

CODIFIED ORDINANCES OF BEACHWOOD
PART ELEVEN - PLANNING AND ZONING CODE

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CHAPTER 1101
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1101.01 INTERPRETATION; GENERAL DEFINITIONS.

As used in this Zoning Code:

- (a) The word “shall” shall be interpreted as mandatory and shall be complied with unless waived by the appropriate commission, board or authority having jurisdiction; “may” shall be interpreted as having permission or being allowed to carry out a provision; “should” shall be interpreted as expressing that the application of a criterion or standard is desired and essential unless commensurate criteria or standards are achieved.
- (b) All words used in the singular shall include the plural and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.
- (c) The phrase “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for” or “occupied for”.
- (d) The term “such as” shall be construed as introducing a typical or illustrative enumeration of uses. A colon used to introduce an enumeration shall be construed as being the complete enumeration of uses and not illustrative. “Regulation” means a rule, restriction or other mandatory provision intended to control, require or prohibit an act and includes “requirement”.
- (e) “Build” means establish, construct, erect, assemble, reconstruct, enlarge, alter or develop.
- (f) “City” means the City of Beachwood, Ohio.
- (g) “Code” means the Zoning Code of the City, unless otherwise designated.
- (h) “Commission” means the Planning and Zoning Commission of the City.
- (i) “Council” means Council of the City.
- (j) “Developer” means a person or firm commencing proceedings under this Zoning Code to effect a subdivision or development of land for himself or herself or for another.
- (k) “District” means a section of the City for which uniform zoning regulations, as provided herein, govern the use of land, structures and premises, the permitted height and area of structures and the area or open spaces about structures.
- (l) “Engineer” means the Engineer of the City.
- (m) “Lot” means a parcel of land, the perimeter of which has been approved by Council and recorded at the office of the County Recorder.
- (n) “Person” means an individual, firm, association, corporation, trust or other legal entity.
(Ord. 1987-125. Passed 11-16-87.)

1101.02 ACCESSORY USE OR BUILDING.

“Accessory use” or “accessory building” means a permitted subordinate use or building which is located on the same lot with and incident to the main use or main building and which is subordinate in area, extent and purpose to the main use or building served.
(Ord. 1987-125. Passed 11-16-87.)

1101.03 APARTMENT.

(a) “Apartment” (~~flat, suite or multifamily dwelling unit~~) means a suite of rooms in a multifamily ~~or apartment~~ building which is occupied as a residence and which is arranged to share either common walls, floor, land or hallways with other such residences.

~~—————(b)———— “Apartment building” (apartment house) means a multifamily building comprising three or more dwelling units arranged one above the other and side by side, with each unit having a separate entrance or at least one entrance to a common hall leading to the exterior.
(Ord. 1987-125. Passed 11-16-87.)~~

1101.04 AREAS (BUILDING COVERAGE, DWELLING UNIT, FLOOR, LOT).

(a) “Building ground coverage” or “building area” means the horizontal area of ground covered by a building and is measured from the vertical projections of the outermost wall surfaces of the building and generally expressed in square feet or as a percentage of the total lot area.

(b) "Dwelling unit area" means the horizontal area of usable and habitable space available exclusively to the occupant within a dwelling unit and is measured from the interior wall faces of the dwelling unit.

(c) "Gross floor area" means the floor area within the perimeter of the outside walls of the building under consideration, without deduction for fire stairways, elevators, closets or thickness of exterior walls, expressed in square feet.

(d) "Lot area" (site area) means the total horizontal area within a lot boundary line, expressed in square feet or acres.
(Ord. 1987-125. Passed 11-16-87.)

1101.05 BASEMENT.

"Basement" means a portion of a building partially or entirely underground whose ceiling, or underpart of the floor above, is four feet or less above the average finished grade elevation. "Sub-basement" means any story which is below a basement level and is entirely below grade.
(Ord. 1987-125. Passed 11-16-87.)

1101.06 BUFFER AREA.

"Buffer area" means an area of land, together with landscaping, fencing, walls and/or hedges required by this Zoning Code and approved by the Planning and Zoning Commission and/or Council, which may be required to separate uses or zoning districts to eliminate or minimize conflicts between them.
(Ord. 1987-125. Passed 11-16-87.)

1101.07 BUILDING.

"Building" means a structure permanently built and affixed to the land which is maintained or intended for the shelter or enclosure of persons, animals or property of any kind. The term shall be used synonymously with "structure", unless specific structures are noted, and shall be construed as if followed by the words "or part or parts thereof". "Structure" means that which is constructed on or under the ground or connected thereto and includes, but is not limited to, buildings, barriers, bridges, bulkheads, bunkers, chimneys, fences, garages, outdoor seating facilities, platforms, pools, poles, tanks, tents, towers, sheds, signs, walls and the like.
(Ord. 1987-125. Passed 11-16-87.)

1101.08 BUILDING HEIGHT.

"Building height" means the vertical distance from the finished grade at the centerline, six feet perpendicular to the front, to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the Planning and Zoning Commission shall determine the front. The finished grade may not be less than the average finished grade across the width of the lot measured at the front building line. (Ord. 1987-125. Passed 11-16-87.)

1101.09 BUILDING LINE (SET-BACK LINE).

"Building line" (set-back line) means a line parallel to and measured from a street line or front lot line defining the limits of a front yard in which no building structure or use may be located above ground, except as provided in this Zoning Code. If no building line is established or if building lines are in conflict, then the Planning and Zoning Commission shall determine the building line using other similar standards in the City. A building line may be set on the Zone Map. (Ord. 1987-125. Passed 11-16-87.)

1101.10 BUILDING PERMIT.

"Building permit" means a permit issued by the Building Commissioner to construct, alter or repair a building or part thereof exactly as shown on plans approved by the City.
(Ord. 1987-125. Passed 11-16-87.)

1101.105 BUSINESS SERVICES.

"Business Services" means services provided primarily to other business operations, which may include consulting services, property and/or equipment maintenance services, financial and/or accounting services, computer and/or information management services, advertising and/or graphic services, and similar operations.
(Ord. 2011-169. Passed 3-19-12.)

1101.11 CHURCH; SYNAGOGUE; TEMPLE.

"Church," "synagogue," "temple" or word of similar import expressed in English or another language means a building originally designed and constructed for religious worship.
(Ord. 1987-125. Passed 11-16-87.)

1101.12 CONDITIONAL USE (SPECIAL PERMIT) .

"Conditional use" (special permit use) means a use which is permitted in a district only by a special permit as regulated herein, ~~recommended by the Planning and Zoning Commission and approved by Council, and which meets special conditions of use and/or time.~~ The nature of each ~~c~~Conditional ~~u~~Use, or its effect upon persons or property, requires consideration and approval under special or conditional circumstances and such uses shall only be permitted when specific findings are made and when that special or conditional use has met the conditions set forth in this Zoning Code.

~~(Ord. 1987-125. Passed 11-16-87.)~~

1101.13 CONDOMINIUM CONVERSION.

"Condominium conversion" means the conversion of an existing building to a condominium property which was not developed for that purpose. Such conversion shall require a new occupancy permit in compliance with these Codified Ordinances and applicable State law for each condominium unit. (Ord. 1987-125. Passed 11-16-87.)

1101.14 CONDOMINIUM PROPERTY .

"Condominium property" means and includes the land, together with all buildings, improvements and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted in accordance with Ohio R.C. Ch. 5311. (Ord. 1987-125. Passed 11-16-87.)

1101.15 DENSITY.

"Density" means a unit of measurement which describes either the number of dwelling units per acre of land or the amount of land or site area per dwelling unit.
(Ord. 1987-125. Passed 11-16-87.)

1101.16 DEVELOPMENT PLAN.

"Development plan" means a required set of preliminary and final drawings submitted to induce the Planning and Zoning Commission to grant an approval or recommend an approval to Council as required in certain districts ~~for any man-made change to any structure or land or to the intensity of use of any structure or land.~~ Such plans indicate topography, proposed buildings, areas, uses, open spaces, parking, etc., as required and in sufficient detail to evaluate a proposal in compliance with the standards of this Zoning Code. (Ord. 1987-125. Passed 11-16-87.)

