

**AGENDA
PLANNING COMMISSION
CITY OF LAKEWOOD
12650 DETROIT AVENUE
NOVEMBER 3, 2022**

**PRE-REVIEW MEETING
6:00 P.M.
AUDITORIUM**

1. REVIEW DOCKET ITEMS

**REVIEW MEETING
6:30 P.M.
AUDITORIUM**

- 1. ROLL CALL**
- 2. APPROVE THE MINUTES OF THE OCTOBER 6, 2022 MEETING**
- 3. OPENING REMARKS**

NEW BUSINESS

PARKING PLAN REVIEW

4. Docket No. 11-28-22

2018 Lark St.

Eagle II, LLC

David Maniet, Maniet Architects, applicant requests approval of a parking plan to provide an alternative parking layout for duplex, pursuant to Section 1143.05 – Schedule of Uses and Space Requirements and Section 1143.09 – Parking Plan Review: Planning Commission. The property is in an R2, Single- and Two-Family Residential district. (Page 3)

LOT CONSOLIDATION/LOTSPLIT

5. Docket No. 11-29-22

14224 Detroit Ave.

Lakewood New Life Church

Gregory Ernst, A°DK Inc., applicant requests approval of a lot split (PPN 312-20-052) of an existing single-family home to support an addition on the east and north sides of the existing church, pursuant to Section 1155.07 – Procedures for Lot Splits. Property is in a C2, Commercial – Retail district. (Page 10)

COMMUNICATION

6. Docket No. 11-30-22

Lakewood Outdoor Dining Code Update

At the City Council meeting on October 3, 2022 Ordinance 33-2022 amending Section 1161.03(t), Outdoor Dining, of the Codified Ordinances of the City of Lakewood was referred to the Planning Commission. (Page 28)

7. Docket No. 11-31-22

Lakewood Body Art Code Update

At the City Council meeting on October 3, 2022 Ordinance 34-2022 enacting new Subsection 1161.03(AA) of the Lakewood Codified Ordinances to include and distinguish medical and cosmetic tattooing as a conditional use in commercial zones was referred to the Planning Commission. (Page 43)

ADJOURN

“Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 michelle.nochta@lakewoodoh.net .”



PLANNING COMMISSION

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www.onelakewood.com

Application Cover Page

Docket No.: 11-28-22

Permit No.: PC22-000032

Applicant Name: David Maniet, Maniet Architects

Project Address: 2018 Lark St.

Project Name: Eagle II, LLC

Proposal: Approval of a parking plan to provide an alternative parking layout for duplex, pursuant to Section 1143.05 – Schedule of Uses and Space Requirements and Section 1143.09 – Parking Plan Review: Planning Commission. The property is in an R2, Single- and Two-Family Residential district.

