-90. Passed 2-20-90.)

1123.32 HOTEL, MOTOR HOTEL, INN.

"Hotel", "motor hotel" and "inn" means a building, or a part of a building, in which guest rooms are offered for public hire to any given individual for no more than thirty-five days in a calendar year, and where a general kitchen and dining room are provided within the building or in any accessory building.
(Ord. 21-90. Passed 2-20-90.)

1123.33 INSTITUTION.

"Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use. (Ord. 21-90. Passed 2-20-90.)

1123.34 KENNEL OR OTHER ANIMAL SHELTERS.

"Kennel or other animal shelters" means the keeping of more than five animals at least three months of age for pleasure, profit, breeding or exhibiting.
(Ord. 21-90. Passed 2-20-90.)

1123.35 LODGING HOUSE.

(EDITOR'S NOTE: Section 1123.35 was repealed by Ordinance 67-71, passed September 20, 1971.)

1123.36 LOT.

"Lot" means a parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by the Zoning Ordinance.
(Ord. 21-90. Passed 2-20-90.)