1101.17 DISHED SATELLITE ANTENNA.

"Dished satellite antenna" means any antenna and its appurtenances designed or used to receive or transmit signals from or to satellite stations, including spherical or parabolic dished-type antennas. (Ord. 1987-125. Passed 11-16-87.)

1101.18 DWELLING, MULTIFAMILY.

"Multifamily dwelling" means a building consisting of three or more dwelling units with varying arrangements of entrances and party walls. Specifically:

- (a) "Apartment" ~~or "apartment house"~~ has the meaning set forth in Section 1101.03.
- (b) "High-rise apartment" means a building used for human occupancy, which is

higher than six stories or located more than seventy-five feet ~~(22,860 millimeters)~~ above the lowest level of Fire Department vehicle access.

(c) "Senior citizen housing" means housing designed for and occupied by persons sixty-two years of age or over, which housing provides living unit accommodations and spaces for common social and recreational activities and which may include incidental facilities for health and nursing services.

~~(d) "Townhouse" means a multifamily building comprising single dwelling units attached by common fire walls, each unit having at least one separate outside entrance (including atrium, patio house and single family attached).
(Ord. 1987-125. Passed 11-16-87.)~~

1101.19 DWELLING UNIT.

~~"Dwelling unit" means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities, a space within a building consisting of rooms or a suite of contiguous and directly connected rooms, arranged, intended or designed for occupancy by one family for living, cooking and sleeping purposes. (Ord. 1987-125. Passed 11-16-87.)~~

1101.20 DWELLING UNIT, SINGLE-FAMILY DETACHED.

~~"Single-family detached dwelling unit" means a free-standing building designed for or used exclusively for residence purposes by a single housekeeping unit, a dwelling entirely detached and independent from any other structure, and arranged, intended or designed to be occupied by a single family.
(Ord. 1987-125. Passed 11-16-87.)~~

1101.21 DWELLING UNIT, SINGLE-FAMILY ATTACHED.

~~"Single-family attached dwelling unit" means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities, individually owned dwellings joined by common unpiereed walls and located on a parcel of land wherein land and buildings are owned under the condominium provisions of Ohio R. C. Chapter 5311.
(Ord. 1987-125. Passed 11-16-87.)~~

1101.22 FAMILY.

~~"Family" means one (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, excluding however, both for-profit and non-profit group homes, halfway houses, drug and substance abuse treatment facilities, and other rehabilitation or residential, multiple person treatment facility, unless specifically exempted from zoning regulations and restrictions by the Ohio Revised Code or Federal Housing Laws. (1) One individual; or~~

~~(2) A number of related individuals living as a single housekeeping unit in a single dwelling unit. "Related individuals" includes only the following persons:~~

~~A. Husband and/or wife, one or both of whom are owners, lessees or tenants of the residence;~~

~~B. Son and/or daughter of either the husband and/or wife, and the spouse and dependent children of such son and/or daughter; or~~

~~C. Father, mother, grandfather or grandmother of the husband or wife, if over fifty five years old or physically and/or mentally handicapped and/or dependent on the son or daughter he or she resides with;~~

~~(b) "Family" shall not include unrelated persons living together as a "group home" for persons who are mentally and/or physically handicapped, with or without assistance.
(Ord. 1987-125. Passed 11-16-87.)~~

1101.221 FAMILY HOME.

"Family home" means a residence licensed according to Chapter 51193722 of the Ohio Revised Code to provide accommodations to not more than 5 unrelated adults and which provides supervision and personal services to at least 3 of those adults, where the adults live as a single housekeeping unit and the residence serves as the adults' sole, bona fide permanent residence, but which does not provide nursing care or include residents who require "skilled nursing care" or "intermediate nursing care" and shall not include "homes" and "homes for the agingrest Homes" as defined in ORC Chapter 3721,a residence on land zoned Class U-5 where not less than six or more than eight persons with developmental disabilities reside together with full or partial supervision and who are mentally and/or physically handicapped as defined in Ohio R.C. 5123.19. (Ord. 1988-160. Passed 3-20-89.)

~~1101.23 FRONTAGE.~~

~~"Frontage" means the width of a lot and is measured along the front lot line. Where a lot fronts on two or more streets, the Planning and Zoning Commission shall determine the frontage.~~ (Ord. 1987-125. Passed 11-16-87.)

1101.24 GARAGE.

"Garage" means a building or portion thereof designed for and used for the parking, standing or temporary storage of vehicles and may be limited to:

- (a) "Private garage" means an accessory building for the storage of passenger automobiles of owners or tenants of the main building.
- (b) "Repair garage" means a building or part thereof used for general repairs to motor vehicles.
- (c) "Underground garage" means a private garage used for the storage of passenger automobiles and located entirely below grade.

(Ord. 1987-125. Passed 11-16-87.)

1101.25 GASOLINE SERVICE STATION.

"Gasoline service station" means a building or part thereof, structure or space used for the retail sale of gasoline, lubricants and motor vehicle accessories and for minor services and repairs. (Ord. 1987-125. Passed 11-16-87.)

1101.26 GRADE.

"Grade" means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Specifically:

- (a) "Average grade" means the mean elevation of the land measured at the set-back line between the side lot lines.
- (b) "Established street grade" means the elevation established by the City measured at the roadway centerline in front of the lot.
- (c) "Finished grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.
- (d) "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill. (Ord. 1987-125. Passed 11-16-87.)

~~1101.27 GROUP HOME. (REPEALED)~~

~~(EDITOR'S NOTE: Section 1101.27 was repealed by Ordinance 1988-160, passed March 20, 1989. See Section 1101.221.)~~

1101.275 LICENSED HEALTH CARE FACILITY.

"Licensed health care facility" means a health care facility as defined in Ohio R.C. 3702.30 and 3702.51 or Ohio Administrative Code 3701-12-01 and 3701-83-01 exclusive of hospitals and nursing homes. (Ord. 1997-185. Passed 1-20-98.)licensed to provide medical services by the State of Ohio.

1101.277 LIGHT MANUFACTURING, FABRICATION AND ASSEMBLY.

"Light manufacturing, fabrication and assembly" means industrial type uses which may include the design, assembly, processing, creation, formation, production, or construction of products and equipment from previously manufactured components, where such operations

conform to the requirements of Section 1129.08 hereof, but shall not include any operations that involve the reduction, refining, heat treatment, or chemical conversion of primary raw materials, or the manufacture and/or distribution of asphalt, concrete, or fuel.
(Ord. 2011-169. Passed 3-19-12.)

1101.28 LOADING SPACE.

“Loading space” means an off-street space for the temporary parking of delivery and pick-up vehicles, at least twelve feet wide and of a length needed to accommodate delivery vehicles, and exclusive of any required automotive parking area driveway or parking aisle.
(Ord. 1987-125. Passed 11-16-87.)

1101.29 LOT.

“Lot” means a parcel of land occupied or intended to be occupied by a main building or use of by a group of buildings, together with accessory buildings and uses and open spaces as required by this Zoning Code, and having frontage on a public street. Specifically:

- (a) “Corner lot” means a lot abutting on two or more streets at their intersection.
- (b) “Front lot line” means the street line of the lot in the case of an interior lot and the street line designated by the City as the front lot line in the case of a corner lot.
- (c) “Interior lot” means a lot other than a corner lot.
- (d) “Lot depth” means the mean distance from the front lot line to the rear lot line.
- (e) “Lot frontage” means the width of a lot measured along the front lot line.
- (f) “Lot width” means the width measured along the setback building line as established on the Zone Map or in this Zoning Code.
- (g) “Rear lot line” means the lot line which is generally opposite the front lot line. If the rear lot line is less than ten feet in length or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot and farthest from the front lot line.
- (h) “Side lot line” means a lot line other than a front or rear lot line.
(Ord. 1987-125. Passed 11-16-87.)

1101.30 MAIN USE OR BUILDING.

“Main use or building” means the use, purpose or activity conducted in a building or structure or on land. (Ord. 1987-125. Passed 11-16-87.)

1101.305 PROFESSIONAL MEDICAL OFFICE.

“Professional medical office” means the offices of private physicians, dentists, and other health care providers, including but not limited to podiatrists, optometrists, speech, occupational and physical therapists, chiropractors and psychologists whether for individual or group practice which do not require a certificate of need or license under Ohio R.C. 3702.30 or 3702.51. Professional medical office shall not include a licensed medical facility (as defined in Section 1101.275), hospital, or nursing home.
(Ord. 1997-185. Passed 1-20-98.)