Drawing Index

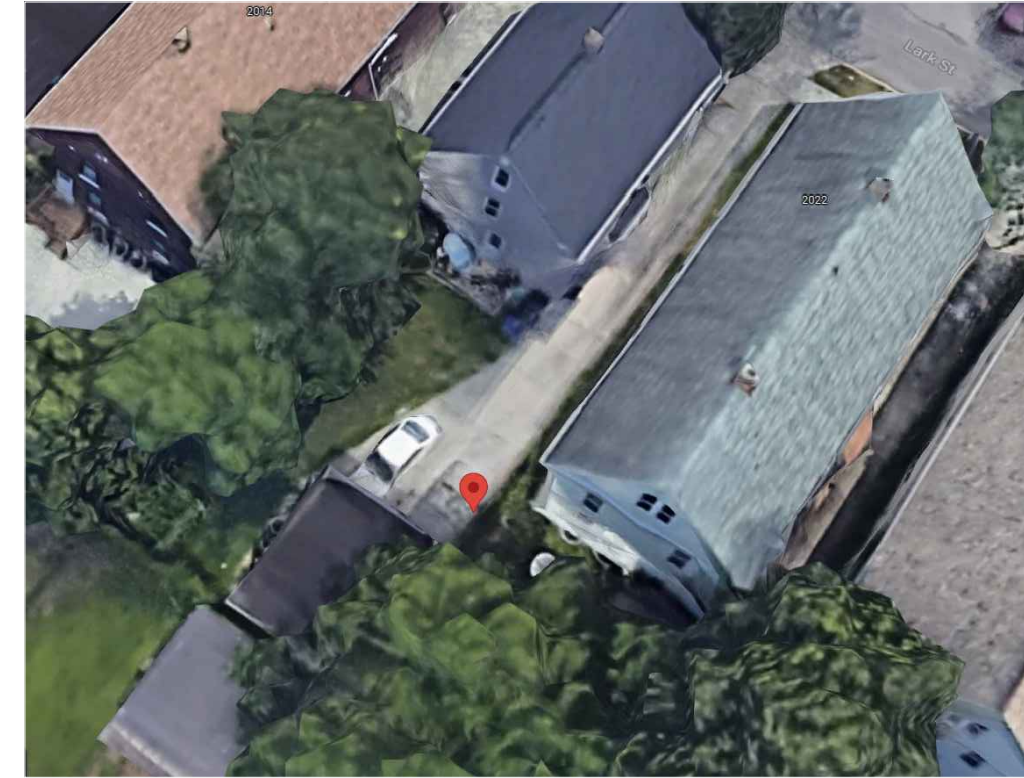
C1 Proposed Site Layout
Existing Images



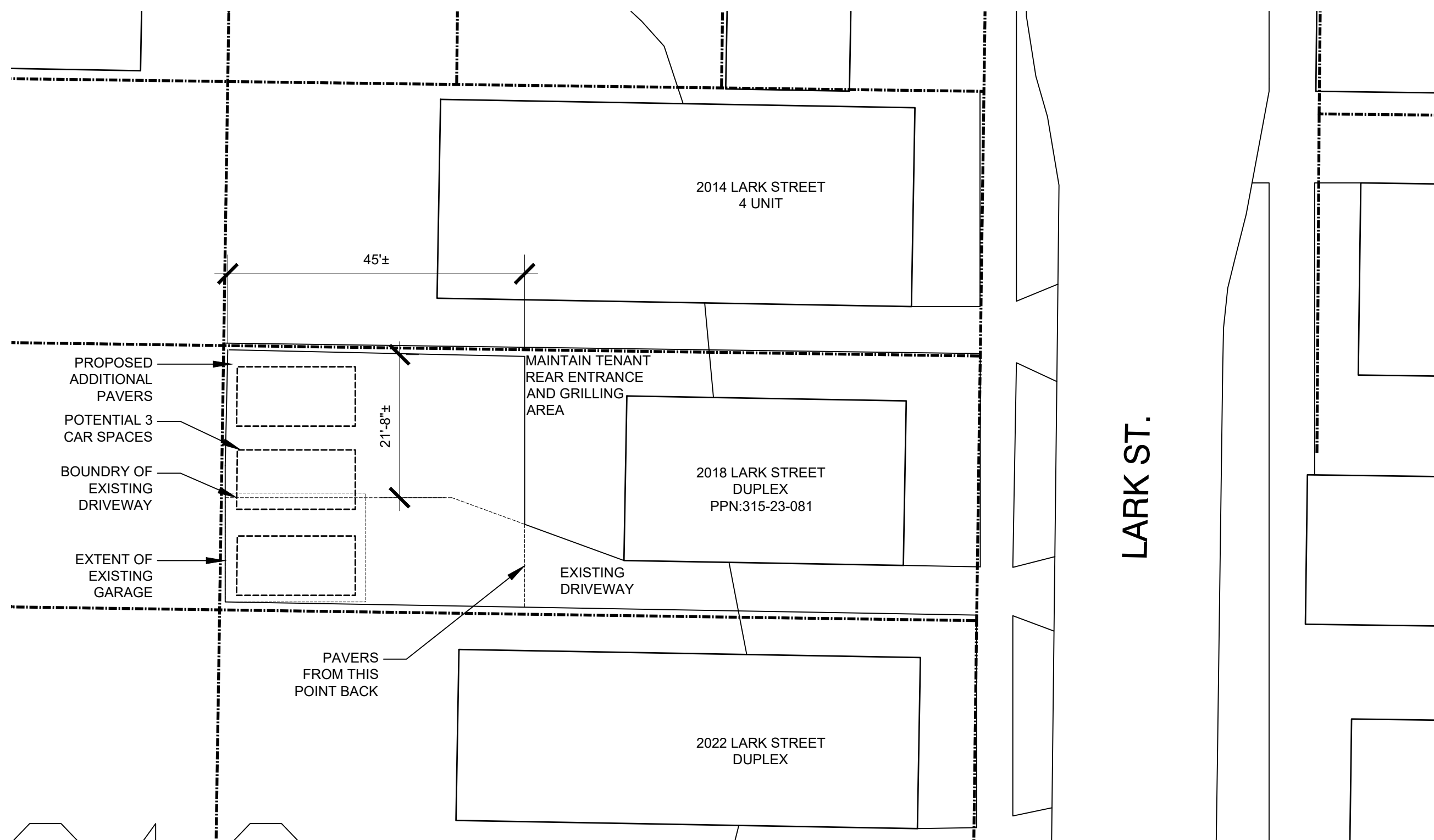
Front Street View



Lark Street View



Ariel of Rear Yard Existing



Proposed Site Plan
1/16" = 1'-0"



Proposed Pavers

MA
MANIET
ARCHITECTS

4 1 2 . 7 2 0 . 0 4 2 4
DavidJManiet@gmail.com

Name / Project Address
Eagle II Site Work
2018 Lark Street
Lakewood, Ohio 44107

Issue for Zoning	Sheet
Date	C1
8/30/2022	
Drawn By	
DJM	





MO220116

MO220115

09000672

HLS 1740









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Application Cover Page

Docket No.: 11-29-22

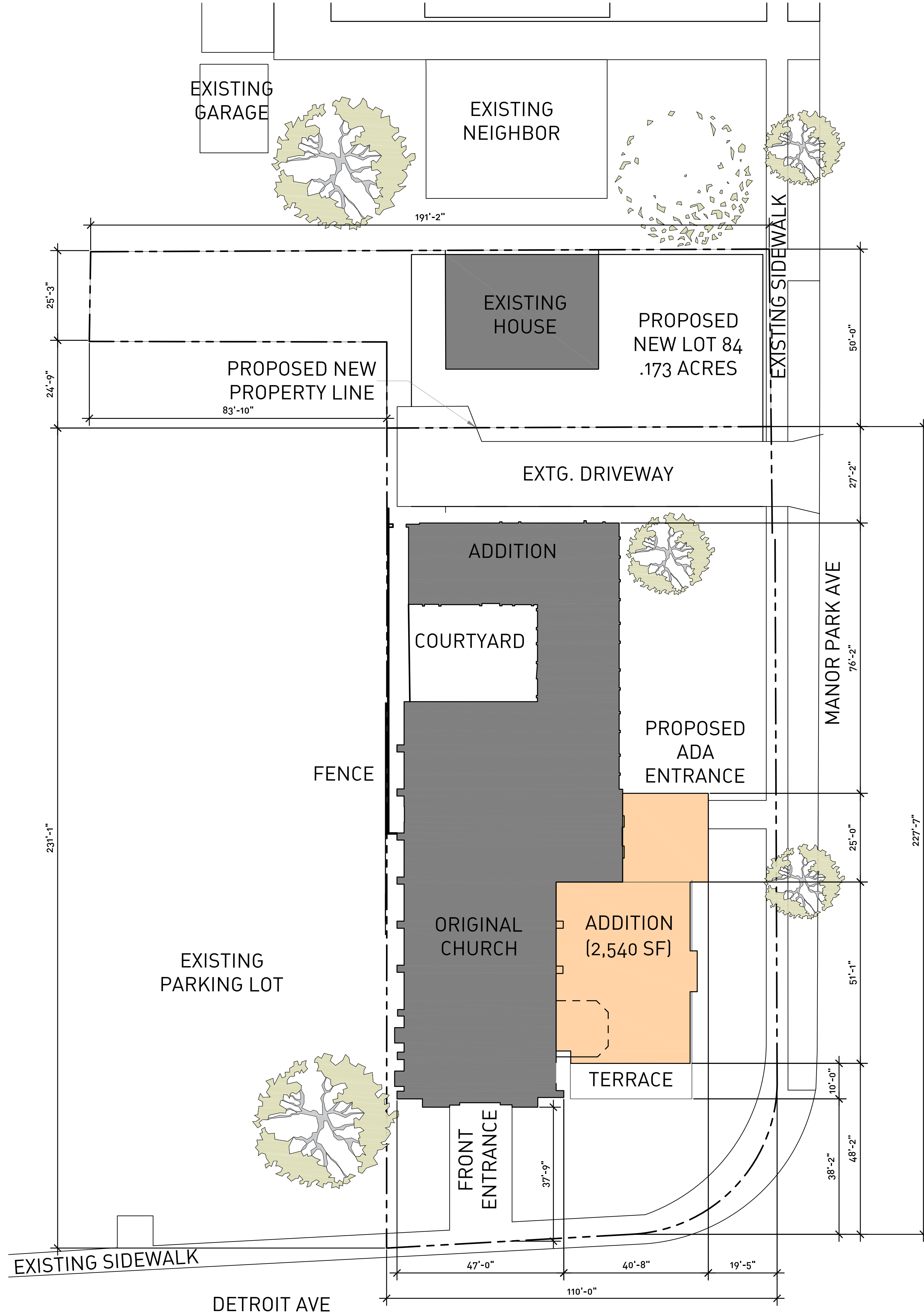
Permit No.: PC22-000033

Applicant Name: Gregory Ernst, A°DK Inc.