1101.31 NONCONFORMING.

(a) “Nonconforming building” means a building existing lawfully at the time this Zoning Code or an amendment hereto became effective, but which does not conform to the area, height or bulk of building, yard or other regulations of the district in which it is located.

(b) “Nonconforming lot” means a lot existing lawfully at the time this Zoning Code or an amendment hereto became effective, but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

(c) “Nonconforming use” means the use of a building or land existing lawfully at the time this Zoning Code or an amendment hereto became effective, but which does not conform to the main or accessory use regulations of the district in which it is located.

(d) Nonconforming building, lot or use shall be deemed abandoned if the nonconforming use ceases for a period of six months.
(Ord. 1987-125. Passed 11-16-87.)

1101.32 OCCUPANCY PERMIT.

“Occupancy permit” means an official document of the City confirming that the use of all or a part of a building, structure or parcel of land is in apparent compliance with the provisions of all existing codes, or is a lawfully existing non-conforming building or use and hence may be occupied and used lawfully for the purposes designated thereon. This permit is not intended to be relied on by other parties in their contractual relationships.
(Ord. 1987-125. Passed 11-16-87.)

1101.33 OPEN SPACE.

“Open space” means an area on which no building extends above the finished grade and which is open to the sky. Open space may include natural vegetation, landscape features, pedestrian plazas or parks and parking and driveways.
(Ord. 1987-125. Passed 11-16-87.)

1101.34 PARKING.

“Parking” of motor vehicles is specifically defined as follows:

- (a) “Off-street parking” or “required parking” means the amount of parking which is required by this Zoning Code, which is located entirely off of the public street right of way and behind the parking setback for that particular district and which is for the exclusive use of tenants, owners or occupants without charge.
- (b) “Parking space” means an open paved area, not less than 180 square feet (nine feet by twenty feet), which is maintained for vehicle parking and which has sufficient aisle space for safe egress and ingress. (Ord. 1987-125. Passed 11-16-87.)
- (c) “Structured parking” means any multi-story structure designed for automobile parking with multiple levels for parking vehicles including parking garages, parking ramps, and parking decks. (Ord. 2012-166. Passed 2-4-13.)

1101.345 PERSONAL SERVICES.

"Personal Services" means services provided to individual members of the general public where the primary purpose is not the transfer of ownership of tangible goods. Such operations may include personal grooming services such as barber shops, beauty parlors, tanning salons, nail salons, dry cleaning services, and tailoring, or may involve other personal improvement services such as tutoring or counseling.
(Ord. 2011-169. Passed 3-19-12.)

~~1101.35 PUBLIC NOTICE.~~

~~“Public notice” of a hearing or proceedings means at least twenty days notice of the time and place thereof, printed in a newspaper of general circulation in the City, unless another time or method is approved by Council.
(Ord. 1987-125. Passed 11-16-87.)~~

1101.35 RESTAURANT AND LUNCHROOM.

~~(a) “Restaurant” means a place which is open to the public and which serves food for consumption on the premises, but which may permit take-out within an enclosed building only.~~

~~(b) “Lunchroom” means a place which is not open to the public, but serves food for consumption on the premises, but which may permit take-out within an enclosed building, only, designed to serve tenants of the building and their guests only.
(Ord. 1991-25. Passed 3-25-91.)~~

1101.355 RIGHT-OF-WAY

“Right-of-way” means land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. Right-of-way includes the

roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

1101.36 SET-BACK LINE.

"Set-back line" means a line established by this Zoning Code or on the Zone Map, generally parallel with and measured from the lot line, defining the limits of the yard in which no building, structure or use may be located above ground, except as may be provided in this Zoning Code. (Ord. 1987-125. Passed 11-16-87.)

~~1101.37 SIGN.~~

~~"Sign" means any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial picture stroke, stripe, line, trademark, reading matter or illuminating device, which sign is constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner for recognized advertising purposes. (Ord. 1987-125. Passed 11-16-87.)~~

1101.38 STORY.

"Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement is a story if its ceiling is over five feet above the level from which the height of the building is measured, if it is used for business purposes or if it contains any dwelling unit. (Ord. 1987-125. Passed 11-16-87.)

1101.39 STREET.

"Street" means any road, thoroughfare, drive, freeway, easement or accessway, public or private, which is specifically designed, dedicated and maintained for public vehicular traffic. "Street" refers to the entire area within the right of way, including pavement, tree lawn and sidewalk, and shall be built to the standards of and approved by the City Engineer. (Ord. 1987-125. Passed 11-16-87.)

1101.40 USE.

"Use" means any purpose for which buildings, structures or land may be arranged, designed, intended, maintained or occupied; or any activity, occupation, business, profession or operation conducted in a building or structure or on land. (Ord. 1987-125. Passed 11-16-87.)

1101.401 WIRELESS TELECOMMUNICATIONS ANTENNA.

"Wireless Telecommunications Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. (Ord. 1997-185. Passed 1-20-98.)

1101.403 WIRELESS TELECOMMUNICATIONS FACILITY.

"Wireless Telecommunications Facilities" means equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines. (Ord. 1997-185. Passed 1-20-98.)

1101.41 VARIANCE.

"Variance" means an exception to or modification of certain terms of this Zoning Code where such change will not be contrary to the public interest and where owing to special conditions or unique circumstances of a property a literal enforcement of the provisions or requirements of this Zoning Code would result in an unnecessary hardship or practical difficulty and where the authorization of such exception or modification will not violate the spirit and intent this Zoning Code, will result in a more harmonious and useful development, and substantial justice will be done. (Ord. 2009-55. Passed 9-8-09.)

1101.42 YARD.

“Yard” means an open space on the same lot with a building or group of buildings, lying between the building or group of buildings and the nearest lot line, unoccupied and unobstructed from the ground upward, except such encroachments of structures permitted herein. A yard shall be measured between a lot line and a line parallel to such lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line, exclusive of the features permitted to extend into the required yard under this Zoning Code. The measurement of the yard shall be taken at right angles from the lot line to the line of the building. Specifically:

- (a) “Front yard” means an open unoccupied space across the full width of a lot, bounded by the front building line, the front lot line and the side lot lines.
- (b) “Rear yard” means an open unoccupied space extending across the rear of a lot between side lot lines.
- (c) “Required yard” means the minimum yard or setback required between a lot line and a building line in order to comply with the regulations of the district in which the lot is located.
- (d) “Side yard” means an open unoccupied space extending from the rear line of the required front yard to the rear-most part of the building and bounded also by the side lot line and the side of the building. In any district, the side yard on the street side of a corner lot shall be not less in width than the requirement of the setback building line established in this Zoning Code or shown on the Zone Map for that side of such corner lot. (Ord. 1987-125. Passed 11-16-87.)

1101.43 ZONE MAP.

“Zone Map” means the official map of the City dividing the land within the City into several use districts to demonstrate the overall development plans for the City. (Ord. 1987-125. Passed 11-16-87.)

CHAPTER 1103
Interpretation and Purpose

1103.01 Scope; construction and application of Code.

1103.02 Periodic Review.

CROSS REFERENCES

Zoning applies to housing projects - see Ohio R.C. 3735.44
Severability of provisions - see P. & Z. 1105.03

1103.01 SCOPE; CONSTRUCTION AND APPLICATION OF CODE.

In interpreting and applying the provisions of this Zoning Code they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare. The lot or yard area required by this Zoning Code for a particular building shall not be diminished and shall not be included as part of the required yard or lot area of any other building. This Zoning Code shall not repeal, abrogate or annul or in any way impair or interfere with any existing provisions of law or ordinances or any rules or regulations previously adopted or which shall be adopted pursuant to law relating to the use of buildings or premises; nor shall this Zoning Code interfere with or abrogate or annul any easements, covenants or other agreements between parties. However, where this Zoning Code imposes a greater restriction upon the use of buildings or premises or requires larger yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations or by such easements, covenants or agreements, the provisions of this Zoning Code shall control.

(Ord. 70. Passed 6-9-25.)