Project Address: 14224 Detroit Ave.

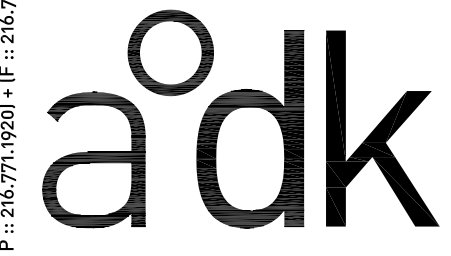
Project Name: Lakewood New Life Church

Proposal: Approval of a lot split (PPN 312-20-052) of an existing single-family home to support an addition on the east and north sides of the existing church, pursuant to Section 1155.07 – Procedures for Lot Splits. Property is in a C2, Commercial – Retail district.



1	PROPOSED SITE PLAN	
a2.5		

SHEET NO.: a.100 a.200 a.300 a.400 a.500 a.600
 SHEET TITLE: JOB NO.:
 ISSUED DATE:
 PROJECT: NEW LIFE CHURCH LAKEWOOD 14224 DETROIT AVE, LAKEWOOD OH, 44107
 PROJECT TITLE: NEW LIFE CHURCH LAKEWOOD
 ARCHITECTURE OFFICE: DAVID KREBS
 AODK, INC. (A: 14284 Detroit Avenue, Lakewood, OH 44107) (P: 216.771.9900) (F: 216.771.1971) (W: www.aodkinc.com)



PRELIMINARY
NOT FOR CONSTRUCTION

NEW LIFE CHURCH LAKEWOOD

SD PLANS	10.18.2022

THESE DRAWINGS, DESIGN, CONCEPT AND INFORMATION ARE THE EXCLUSIVE PROPERTY OF AODK, INC. THEY ARE FOR CONSTRUCTION ONLY AT THE SITE INDICATED. UNAUTHORIZED USE, ALTERATION OR REPRODUCTION OF THE DOCUMENTS AND DESIGN IS PROHIBITED WITHOUT WRITTEN PERMISSION FROM AODK, INC.