1103.02 PERIODIC REVIEW.

It is intended that the Planning and Zoning Commission perform a comprehensive review of the entire Planning and Zoning Code at least once every ten (10) years from and after 2019 to ensure that the regulations contained herein are current and reasonable and that they reflect the goals and intent of the City as expressed in the City of Beachwood Master Plan.

CHAPTER 1105
Enforcement and Penalty

1105.01	Administration and appeal.	1105.04	Fees for zoning permits.
1105.02	Completion and restoration of existing buildings.	1105.05	Effective period of zoning permits.
1105.03	Severability.	1105.99	Penalty.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
Powers of Building Commissioner - see ADM. 143.04
Temporary and conditional uses; nonconforming uses - see P. & Z. Ch. 1147
Building Code permits, fees and deposits - see BLDG. Ch. 1329
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1105.01 ADMINISTRATION AND APPEAL.

(a) This Zoning Code shall be enforced by the Building Commissioner. The Commissioner shall refuse to issue a permit if the proposed building or structure or use of the building, structure or land would violate any of the laws of the City or of the State.

No person shall proceed with any construction or excavation that is not authorized by a permit, and any such construction or excavation shall constitute a violation to the same extent as though no permit had been issued. If the Commissioner finds that any construction, reconstruction or other use of land or a building or other structure in the City is being done or has been done without a permit having first been obtained, as required under any of the laws of the City or of the State, the Commissioner shall immediately issued a "stop work" order if the work is under construction and/or an order to "cease and desist" the use or occupancy of all or any part of a building, structure or use which was built, constructed or used or is being used in violation of the laws of the City or of the State. Such "stop work" order or "cease and desist" order shall remain in full force and effect until the owner has obtained all of the required permits and complied with all of the required laws pertinent to the building, structure or use and has paid the required additional permit fees.

(b) Any decisions of the Building Commissioner made in the enforcement of this Zoning Code may be appealed to the Planning and Zoning Commission by any person or persons claiming to be adversely affected by such decisions, or in given cases the Planning and Zoning Commission may, on its own motion, order the Building Commissioner to certify to it for review his records and findings relative to any permit issued or decision made by him. Any such appeal or order to certify shall be taken within fifteen (15) days from the date of the filing of such decision with the Clerk, and the decision of the Commission shall have the same force and effect as in the case of appeals taken to the Commission by persons claiming to be adversely affected by the decision of the Building Commissioner.

- (1) The Clerk shall send a written notice of all such appeals to every abutting property owner and to the property owner across the street, to the addresses shown on the most recent City records. Any other person requesting a notice shall also receive one. All notices shall be mailed by first class mail at least five (5) days prior to the date of the hearing before the Commission. The failure to send or receive such notice shall not in itself invalidate the application or further proceedings; however, the Commission may postpone a hearing in whole or part for further notice or for any sufficient cause. Any person signing a waiver shall not be entitled to notice.
- (2) During the pendency of any appeal, the action of the Building Commissioner which has been appealed shall remain in full force and

effect during the pendency of the proceedings. The Planning and Zoning Commission shall examine the facts of each case fully, shall hear all persons desiring to be heard and claiming to be affected by the decision appealed from, may receive pertinent exhibits, may request additional information from any of the parties or obtain professional opinions, and may require that testimony be given under oath. The Commission shall issue, modify or refuse the permit or affirm, reverse or modify the decision of the Building Commissioner in conformity with the provisions of this Zoning Code and the laws of the State.

(c) The provisions of Part Thirteen - the Building Code relating to the issuance of permits are hereby modified to conform to the provisions of this Zoning Code. Any decisions of the Architectural Board of Review may be appealed to the Planning and Zoning Commission by any applicant claiming to be adversely affected by such decisions. During the pendency of any appeal, the action of the Architectural Board of Review which has been appealed shall remain in full force and effect. The Planning and Zoning Commission shall examine the facts of each case fully, shall hear all persons desiring to be heard and claiming to be affected by the decision appealed from, may receive pertinent exhibits, may request additional information from any of the parties or obtain professional opinions, and may require that testimony be given under oath. The Commission shall issue, modify or refuse to issue the permit or affirm, reverse or modify the decision of the Architectural Board of Review.
(Ord. 2009-153. Passed 4-5-10.)

1105.02 COMPLETION AND RESTORATION OF EXISTING BUILDINGS.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been issued within thirty days of the date of such permit. Nothing in this Zoning Code shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy subsequent to the passage of this Zoning Code or prevent the restoration and securing of a building declared unsafe by the Building Commissioner. (Ord. 70. Passed 6-9-25.)

1105.03 SEVERABILITY.

The sections, subsections, districts and building lines forming a part of or established by this Zoning Code, and the several parts, provisions and regulations thereof, are hereby declared to be independent sections, subsections, districts, building lines, parts, provisions and regulations, and the holding of any such sections, subsections, districts, building lines, parts, provisions or regulations to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, district, building line, part, provision or regulation thereof. (Ord. 70. Passed 6-9-25.)

1105.04 FEES FOR ZONING PERMITS.

City Council may establish a schedule of fees for zoning permits, certificates of zoning compliance, development plan reviews, conditional use permits, similar use determinations, appeals, variances, amendments, and other procedures and services pertaining to the administration and enforcement of the Planning and Zoning Code. The schedule of fees shall be available from the Building Department and may be altered or amended only by City Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

~~In addition to the fees for zoning permits provided in Section 1105.04, the following fee shall be collected by the Building Commissioner:~~

~~(a) For a General Contractor's registration, for a maximum of one year, expiring December 31st of the year, the licensee must fill out the application form..... \$75.00.~~

~~For a Masonry registration, for a maximum of one year, expiring December 31st of the year, the licensee must fill out the application form.....\$50.00.~~

~~(b) The Building Commissioner shall receive applications for zoning permits on~~

forms he or she provides requiring information necessary to comply with all legal requirements.

- ~~(c) Where deed restrictions are recorded on land in favor of the City, limiting or regulating the improvements which may be constructed on such land, the Commissioner shall not issue a permit until he or she has determined that the permit will not violate such deed restrictions.~~
- ~~(d) Where the application for a building permit is on land which is owned or controlled by a condominium or homeowners' association, the Commissioner shall require a letter from such association approving the application.~~
- ~~(e) Where an application is not signed by an owner of the property to be improved, the Commissioner may require the owner to approve the application before the permit is issued.~~
- ~~(f) If the Commissioner finds that issuance of the permit would violate the law, he or she shall not issue it, or, if the permit has already been issued, he or she shall void it. If a restraining order is issued by a court, the permit shall not be issued until the court resolves the legal issues. Otherwise, the permit shall be issued.~~

	<u>Residential</u>	<u>Commercial</u>
(1) Apron - new or replacement	\$20.00	\$40.00
(1a) Low Voltage Wiring - including communication, fiber optic cable system & data processing system/phone system (No Base Fee)	20.00	40.00 plus \$20.00 per each 50 devices or fraction thereof
(2) Construction Dumpsters (*No contractor registration required)	5.00	5.00
(3) Construction Trailer *Per ea. sq. ft. of gross floor area		
all stories	0.25	0.35
*Minimum	25.00	100.00
(4) Curb Cutting: Per foot Minimum	3.00 50.00	4.00 50.00
(5) Curb Replacement - Per foot	1.00	2.00
(6) Driveway - new or replacement	50.00	75.00
(7) Driveway widening	30.00	40.00
(7a) Farm Animal Zoning	50.00	
(7b) Farmers Market - Includes sign		25.00
(8) Fences - Up to 200 linear feet	30.00	50.00
Fences - Over 200 linear feet	40.00	100.00
(9) Flag Pole, including base	No charge	50.00
(9a) Lightning Grounding System	50.00	150.00
(10) Parking Lot Construction or Additions * per 150 spaces or fraction thereof		200.00
(11) Parking Lot Resurface	100.00	
(12) Parking Lot Striping		75.00
(12a) Patios	75.00	100.00
(13) POD (portable, on-demand storage device) (*No Contractor Registration Required)	5.00	5.00
(14) Public Sidewalk	10.00	20.00
(15) Recycling Bin Placement (*No Contractor Registration Required)		50.00
(16) Retaining walls greater than 18" in height	30.00	100.00
(17) Secondary, accessory and appurtenant structures or buildings: *Per ea. sq. ft. of gross floor area		

all stories	0.25	0.35
* Minimum	25.00	100.00
(18) Service Walk	10.00	20.00
(19) Temporary Storage Shed/Trailer	20.00	35.00

~~(For each reinspection necessary due to faulty or incomplete work.....\$50.00)
(Ord. 2012-104. Passed 10-15-12; Ord. 2016-45. Passed 3-7-16.)~~

- ~~(g) Fees in the Zoning Code may be amended as approved by Council from time to time. Any such revisions to the fee schedule shall not be deemed an amendment to the Zoning Code.
(Ord. 2009-151. Passed 4-5-10.)~~

1105.05 EFFECTIVE PERIOD OF ZONING PERMITS.

(a) If, after a permit has been issued, the operation called for by it is not begun six months of the date thereof, such permit shall be void. Before operation can begin, a new permit shall be taken out by the owner or by his agent, contractor or architect, and fees fixed in this chapter for the original permit shall be paid thereof.