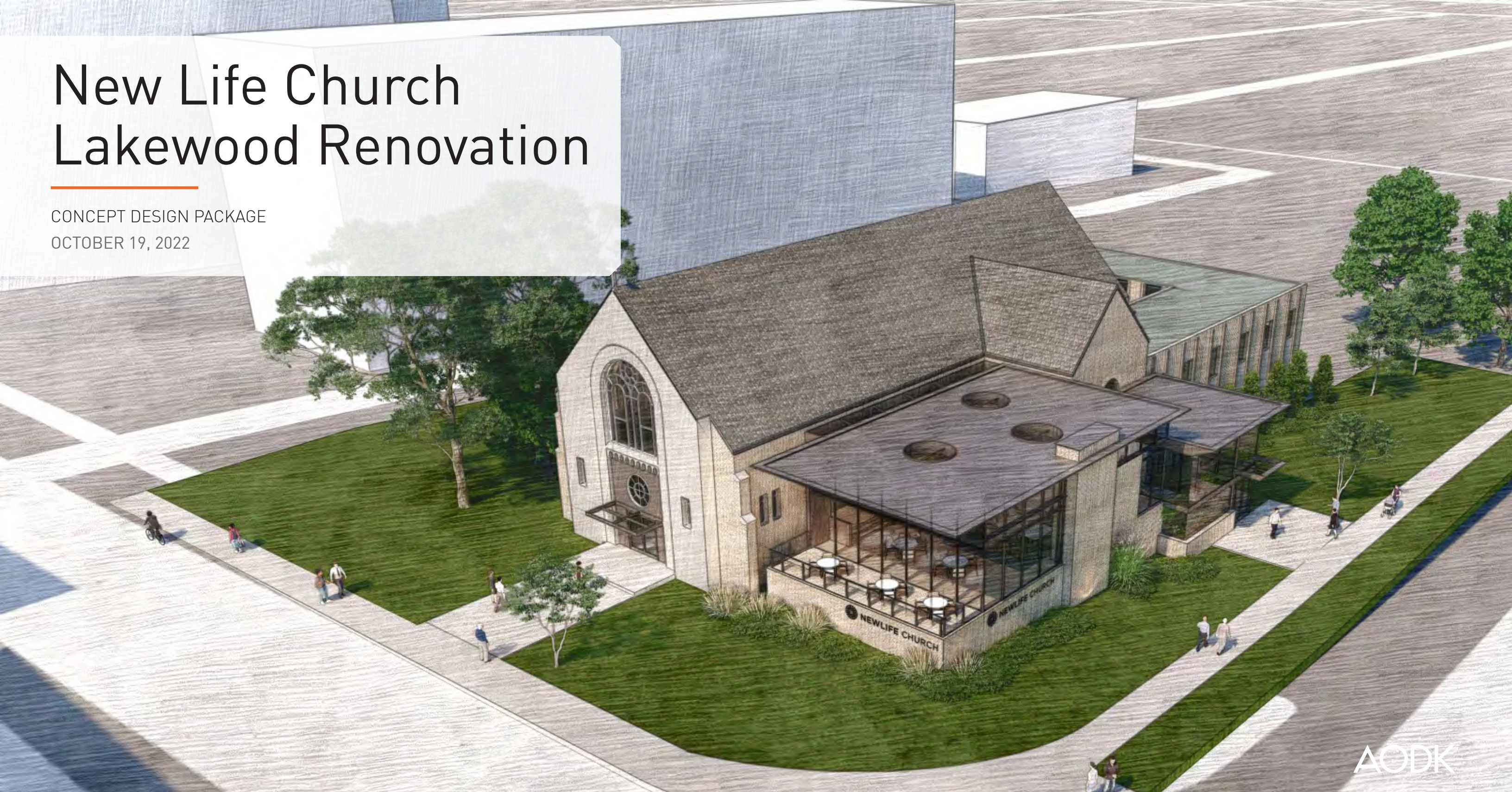
22.46

SMALL ADDITION OPTIONS

a2.5

New Life Church Lakewood Renovation

CONCEPT DESIGN PACKAGE
OCTOBER 19, 2022



PROPOSED MASSING



PROPOSED MASSING



PROPOSED MASSING



PROPOSED MASSING

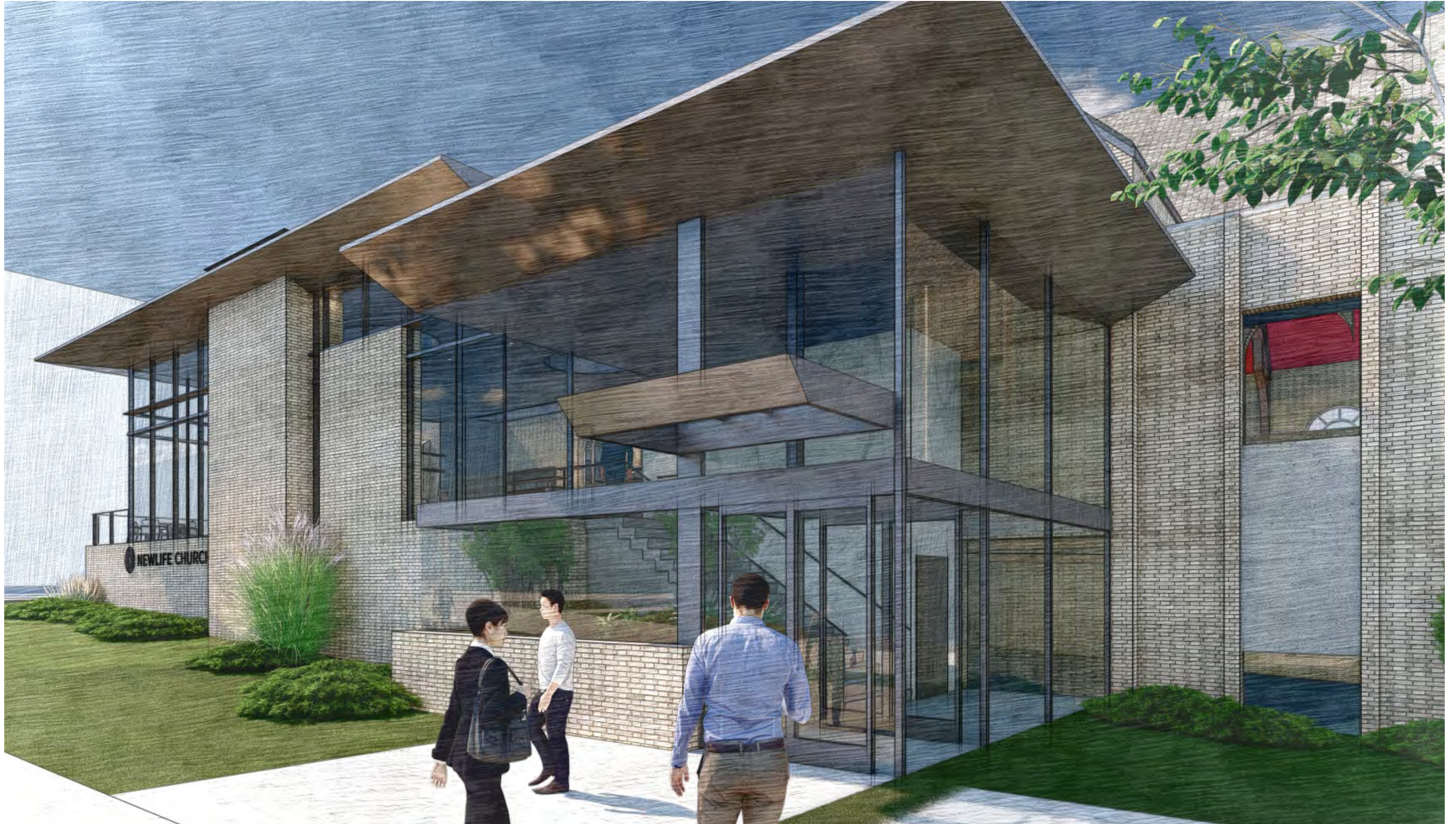


PROPOSED MASSING



NEW LIFE CHURCH RENOVATION

PROPOSED MASSING

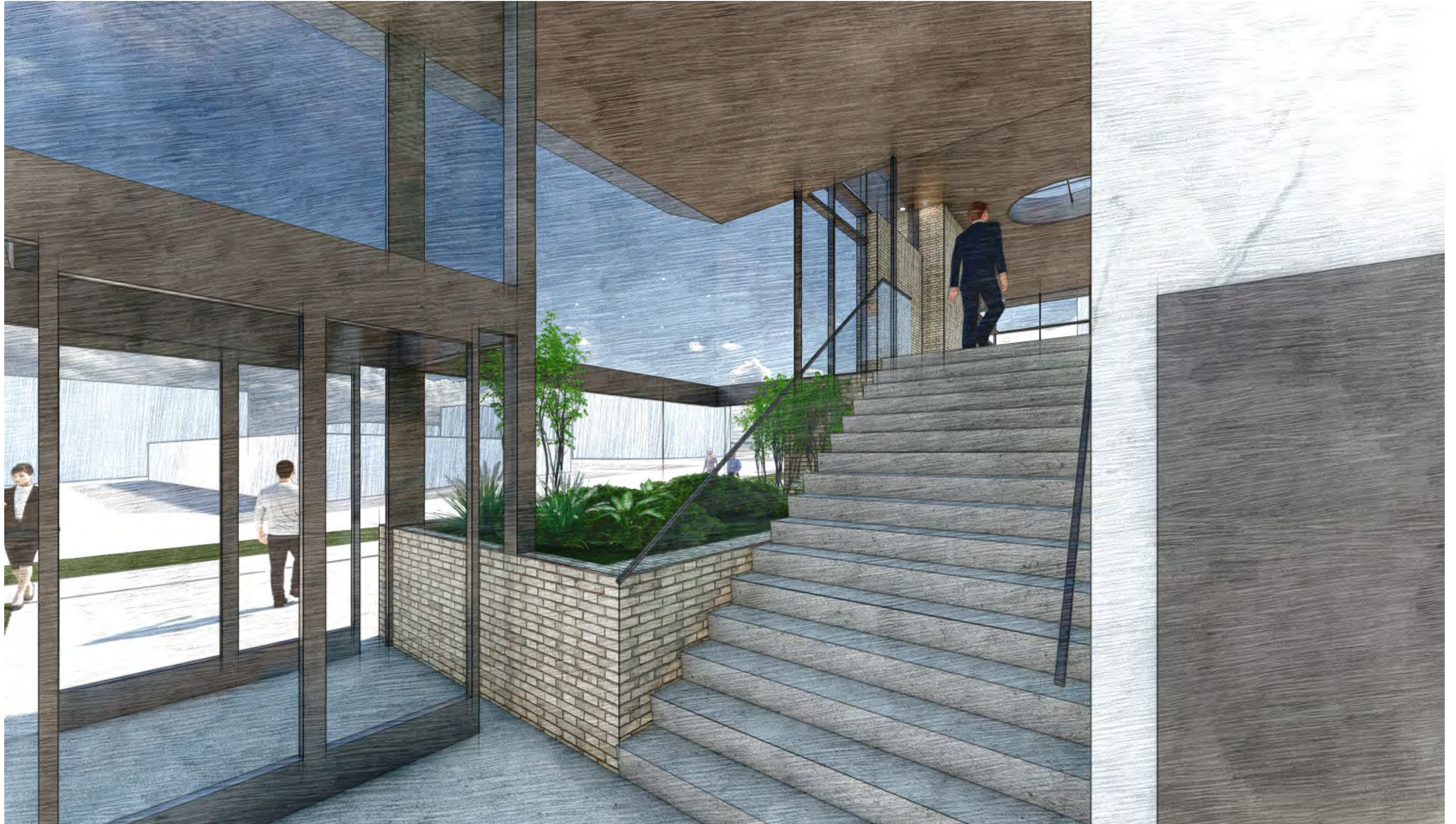


OCTOBER 18, 2022

PROPOSED MASSING



PROPOSED MASSING



PROPOSED MASSING







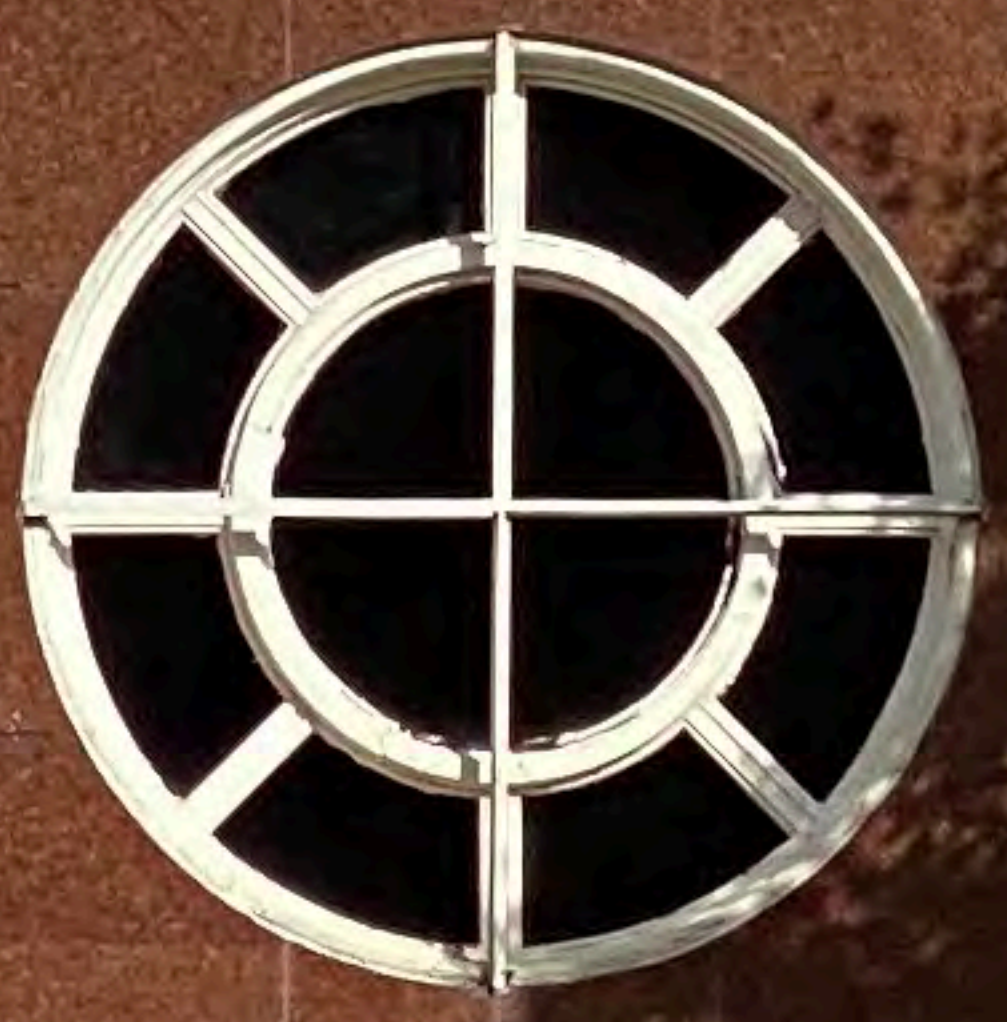
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OUR LORDS
OF THE
TRINITY
CHURCH
1910
BY
MICHAEL J. JONES
1910



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Communication Cover Page

Docket No.: 11-30-22

Permit No.: PC22-000034

Project: Communication from Planning and Development regarding Lakewood Outdoor Dining Code Update.



PLANNING COMMISSION

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November 3, 2022

Planning Commission
Lakewood City Hall
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Docket No. 11-30-22
Communication from Planning and Development Staff
Lakewood Outdoor Dining Code Update**

Dear Members of the Planning Commission:

At the City Council meeting on October 3, 2022 Ordinance 33-2022 amending Section 1161.03(t), Outdoor Dining, of the Codified Ordinances of the City of Lakewood was referred to the Planning Commission.

Sincerely,

Katelyn Milius, Assistant Director
Commission Secretary

ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Section 1161.03(t), Outdoor Dining, of the Codified Ordinances of the City of Lakewood.

WHEREAS, outdoor dining was established as a conditionally permitted use in Lakewood in 2002; and

WHEREAS, outdoor dining provisions were amended in 2015 and 2017 to update the provisions as the City learned more about the use of outdoor dining in its commercial corridors; and

WHEREAS, in response to the COVID 19 pandemic, Lakewood temporarily expanded outdoor dining to assist local businesses operating under correlating health guidelines; and

WHEREAS, with knowledge of the positive impact of outdoor dining on residential and commercial establishments, the City seeks to update the provisions to provide permanent regulations for outdoor dining; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that these provisions should be enacted to allow for outdoor dining establishment to take advantage of them during the outdoor dining season; now, therefore:

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That Section 1161.03(t), Outdoor/Seasonal Dining Facility, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

(t) **Outdoor/Seasonal Dining Facility.** Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

(1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/Seasonal Dining Facility design shall be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/Seasonal Dining Facility should be attractive and in accordance with the Architectural

Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/Seasonal Dining Facility conditional use permit shall include the following items:

- A. A completed and signed Outdoor/Seasonal Dining Facility conditional use permit application form;
- B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;
- C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
- D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;
- E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;
- F. A detailed description of the type of food and beverage served at the establishment;
- G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;
- H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and
- I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

(2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use and primarily used for dining. The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

(3) The floor space of the Outdoor/Seasonal Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material.

(4) The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.

(5) The Outdoor/Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards.

(6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/Seasonal Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Director, Building Commissioner, Police Chief and Fire Chief.

(7) The total number of exterior seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.

(8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:

- A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining

Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. The Outdoor/Seasonal Dining Facility must be enclosed with a sturdy barrier in compliance with the Building Code, the ADA, the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed.

C. The entrance to the Outdoor/Seasonal Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination.

D. Food Service, as defined in Section [1103.02](#) of this Code, shall be offered at all times when alcoholic beverages are served in the Outdoor/Seasonal Dining Facility.