(b) If after work has commenced, there is a cessation of the work for a period of six months, then, upon notice to the holder of a building permit, which notice may be posted upon the premises, the permit shall expire. Before work may be continued, the permit must be renewed by the payments of a fee herein fixed for an original permit. Upon the cessation of work for any length of time, the Building Commissioner may order the filling in of any excavation, the protection property or materials, or the abatement of any condition of nuisance or danger.

(c) After work has been commenced, all work to be performed under such permit, including finish grading leveling of all excavations, provision for motor vehicle access to any main building and adequate enclosing and preservation from the elements shall be completed in accordance with plans and specifications within two years from the date of such permit. Such completion must be sufficient to permit use of any building for which it may be designed, sufficient to prevent the creation of nuisances or dangerous conditions or the unnecessary deterioration of materials, and sufficient to prevent a continuing adverse effect upon surrounding property values. Such two-year period shall run regardless of the issuance of a stop-work order issued by the Inspector of Buildings for a failure to comply with or for a violation of any of the provisions of this Building Code.

(d) Failure to complete any operation or work for which a permit has been issued within two years from date thereof, as provided herein, shall be deemed a violation of this section by the owner of any property upon which such condition exists.

(e) Upon the failure of any owner of property to complete any operation or work for which a permit has been issued within two years from date thereof, as provided herein, the Building Commissioner may institute an injunction suit in the Court of Common Pleas of Cuyahoga County for an order of Court ordering such property owner to complete such operation or work within a specified time, to remove any incomplete building or structure, to fill or grade any excavation, to abate any condition of nuisance or danger, or for other relief appropriate to the enforcement of this Building Code.

(f) Failure to obtain a permit within two years after final site plan approval or final approval of the Architectural Board of Review shall void all approval previously given. Thereafter, a new application must be made and another fee paid.

(g) A permit shall be obtained from the Building Commissioner for all items listed in this chapter. No work may commence unless the proper permit listed in this chapter is first obtained by the owner of a property or his or her authorized agent.
(Ord. 2009-151. Passed 4-5-10.)

1105.99 PENALTY.

The owner or owners of any building or premises or part thereof where anything in violation of this Zoning Code is placed or exists, and any architect, builder or contractor who may be employed to assist in the commission of any such violation, and all persons or corporations who violate any of the provisions of this Zoning Code or fail to comply therewith or with any requirements thereof, or who build in violation of any detailed statement of plans submitted and approved thereunder, shall for each and every violation or noncompliance be guilty of a misdemeanor of the first degree and shall be punished as provided in Section 101.99. (Ord. 70. Passed 6-9-25; Ord. 1973-147. Passed 12-17-73.)

CHAPTER 1107
Amendments; Annexed Lands

- 1107.01 Amendment procedure.
- 1107.02 Zoning status of annexed land.
- 1107.03 Rezoning applications.

CROSS REFERENCES

- Zoning of annexed areas - see Ohio R. C. 303.25, 519.18
- Council may amend districting or zoning - see Ohio R. C. 713.10
- Council to hold public hearing - see Ohio R. C. 713.12
- Planning and Zoning Commission - see ADM. Ch. 111
- Districts and Zoning Map - see P. & Z. 1111.01
- Nonconforming uses - see P. & Z. Ch. 1147

1107.01 AMENDMENT PROCEDURE.

Council may amend the zoning regulations and rezone property within the City on its own motion, or at the request of a property owner or owner's agent with the following procedure. Every proposed amendment shall be submitted to the Council first for its consideration. Proposed amendments, prior to adoption, shall be referred to the Planning and Zoning Commission for a report and recommendation. Upon receipt of the report and recommendation of the Planning Commission, the Council shall conduct a public hearing which shall have been advertised in a newspaper of general circulation within the City for a period of not less than thirty days. The Council may refer a proposed amendment to a committee of Council for further study at any time prior to adoption.

The Council may declare a moratorium for a period not to exceed 120 days if it finds and determines the necessity of preventing applications for site plan approval to the Planning Commission, or applications for building permits to the Building Commissioner, during a period when amendments to the Planning and Zoning Code are being reviewed by the Council, and legislation is pending to amend the Code, in order to prevent the vesting of property owners' rights during the limited period of time when such legislation is being considered. (Ord. 1987-88. Passed 12-7-87.)

1107.02 ZONING STATUS OF ANNEXED LAND.

When any land is annexed hereinafter to the City, it shall be classified as a Class U-1 Use District (Single-Family House District) and so designated on the Zone Map. Such zoning classification shall become effective simultaneously with the adoption of the annexation ordinance and shall remain until changed by Council. (Ord. 1965-27. Passed 2-15-65.)

1107.03 REZONING APPLICATIONS.

(a) Applications for rezoning shall be filed with the Clerk of Council at least seven days prior to a regular Council meeting, with a filing fee of fifty dollars (\$50.00) and a deposit of two hundred fifty dollars (\$250.00) to reimburse the City for any expense incurred in the review process. The Finance Director may request an additional deposit at any time when the deposit is depleted.

Applications for rezoning shall be in the following form and shall include twelve copies of the following information, at a minimum:

- (1) A letter containing a full and complete statement, signed by a principal of the corporation or partnership or an individual requesting rezoning, including:
 - A. The location of the property to be rezoned;
 - B. The present use of the property;
 - C. The proposed use of the property;

- D. A general statement regarding the type of building to be constructed, including its height and square footage;
 - E. The estimated cost of the proposed improvements and land; and
 - F. A statement regarding the identity of the applicant, together with such other information as the applicant may determine to be appropriate.
- (2) A proposed site development plan locating the building and improvements intended to be developed if the zoning is approved. Printed on the site plan shall be a "box score" listing:
- A. All of the Zoning Code requirements for the proposed use;
 - B. The actual dimensions shown on the site plan; and
 - C. The amount of any variance requested.
- (3) A legal description of the property, which description shall include all easements or other restrictions on the use of the land.

(b) The Planning and Zoning Commission may make such additional rules or request such additional information as it finds necessary to complete its reports and recommendation to Council. (Ord. 1988-34. Passed 3-7-88.)

CHAPTER 1108
Development Plans

<u>1108.01</u>	<u>Submission of Plans.</u>	<u>1108.05</u>	<u>Time Limitation on Plan</u>
<u>1108.02</u>	<u>Contents of Preliminary Site</u>		<u>Approval.</u>
	<u>Plans.</u>	<u>1108.06</u>	<u>Occupancy.</u>
<u>1108.03</u>	<u>Contents of Final Site Plans.</u>	<u>1108.07</u>	<u>Compliance Required.</u>
<u>1108.04</u>	<u>Approval of Plans.</u>		

1108.01 SUBMISSION OF PLANS.

Preliminary and final site development plans are required and shall be prepared for all proposed developments. Site development plans shall be prepared by persons professionally qualified to do such work and shall be submitted to the Planning and Zoning Commission. Applicants shall submit both hard copy and digital versions of proposed plans. Plan submission shall be accompanied by a plan review fee and deposit as established by City Council.

1108.02 CONTENTS OF PRELIMINARY SITE PLANS.

Preliminary site development plans shall be prepared at an appropriate scale and shall include the following:

- (1) Property description. A boundary description based on deed records showing the land owned and proposed for development and topographic contours at an interval acceptable to the City Engineer.
- (2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.
- (3) Setbacks. All required setbacks and yard areas.
- (4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume; and plans for control of traffic in and around the development.
- (5) Utilities. A schematic plan for all utility installations.
- (6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.
- (7) Drainage. Conceptual plans for grading, drainage and storm water management, including identification of the intended outlet.
- (8) Landscaping. Conceptual plans showing the areas to be landscaped, the locations and dimensions of buffer areas, and proposed parking lot planter strips and/or islands. Plans shall include information regarding the general landscape treatment and, the nature of buffer and/ or screening treatments.
- (9) Lighting. A schematic site lighting plan.
- (10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.
- (11) Phasing. Anticipated development phasing.
- (12) Natural Features. The location of natural features such as water courses, wetlands, and flood hazard areas.

1108.03 CONTENTS OF FINAL SITE PLANS.

Final site development plans shall be prepared at an appropriate scale and shall include the following:

- (1) Survey. A boundary and topographic survey, showing the land owned and proposed for development and contours at an interval acceptable to the City Engineer.
- (2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.
- (3) Setbacks. All required setbacks and yard areas.
- (4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and

- widths of all pavements; estimates of traffic volume and plans for control of traffic in and around the development.
- (5) Utilities. The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.
 - (6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.
 - (7) Drainage. Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information, and proposed storm outlet facility.
 - (8) Landscaping. Detailed designs of landscaped yards, planting areas, buffer and screening improvements, and parking lot planter strips and/or islands, including plant lists and installation details.
 - (9) Lighting. A site lighting plan, which indicates placement, heights, and types of lighting fixtures. Such plans may include details of resulting levels of illumination as required.
 - (10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.
 - (11) Signs. The location, size and design of all signage to be placed on the site.
 - (12) Covenants, Restrictions, and Easements. Any proposed arrangements for common areas, perpetual maintenance, proposed restricts, and proposed easements.

1108.04 APPROVAL OF PLANS.

If the Planning and Zoning Commission finds the plans are in accordance with this Zoning Code and other ordinances of the City, the Commission may grant approval and the final development plan shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of site development plans as it may deem reasonable and appropriate to insure compliance with the spirit and intent of this chapter and to protect the public health, safety and welfare. An approved site development plan may be modified by the same procedure. When reviewing site development plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant. No building permit shall be issued by the Building Commissioner until a site development plan has been approved as provided herein.

1108.05 TIME LIMITATION ON PLAN APPROVAL.

Failure to apply for a building permit within two (2) years from the date of final site development plan approval shall render such site development plan approval null and void and shall require submission of a new site plan prior to the commencement of any construction. Failure to begin construction of the plan within six (6) months after the issuance of a building permit shall void the plan as approved unless an extension of time is granted by the Planning and Zoning Commission.

1108.06 OCCUPANCY.

No use or occupancy shall be permitted until the development plan for which a building permit has been issued is substantially completed and until a certificate of occupancy has been obtained from the Building Commissioner.

1108.07 COMPLIANCE REQUIRED.

Subsequent to the approval of a final site development plan, all development or construction on the subject site shall be in substantial compliance with the approved final site development plan, and any conditions of such approval adopted by the Planning and Zoning Commission. Any departure from the approved final site development plan shall be deemed to be a violation of this Zoning Code.

1108.08 UTILITY PLAN; LOCATION OF UTILITIES AND TRANSFORMERS.

- (a) In all new developments or subdivisions, the developer shall submit a utility plan

to the City for its approval showing the location of all utilities. No development or subdivision plan shall be approved until the utility plan is also approved. All electric utilities shall be underground except as is hereinafter set forth.

(b) The Planning and Zoning Commission shall review the utility plan and make a finding approving that utility plan which will provide the benefits of service to the user and will have the least intrusion into open space. Transformers shall be located at the front or rear of a subplot, but not closer than one foot from a rear yard line or three (3) feet from a sidewalk line in the front yard. Transformers shall be located on the side yard line and not closer than thirty (30) feet from a dwelling unit or accessory building.

(c) Transformers may be constructed on above ground pads when approved by the Planning and Zoning Commission. Transformers shall be screened on all sides by evergreen shrubs, fencing, or other approved methods to reasonably shield the view of such transformers. Evergreen shrubs shall be of a variety approved by the Service Director. No occupancy permit for a new building shall be issued unless the shrubs are installed by the developer or owner and approved by the Director, or unless a one hundred dollar (\$100.00) bond for shrubs is deposited with the City should occupancy occur during the winter months.

(d) The owner of each building having such shrubs shall maintain and/or replace the shrubs of an approved variety and of a height and density to accomplish the purpose of screening the transformer. In the event that the Cleveland Electric Illuminating Company requires access to a transformer and removes or damages the shrubs, the City will replace the shrubs. Such replacement does not relieve the owner from the duty to maintain and/or replace such shrubs if they die or are otherwise damaged.

1108.09 UTILITIES IN SUBDIVISIONS OF MORE THAN FIVE SUBLOTS.

In all subdivisions of more than five (5) sublots, the following procedure shall be followed and the following requirements shall be met:

- (a) The preliminary plat with respect to any new subdivision shall be submitted to all utility companies serving the subdivision as well as the Building Commissioner and City Engineer, for their recommendations.
- (b) Utility easements at least ten (10) feet in width for gas, telephone, electric power and street lighting distribution lines and facilities shall be provided on all front lot lines and along certain side or rear lot lines where necessary.
- (c) Prior to granting final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation in accordance with electrical requirements and the Building Code of the City of the following:
 - (1) Underground telephone cables;
 - (2) Underground distribution cables for power and street lighting from a common distribution system, and the equipment and housing necessary in the operation of the distribution system;
 - (3) Adequate provision for street light lamps and standards in accordance with a design approved by Council;
 - (4) Underground gas lines; and
 - (5) Underground television, internet, and other cables or fiber optic lines.

1108.10 ABOVE GROUND TELEPHONE CUBICLES.

The Planning and Zoning Commission may approve aboveground telephone cubicles and facilities for other public utilities to be located, insofar as possible, adjoining the electric transformer. In no event shall such transformer or telephone cubicle exceed:

- (a) Electrical transformers--thirty-two (32) inches high; thirty-six (36) inches wide; forty-two (42) inches long.
- (b) Telephone cabinets--ten (10) inches square; forty-eight (48) inches high, sixteen (16) inches below ground and thirty-two (32) inches above ground (standard is only six (6) inches square by forty-eight (48) inches high)
- (c) Other utilities as determined by the City Engineer.

CHAPTER 1109
Condominium Conversions

- 1109.01 Conditions precedent.
- 1109.02 Rights of tenants.
- 1109.03 Tenant defined.

CROSS REFERENCES

Condominium property - see Ohio R. C. 5311.01 et seq.
Multiple-Family District - see P. & Z. Ch. 1115
Attached Single-Family Home District - see P. & Z. Ch. 1116
Apartment House District - see P. & Z. Ch. 1117
High-Rise Apartment District - see P. & Z. Ch. 1119

1109.01 CONDITIONS PRECEDENT.

No apartment house or multiple-family use in the City shall be converted into a condominium by the sale of individual apartment suites to owners under various applicable condominium laws until and unless the owner has complied with the following regulations, and no certificate of occupancy shall be given to any purchaser of a condominium unit until the apartment house owner converting to condominiums has fully complied herewith.

- (a) The owner shall notify the Planning and Zoning Commission and each tenant of the owner's intention to convert to condominium units and shall appear before the Commission. The Commission shall inquire whether a violation of any of the provisions of this Planning and Zoning Code exists upon the premises, whether a variance has been granted for the premises, and whether the Building Code, the Fire Prevention Code and other applicable laws are being complied with. The Commission shall also review any proposed amendment to the site development plan.
- (b) Any variance for which an application for condominium conversion has been filed, which has been granted to an apartment house or multiple-family use, referred to in this chapter, by Council upon the recommendation of the Planning and Zoning Commission, is hereby declared void and not transferable to the condominium buyers, unless the Planning and Zoning Commission, after study of the proposed usage, again recommends the same to Council and Council agrees to further approve the variance or any modification thereof for the proposed condominium conversion use.
- (c) Upon receipt of reports from the Building Commissioner, the Chief of the Fire Department, the City Engineer and other department heads, with such additional information as the Planning and Zoning Commission may require, the Commission may approve the condominium conversion upon finding that all applicable City

and State laws, not inconsistent herewith, have been complied with, and that the provisions of this chapter have been fully complied with.