E. Applicants shall not permit customers to carry alcoholic beverages from the Outdoor/Seasonal Dining Facility to any place outside the Outdoor/Seasonal Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.

(9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:

A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. A barrier on some or all sides of the Outdoor/Seasonal Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor/Seasonal Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines.

(Ord. 17-15. Passed 4-2-2015.)

(10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties pursuant to Section [1306.311](#). (Ord. 2-18. Passed 4-1-2019.)

(11) Buffering with landscaping or fencing of the Outdoor/Seasonal Dining Facility, if the facility is adjacent to residential or sensitive uses, may be required. Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.

(12) An Outdoor/Seasonal Dining Facility need not require additional off-street parking unless the Planning Commission determines otherwise, or unless the Outdoor/Seasonal Dining Facility creates an overflow parking problem on adjacent public streets. Should a parking problem arise due to the Outdoor/Seasonal Dining Facility, the Director shall require the Applicant to make provisions for sufficient off-street parking on nearby non-residential properties.

(13) Furniture and enclosures located within the Outdoor/Seasonal Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way between October 31 and March 31. All furniture and fixtures used in an Outdoor/Seasonal Dining Facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way and may only remain in the public right-of-way outside hours of operation with prior approval of the Planning Commission.

(14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round upon approval of the Planning Commission. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by

the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. The Planning Commission may temporarily extend the hours and dates of operation of any Outdoor/Seasonal Dining Facility where the Outdoor/Seasonal Dining Facility is located within the footprint of a special event that is either sponsored by the City or permitted under the Codified Ordinances.

(15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/Seasonal Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood.

(16) The Outdoor/Seasonal Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.

(17) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/Seasonal Dining Facility in order to ensure pedestrian safety and a retail-friendly atmosphere.

(18) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/Seasonal Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit. The conditional use permit for an Outdoor/Seasonal Dining Facility is non-transferable.

(19) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/Seasonal Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon 30 days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has 5 business days to remove any portion of the Outdoor/Seasonal Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor/Seasonal Dining Facility.

is hereby repealed.

Section 2. That new Section 1161.03(t), Outdoor Dining, is hereby enacted to read as follows:

(t) Outdoor Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor Dining Facility as a conditionally permitted accessory use subject to the following:

(1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor Dining Facility design may be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere.

The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor Dining Facility conditional use permit shall include the following items:

- A. A completed and signed Outdoor Dining Facility conditional use permit application form;
- B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;
- C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
- D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;
- E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, a signed statement granting permission to the Applicant to pursue the conditional use permit; and
- I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

(2) The Outdoor Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use. The Outdoor Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

(3) The floor space of the Outdoor Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material meeting all local, state, and federal requirements, including, where applicable, the current United States Access Board Public Right-of-Way Accessibility Guidelines (PROWAG).

(4) The Applicant must keep the Outdoor Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice, and other potentially dangerous or unsanitary matter.

(5) The Outdoor Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for five (5) feet of continuous pedestrian access width along the public sidewalk free from all obstruction and must not create any pedestrian hazards. With the concurrence of the Public Safety Director, Police Chief, Fire Chief, Building Commissioner, Public Works Director, and City Engineer, the Planning Commission may allow a reduced minimum width of continuous pedestrian access to be permitted as allowed by the current PROWAG where the applicant can demonstrate that passing spaces will be available within the public right-of-way and within the frontage of the storefront, at the maximum interval of fifty (50) feet, and have a minimum passing space recommended by the PROWAG that is free of all obstructions.

(6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Public Safety Director, Police Chief, Fire Chief, Building Commissioner, Public Works Director, and City Engineer.

(7) The maximum number of seats for the Outdoor Dining Facility will be determined by the Planning Commission upon review of the amount of space available, compliance with minimum parking and other requirements of Zoning Code, the PROWAG, Building Code, and other applicable local, state, and federal requirements.

(8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:

- A. Where an Outdoor Dining Facility or any portion of an Outdoor Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor Dining Facility, and shall provide an

insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. A barrier on some or all sides of the Outdoor Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines, Building Code, Ohio Fire Code, Ohio Department of Commerce, Division of Liquor Control requirements.

C. The entrance to the Outdoor Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination and comply with the Ohio Fire Code.

D. Unless authorized by the establishment of a Designated Outdoor Refreshment Area in accordance with Ohio Revised Code, no person shall be permitted to carry alcoholic beverages from the Outdoor Dining Facility to any place outside the Outdoor Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.

(9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:

A. Where an Outdoor Dining Facility or any portion of an Outdoor Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. A barrier on some or all sides of the Outdoor Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines and the Ohio Fire Code.

(10) The Outdoor Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties pursuant to Section 1306.311.

(11) Buffering with landscaping or fencing of the Outdoor Dining Facility, if the facility is adjacent to residential or sensitive uses, may be required. Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.

(12) An Outdoor Dining Facility shall comply with parking requirements of the Zoning Code and include combined space of interior and outdoor areas.

(13) Furniture and enclosures located within the Outdoor Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way on or before November 30 through March 31. From December 1 through March 31, and in order to take advantage of unseasonable weather or special events, the Director shall have the authority to allow a single-day use of the public right-of-way in accordance with any approved conditional use permit. All furniture and fixtures used in an Outdoor Dining Facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way. An Outdoor Dining Facility located entirely on private property is permitted year-round with prior approval of the Planning Commission.

(14) An Outdoor Dining Facility shall operate only between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday, 8:00 a.m. Friday to 1:00 a.m. Saturday and 8:00 a.m. Saturday to 1:00 a.m. Sunday. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. The Planning Commission may temporarily extend the hours and dates of operation of any Outdoor Dining Facility where the Outdoor Dining Facility is located within the footprint of a special event that is either sponsored by the City or permitted under the Codified Ordinances.

(15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood. All speakers must be facing inward toward the Outdoor Dining Facility. All outdoor entertainment must cease at 10:00 p.m.

(16) Unless otherwise approved by the Architectural Board of Review, signage of any kind is not permitted on tables, umbrellas, chairs, or barriers that are part of the Outdoor Dining Facility.

(17) The Outdoor Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.

(18) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor Dining Facility in order to ensure pedestrian safety and maintain shared use of the public right-of-way.

(19) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire twelve (12) months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the Director. The conditional use permit for an Outdoor Dining Facility is non-transferable.

(20) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon thirty (30) days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has five (5) business days to remove any portion of the Outdoor Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor Dining Facility.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of members of

Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted _____

John Litten, President of Council

Maureen M. Bach, Clerk of Council

Approved _____

Meghan F. George, Mayor

**SECTION 1161.03(t) OUTDOOR DINING
PROPOSED AMENDMENTS**

PLANNING COMMISSION SUBMITTAL

(t) Outdoor/~~Seasonal~~ Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/~~Seasonal~~ Dining Facility as a conditionally permitted accessory use subject to the following:

(1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/~~Seasonal~~ Dining Facility design ~~shall~~may be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/~~Seasonal~~ Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/~~Seasonal~~ Dining Facility conditional use permit shall include the following items:

- A. A completed and signed Outdoor/~~Seasonal~~ Dining Facility conditional use permit application form;
- B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;
- C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
- D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;
- E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, a signed statement granting permission to the Applicant to pursue the conditional use permit; and
- ~~F. A detailed description of the type of food and beverage served at the establishment;~~
- ~~G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;~~
- ~~H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and~~
- I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

(2) The Outdoor/~~Seasonal~~ Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use ~~and primarily used for dining.~~ The Outdoor/~~Seasonal~~ Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

(3) The floor space of the Outdoor/~~Seasonal~~ Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material: meeting all local, state, and federal requirements, including, where

applicable, the current United States Access Board Public Right-of-Way Accessibility Guidelines (PROWAG).

(4) The Applicant must keep the Outdoor/~~Seasonal~~ Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice, and other potentially dangerous or unsanitary matter.

(5) The Outdoor/~~Seasonal~~ Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for five (5) feet of continuous pedestrian access width along the public sidewalk free from all obstruction, and must not create any pedestrian hazards. With the concurrence of the Public Safety Director, Police Chief, Fire Chief, Building Commissioner, Public Works Director, and City Engineer, the Planning Commission may allow a reduced minimum width of continuous pedestrian access to be permitted as allowed by the current PROWAG where the applicant can demonstrate that passing spaces will be available within the public right-of-way and within the frontage of the storefront, at the maximum interval of fifty (50) feet, and have a minimum passing space recommended by the PROWAG that is free of all obstructions.

(6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/~~Seasonal~~ Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Public Safety Director, Police Chief, Fire Chief, Building Commissioner, Police Chief Public Works Director, and Fire Chief City Engineer.

(7) The ~~total maximum~~ number of ~~exterior~~ seats for the Outdoor/~~Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal~~ Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code compliance with minimum parking and other requirements of Zoning Code, the PROWAG, Building Code, and other applicable local, state, and federal requirements.

(8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:

A. Where an Outdoor/~~Seasonal~~ Dining Facility or any portion of an Outdoor/~~Seasonal~~ Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/~~Seasonal~~ Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/~~Seasonal~~ Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. ~~The A barrier on some or all sides of the Outdoor/Seasonal Dining Facility must~~ may be enclosed with required. The Planning Commission will make a sturdy barrier in compliance with the Building Code, determination as to the ADA, extent and location of a barrier necessary for the Outdoor Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed, Building Code, Ohio Fire Code, Ohio Department of Commerce, Division of Liquor Control requirements.

C. The entrance to the Outdoor/~~Seasonal~~ Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination and comply with the Ohio Fire Code.

D. ~~Food Service, as defined in Section 1103.02~~Unless authorized by the establishment of this Designated Outdoor Refreshment Area in accordance with Ohio Revised Code, no person shall be offered at all times when alcoholic beverages are served in the Outdoor/Seasonal Dining Facility.

~~E. Applicants shall not permit customers~~permitted to carry alcoholic beverages from the Outdoor/~~Seasonal~~ Dining Facility to any place outside the Outdoor/~~Seasonal~~ Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.

(9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:

A. Where an Outdoor/~~Seasonal~~ Dining Facility or any portion of an Outdoor/~~Seasonal~~ Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/~~Seasonal~~ Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/~~Seasonal~~ Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. A barrier on some or all sides of the Outdoor/~~Seasonal~~ Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor/~~Seasonal~~ Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines and the Ohio Fire Code.

~~(Ord. 17-15. Passed 4-2-2015.)~~

(10) The Outdoor/~~Seasonal~~ Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties pursuant to Section 1306.311. ~~(Ord. 2-18. Passed 4-1-2019.)~~

(11) Buffering with landscaping or fencing of the Outdoor/~~Seasonal~~ Dining Facility, if the facility is adjacent to residential or sensitive uses, may be required. Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.

~~(12) An Outdoor/Seasonal Dining Facility need not require additional off street parking unless the Planning Commission determines otherwise, or unless the Outdoor/Seasonal Dining Facility creates an overflow parking problem on adjacent public streets. Should a parking problem arise due to the Outdoor/Seasonal Dining Facility, the Director shall require the Applicant to make provisions for sufficient off street parking on nearby non-residential properties.~~

(12) An Outdoor Dining Facility shall comply with parking requirements of the Zoning Code and include combined space of interior and outdoor areas.

(13) Furniture and enclosures located within the Outdoor/~~Seasonal~~ Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way ~~between October 31 and on or before November 30 through~~ March 31. From December 1 through March 31, and in order to take advantage of unseasonable weather or special events, the Director shall have the authority to allow a single-day use of the public right-of-way in accordance with any approved conditional use permit. All furniture and fixtures used in an Outdoor/~~Seasonal~~ Dining Facility in the public right-of-way must be

readily removable without damage to the surface of the right-of-way ~~and may only remain in the public right of way outside hours of operation.~~ An Outdoor Dining Facility located entirely on private property is permitted year-round with prior approval of the Planning Commission.

(14) An Outdoor/~~Seasonal~~ Dining Facility shall operate only between the hours of ~~11~~18:00 a.m. and 10:00 p.m. Sunday through Thursday, ~~11~~18:00 a.m. Friday to 1:00 a.m. Saturday and ~~11~~18:00 a.m. Saturday to 1:00 a.m. Sunday, ~~only between the months of April through and inclusive of October. Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round upon approval of the Planning Commission.~~ The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. The Planning Commission may temporarily extend the hours and dates of operation of any Outdoor/~~Seasonal~~ Dining Facility where the Outdoor/~~Seasonal~~ Dining Facility is located within the footprint of a special event that is either sponsored by the City or permitted under the Codified Ordinances.

(15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/~~Seasonal~~ Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood. All speakers must be facing inward toward the Outdoor Dining Facility. All outdoor entertainment must cease at 10:00 p.m.

(16) Unless otherwise approved by the Architectural Board of Review, signage of any kind is not permitted on tables, umbrellas, chairs, or barriers that are part of the Outdoor Dining Facility.

(17) The Outdoor/~~Seasonal~~ Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.

~~(17)~~ The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/~~Seasonal~~ Dining Facility in order to ensure pedestrian safety and ~~a retail-friendly atmosphere~~ maintain shared use of the public right-of-way.

~~(18)~~ Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/~~Seasonal~~ Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire ~~twelve (12)~~ twelve (12) months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the Director. ~~Renewal applications must be submitted in writing at least 30 days prior to expiration of permit.~~ The conditional use permit for an Outdoor/~~Seasonal~~ Dining Facility is non-transferable.

~~(19)~~ Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/~~Seasonal~~ Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon thirty (30) days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has five (5) business days to remove any portion of the Outdoor/~~Seasonal~~ Dining Facility that is in the public right-of-way and restore the public

| right-of-way to the condition in which it existed prior to the creation of the Outdoor/~~Seasonal~~ Dining Facility.