(Ord. 1979-36. Passed 11-5-79.)

- (d) The notice to the City provided for in subsection (a) hereof shall be by written application together with a deposit of twenty-five dollars (\$25.00) per suite to reimburse the City for its cost incurred in the review of the application. An additional deposit may be required by the Planning and Zoning Commission.
(Ord. 1984-26. Passed 3-5-84.)

1109.02 RIGHTS OF TENANTS.

(a) All tenants of the owner in a conversion condominium development shall be given ninety days written notice of the owner's intention to convert to condominium and to offer the tenant's suite for sale to the public if not purchased by the tenant. Within such ninety days,

each tenant shall have the right of first refusal of such tenant's suite by giving written notice to the owner of the tenant's intention to purchase. After giving such written notice to the owner, each tenant shall have an additional 120 days to enter into a contract for the purchase of the tenant's suite and to obtain financing.

(b) Should the tenant not purchase the suite, each tenant shall have the following additional time prior to vacating the suite: Each tenant shall have one month for each twelve months that such person has been a tenant at the apartment house or multiple-family use, with a minimum of four months. If any tenant is over sixty-five years old, such tenant shall be given a minimum of six months to vacate.

(c) This section shall not apply to evictions for purposes other than converting an apartment or multiple-family building into a condominium development.

(d) During any period of time when a tenant, not agreeing to purchase his suite, holds over under the protection of this chapter, the owner may raise the rental not higher than the average of any increase in the Consumer Price Index maintained by the U. S. Department of Labor for the preceding twelve months. (Ord. 1979-36. Passed 11-5-79.)

1109.03 TENANT DEFINED.

"Tenant," as used in this chapter, means a family unit or an individual. The rights of members of a family may not be added to extend the times herein. (Ord. 1979-36. Passed 11-5-79.)

TITLE THREE - Zoning Districts and Uses

- Chap. 1111. District and Use Classification; Zone Map.
Chap. 1113. U-1 Single-Family ~~House~~ Residential District.
Chap. 1114. Cluster Development Alternate.
~~Chap. 1115. Multiple Family District.~~
Chap. 1116. U-2A Attached Single-Family ~~Home~~ Residential District.
Chap. 1117. U-3 ~~Apartment House~~ Multi-Family Residential District.
Chap. 1118. U-3C Planned Multi-Family Residential District.
Chap. 1119. U-3A High-Rise Apartment District.
Chap. 1120. U-3B Senior Apartment and Long-Term Care District.
Chap. 1121. U-4A Integrated Business District.
Chap. 1123. U-4B Shopping Center District.
Chap. 1124. Class U-5 Public and Institutional District.
~~Chap. 1125. Office Building and Research Laboratory District.~~
~~(Repealed)~~
Chap. 1127. U-7A General Office Building District.
Chap. 1129. U-8 Industrial and Office Mixed-Use District.
Chap. 1130. U-8A Office Building and Research District.
Chap. 1131. U-9 Motor Service District.
Chap. 1132. U-10 Planned Mixed-Use Development District.

CHAPTER 1111 District and Use Classification; Zone Map

- | | | | |
|---------|-----------------------------------|---------|-------------------------|
| 1111.01 | Districts and Zone Map generally. | 1111.02 | Classification of uses. |
| | | 1111.03 | Prohibited Uses. |

CROSS REFERENCES

- Basis of districts - see Ohio R.C. 713.10
Amendments - see P. & Z. 1107.01
Zoning status of annexed lands - see P. & Z. 1107.02
Nonconforming uses - see P. & Z. Ch. 1147
Temporary and conditional uses - see P. & Z. 1147.02

1111.01 DISTRICTS AND ZONE MAP GENERALLY.

For the purpose of regulating the location of trades, industries, residential houses and other uses of property, the number of square feet of lot area per family housed, the width of lots, the location and size of yards and the alignment of buildings upon street frontages, the City is hereby divided into the following classes of use districts, termed respectively:

- Class U-1 or Single-Family ~~House~~ Residential District
~~Class U-2 or Multiple Family District~~
Class U-2A or Attached Single-Family ~~Home~~ Residential District
Class U-3 or ~~Apartment House~~ Multi-Family Residential District
Class U-3A or High-Rise Apartment District
Class U-3B or Senior Apartment and Long-Term Care District
Class U-3C or Planned Multi-Family Residential District
Class U-4A or Integrated Business District
Class U-4B or Shopping Center District

Class U-5 or Public and Institutional District
~~Class U-7 or Office Building and Research Laboratory District~~
Class U-6 Prohibited Uses
 Class U-7A or General Office Building District
 Class U-8 or Industrial and Office Mixed-Use District
 Class U-8A or Office Building and Research District
 Class U-9 or Motor Service District
 Class U-10 or Planned Mixed-Use Development District

and into three classes of area districts, termed respectively:

Class A-1 Class A-2 Class A-3

all as shown upon the Zone Map, a copy of which is attached to original Ordinance 1993-52, passed September 13, 1993, as Exhibit B, and which is hereby declared to be a part of this Zoning Code.

No building shall be erected on the premises used except in conformity with the regulations herein provided for the use and area districts in which such building or premises are located.

(Ord. 1963-46. Passed 4-15-63; Ord. 1976-109. Passed 11-1-76; Ord. 1977-13. Passed 12-5-77; Ord. 1987-62. Passed 7-2-87; Ord. 1989-139. Passed 11-20-89; Ord. 1993-52. Passed 9-13-93; Ord. 1997-112. Passed 1-6-98; Ord. 2011-170. Passed 3-19-12.)

1111.02 CLASSIFICATION OF USES.

For the purpose of this Zoning Code, the various uses to which buildings and premises can be devoted are divided into groups, classes and subdivisions as set forth in the following classification. These uses, hereinafter classified as Class U-1, Class U-2, Class U-2A, Class U-3, Class U-3A, Class U-4A, Class U-4B, Class U-5, Class U-7, Class U-7A, Class U-8, Class U-8A, Class U-9 and Class U-10, are permitted under regulations herein set forth in the respective use districts allotted to such uses. Uses classified as Class U-6 are prohibited entirely.

- (a) Class U-1 Uses.
 - (1) Single-family dwellings.
- ~~(b) Class U-2 Uses.~~
 - ~~(1) Multiple family dwelling.~~
- (c) Class U-2A Uses.
 - (1) Attached single-family ~~homes~~dwellings.
- (d) Class U-3 Uses.
 - (1) ~~Apartment houses.~~Multi-family dwellings.
- (e) Class U-3A Uses.
 - (1) High-rise ~~apartments.~~multi-family dwellings.
- (f) Class U-3B Uses.
 - (1) Multi-family dwellings for Senior citizens~~s~~apartments, including any or all of the following; assisted elderly and handicapped units; independent living units; long-term care units; nursing home units.
 - ~~(2) Apartment houses as regulated by the U-3 standards, except for building and parking setbacks which shall conform to the standards of the Class U-3B District.~~Multi-family dwellings
 - ~~(23)~~ Adult day care centers. (Ord. 1997-185. Passed 1-20-98.)
- (g) Class U-3C Uses.
 - ~~(1) Apartment buildings.~~
 - (2) Multi-family dwellings. (Ord. 2011-170. Passed 3-19-12.)
- (h) Class U-4A Uses.
 - (1) Stores selling commodities at retail such as, but not necessarily limited to:
 - A. Groceries; supermarkets; bakeries; delicatessens.
 - B. ~~Eating and drinking places~~Restaurants, provided however, that restaurants with drive-thru and/or pickup facilities may be permitted only with a conditional use permit issued by the Planning and Zoning Commission pursuant to Section 1155.05.
 - C. Drug stores.