PLANNING COMMISSION

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5907
www.lakewoodOH.net

November 3, 2022

Planning Commission
Lakewood City Hall
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Docket No. 11-31-22
Communication from Planning and Development Staff
Lakewood Body Art Code Update**

Dear Members of the Planning Commission:

At the City Council meeting on October 3, 2022 Ordinance 34-2022 enacting new Subsection 1161.03(AA) of the Lakewood Codified Ordinances to include and distinguish medical and cosmetic tattooing as a conditional use in commercial zones was referred to the Planning Commission.

Sincerely,

Katelyn Milius, Assistant Director
Commission Secretary



PLANNING COMMISSION

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November 3, 2022

Planning Commission
Lakewood City Hall
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Lakewood, Ohio 44107

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At the City Council meeting on October 3, 2022 Ordinance 34-2022 enacting new Subsection 1161.03(AA) of the Lakewood Codified Ordinances to include and distinguish medical and cosmetic tattooing as a conditional use in commercial zones was referred to the Planning Commission.

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Katelyn Milius, Assistant Director
Commission Secretary



**PLANNING &
DEVELOPMENT
DEPARTMENT**

12650 Detroit Avenue 44107 • (216) 529-6630 • FAX (216) 529-5907
www.lakewoodoh.gov

September 27, 2022

City Council
City of Lakewood
12650 Detroit Avenue
Lakewood, Ohio 44107

RE: Zoning Code Amendments – Outdoor Dining Facilities and Cosmetic & Medical Tattooing

Dear Council President Litten & Members of City Council,

Shortly following the start the COVID-19 pandemic, City Council adopted Resolution 2020-31 allowing temporary flexibility to accommodate social distancing and increased outdoor seating in the Conditional Use Permit requirements for outdoor dining facilities. These temporary regulations were successful in supporting small businesses by allowing over two dozen expanded or new outdoor dining facilities. This was also an opportunity for the City to learn how more flexible requirements could help direct future outdoor dining facilities as the current regulations were originally drafted in 2002 as a pilot program.

Separately, the Administration has been tracking changes in the tattoo industry as several salons and medical offices have contacted City Staff about adding cosmetic and medical tattooing services. Such services are permanent or semi-permanent tattooing that is for cosmetic or medical purposes to correct imperfections due to surgically caused or medically diagnosed conditions. Although cosmetic and medical tattooing is often a secondary service offered by a business, it is regulated as a body art establishment by the State and County and is subject to all requirements of a traditional tattooing business in our local Zoning Code making it difficult to locate such needed services within our community.

With the temporary flexibility offered to outdoor dining facilities by Resolution 2020-31 expiring on December 31, 2022, and the continued requests to offer cosmetic and medical tattooing services in the City, the Planning & Development and Law Departments are submitting two separate Ordinances to address these topics. If approved, the Ordinances would make permanent many of the lessons learned by implementing temporary outdoor dining facilities for the past nearly three years and allow an important cosmetic and medical service in community.

We respectfully request these Ordinances be referred to the Planning Commission and a committee deemed appropriate by City Council.

Sincerely,

Shawn Leininger, AICP
Director of Planning & Development

ORDINANCE NO.

BY:

AN ORDINANCE enacting new Subsection 1161.03(AA) of the Lakewood Codified Ordinances to include and distinguish medical and cosmetic tattooing as a conditional use in commercial zones.

WHEREAS, cosmetic tattooing is semi-permanent and is provided already in many salons; and

WHEREAS, medical tattooing, while permanent, is distinguished from traditional tattooing in that it is used to correct an existing medically diagnosed skin condition or one that has resulted from surgery; and

WHEREAS, Lakewood's Code does not distinguish between traditional body art establishments, medical tattooing and cosmetic tattooing; and

WHEREAS, medical and cosmetic tattooing do not have the same impact on surrounding properties as traditional body art establishments in that they are located in traditional medical or salon settings and provide these services as a secondary use; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That new Subsection 1161.03(AA), Cosmetic and Medical Tattoo Establishments, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

(AA) COSMETIC AND MEDICAL TATTOO ESTABLISHMENTS.

- (1) Cosmetic Tattoo Establishment is defined as a commercial business that uses tattooing techniques to provide semi-permanent cosmetics, microblading, micropigmentation, and similar personal care services and includes but is not limited to the practice of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture the skin for the purpose of permanent cosmetic restoration or enhancement of the epidermis for re-pigmentation. The use is also commonly known as dermal implantation, microstroking, eyebrow embroidery, and long-time/long-lasting makeup.
- (2) Medical Tattoo Establishment is defined as a commercial business that uses tattooing techniques to restore existing medically diagnosed skin conditions or a condition resulting in surgery including but not limited to restoring the original skin color by tattooing an area to correct skin pigmentation, to conceal scarring, to correct a tissue alteration such as a lip damaged by a cleft lip, or to reconstruct a mammary areola amputated as a result of a mastectomy.
- (3) Cosmetic Tattooing and Medical Tattooing do not include other forms of body art such as body piercing or the adornment of the body with letters, images, drawings, or other illustrations and or other illustrations.
- (4) In a C1 Office, C2 Retail or C3 General Business District a cosmetic tattoo establishment or medical tattoo establishment, as defined by this section, may be a conditionally permitted use provided that:

- (a) The cosmetic tattoo or medical tattoo establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;
- (b) In addition to the requirements of the Ohio Administrative Code, the cosmetic tattoo or medical tattoo establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is available for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;
- (c) ~~The owner or manager of the establishment shall be a body artist~~ Body artists providing cosmetic or medical tattooing must be as-qualified under the Ohio Administrative Code with not less than three (3) years documentable experience within the last ten (10) years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to employment records, references, and ~~proof of ownership of another cosmetic tattoo or medical tattoo establishment~~ any other documentation deemed necessary to determine compliance with this Section;
- (d) The owner of the establishment shall submit proof of general liability insurance in the amount of ~~\$1 million~~ determined necessary by the Law Director along with its application for conditional use permit;
- ~~(f) No electronic signage shall be permitted at a cosmetic tattoo or medical tattoo establishment and only the business name may be permitted on any signage;~~
- (g) Cosmetic tattoo or medical tattoo establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment;
- (5) Time-limited or special-event cosmetic tattoo or medical tattoo establishments shall not be permitted. Cosmetic tattoo or medical tattoo establishments shall only be permitted to operate between the hours of 8:00 a.m. and 9:00 p.m.;

Commented [SL1]: Deleted this. ABR will regulate. Also question as to whether or not we can limit speech on sign. Suspect conditional use opens the door however can still be controlled by ABR.

Commented [SL2]: Aligns with other conditional use permits. Closing time seems reasonable.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted _____
Council

~~Daniel J. O'Malley~~ John Litten, President of

Maureen M. Bach, Clerk of Council

Approved _____

Meghan F. George, Mayor