- D. Wearing apparel stores.
 - E. Variety stores.
 - F. Paint and wall paper; hardware stores.
 - G. Furniture; household appliances; draperies; floor coverings.
 - H. Electronic appliances.
 - I. Florist; gift; jewelry, sporting goods stores.
 - J. Medical marijuana dispensaries.
- (2) Service establishments such as, but not necessarily limited to:
- A. Barbers; beauty shops; and nail salons.
 - B. Dry cleaning; laundries; tailor shops.
 - C. Appliance repair.
 - D. Banks and other financial institutions.
 - E. Exercise and training facilities.
 - F. Private schools and colleges.
 - G. Dance studios; photographic studios.
 - H. Printing shops; copy centers.
 - I. Child day care centers with a Conditional Use Permit.
 - J. Adult day care centers with a Conditional Use Permit.
 - K. Indoor recreation and athletic facilities, ~~such as indoor tennis, handball or squash courts; exercise rooms, sauna baths, pools and the like, limited to the following conditions:~~
 - 1. ~~A use shall be the principal use of a free-standing building and totally enclosed within the building.~~
 - 2. ~~No accessory restaurant, bar, or other eating or drinking establishment shall be permitted as an accessory to the main use. However, vending machine sales of prepackaged foods and nonalcoholic beverages are permitted.~~
 - L. Day spas, tanning salons, and massage therapy.
- (3) Offices including medical offices.
- (4) Hotels.
- (5) Multifamily dwellings above the first floor with a Conditional Use Permit. (Ord. 2004-56. Passed 6-21-04.)
- (i) Class U-4B Uses.
- (1) Shopping centers.
- (j) Class U-5 Uses.
- (1) Governmental facilities.
 - (2) Parks and public recreation facilities.
 - (3) Public and private schools and colleges.
 - (4) Nursing homes.
 - (5) Places of worship.
 - (6) Libraries.
 - (7) Museums.
 - (8) Community Centers.
 - (9) Cemeteries.
- (k) Class U-7A Uses.
- (1) Professional, administrative, executive, sales (without samples and merchandising services), governmental and public utility offices.
 - (2) Services of a limited nature such as beauty and barber shops, photographic developing and blueprinting.
 - (3) Telephone exchanges.
 - ~~(4) Nursing homes.~~
 - ~~(5)~~(4) Child day care center with a Conditional Use Permit.
 - ~~(6)~~(5) Adult day care center with a Conditional Use Permit.
 - ~~(7)~~(6) Licensed health care facilities with a Conditional Use Permit.
 - ~~(8)~~(7) Professional medical offices.
 - ~~(9)~~(8) Banks; and other financial institutions.
 - ~~(10)~~(9) Restaurants.
 - ~~(11)~~(10) Multi-family dwellings above the first floor with a Conditional Use

Permit.

~~(Ord. 2002-31. Passed 4-15-02.)~~

(1) Class U-8 Uses.

- (1) Professional, administrative, executive, and sales offices.
- (2) Professional medical offices.
- (3) Licensed health care facilities.
- (4) Research and development laboratories and testing facilities.
- (5) Wholesale and retail businesses and showrooms.
- (6) Retail sales associated with wholesale businesses and showrooms, interior decorating and design services, or with articles or goods created, manufactured, or assembled on the premises.
- (7) Storage and distribution of finished or packaged goods subject to the provisions of Section 1129.08.
- (8) Light manufacturing, fabrication and assembly operations.
- (9) Business services.
- (10) Personal services.
- (11) Printing, publishing and engraving.
- (12) Photographic studios, sales and processing.
- (13) Copy, blueprinting and reproduction services.
- (14) Interior decorating and design services and facilities.
- (15) Postal facilities and package delivery services.
- (16) Public utility facilities.
- (17) Municipal facilities.
- (18) Financial institutions.

(19) Medical marijuana cultivation and processing.

~~(19)-(20)~~ The following uses may be permitted with a conditional use permit issued by the Planning and Zoning Commission:

- A. Child day care centers.
- B. Adult day care centers.
- C. Schools and training facilities.
- D. Athletic facilities, fitness centers, and health spas.
- E. Dance studios.
- F. Recording and broadcasting studios.
- G. Art studios and galleries.
- H. Nursing homes Licensed health care facilities.
- I. Restaurants provided, however, that no such use shall be established on a site requiring a parking variance to accommodate said use.
- J. Daily and overnight pet care facilities provided that such facilities meet the following criteria:
 1. The maximum number of pet lodging units shall not exceed one (1) per each one hundred (100) square feet of gross floor area of the first floor of the building.
 2. Runoff from all lodging units and exercise areas shall be directed to the sanitary sewer system and not the storm sewer system.
 3. An outdoor exercise and relief area shall be provided which shall contain a minimum of 1200 square feet and shall be enclosed with an opaque fence eight (8) feet in height.
 4. No animals shall be permitted outdoors between the hours of 10:00 p.m. and 6:00 a.m.
 5. Wastes shall be controlled and collected on site and shall be properly removed at least two (2) times per week.
 6. There shall be no noise from animals measurable beyond the property boundary lines.
 7. There shall be a minimum of two (2) employees on site at all times.
 8. Parking spaces shall be provided at the rate of five (5)

spaces plus one (1) space for each ten (10) lodging units at maximum capacity.

9. The maximum number of daily or day care animals shall not exceed fifty percent (50%) of the approved number of lodging units.
10. There shall be no grooming other than of pets which are being lodged for overnight stays.
11. There shall be no retail sales of pet supplies or products.
12. There shall be no pet training classes conducted on the premises.
13. The use shall not be so located as to have an adverse impact on the use, reuse, and/or redevelopment of any other property in the District.

K. Veterinary hospitals and clinics.

L. Multi-family residences provided that no dwelling units shall be located on the first or ground floor.

(m) Class U-8A Uses.

- (1) Professional, administrative, executive, governmental and public utility offices.
- (2) Licensed health care facility/facilities with a Conditional Use Permit.
- (3) Professional medical offices.
- (4) Research and development laboratories or testing offices.
- (5) Wholesale offices and showrooms.
- (6) Manufacturing and assembling as permitted in Class U-8.
- (7) Child day care center with a Conditional Use Permit.
- (8) Adult day care center with a Conditional Use Permit.

(Ord. 1997-185. Passed 1-20-98; Ord. 2002-31. Passed 4-15-02; Ord. 2004-56. Passed 6-21-04.)

(n) Class U-9 Uses.

- (1) Gasoline service station limited to sites with frontage on Chagrin Boulevard only.
- (2) Motels and hotels.
- (3) Restaurants and eating places where food is consumed in an enclosed building.
- (4) Automobile agencies limited to sites with frontage on Chagrin Boulevard and ~~Hummer~~ Central Parkway only.
- (5) Banks.
- (6) Office buildings.
- (7) Child day care center with a Conditional Use Permit.
- (8) Adult day care center with a Conditional Use Permit.
- (9) Licensed health care facility/facilities with a Conditional Use Permit.
- (10) Professional medical offices.

~~provided, however, that such automotive uses on Hummer Parkway shall be subject to the conditions and restrictions set forth in the Declaration of Restrictions, a copy of which Declaration is attached to original Ordinance 2003-52 and made a part hereof. Said Declaration is submitted by the applicant as an inducement to this change in the Zoning Code. (Ord. 2003-52. Passed 6-2-03.)~~

(o) Class U-10 Uses.

- (1) Office buildings.
- (2) Licensed health care facility/facilities with a Conditional Use Permit.
- (3) Professional medical offices.
- (4) Motels and hotels.
- (5) Restaurants where food is consumed in an enclosed building.
- (6) Motor vehicle service stations.

~~(Ord. 1997-185. Passed 1-20-98; Ord. 2002-31. Passed 4-15-02.)~~

1111.03 PROHIBITED USES.

The following uses shall be prohibited in any use district:

- (1) Billboards and advertising devices except signs advertising premises for sale, lease or rent, upon which premises such sign is located, or for advertising the business conducted in the building upon which such sign is placed.
- (2) Garbage, dead animals or offal disposal or reduction plant.
- (3) Slaughtering of fowls and/or animals.
- (4) Crematories, mortuaries (funeral homes).
- (5) Penal and correctional institutions.
- (6) Lumber, coal or building supply yards.
- (7) Scrap iron or junk storage, scrap paper or rag storage or baling, junk or used automobile yard or storage.
- (8) Manufacturing or other business, which by reason of noise, smoke, vibration, odor or its inherent nature may constitute or may threaten to become a public nuisance or may endanger the public health, safety and general welfare.
- (9) Motor freight depot.
- (10) Trailer camp or park.
- (11) Used car lot or used car sales, except in conjunction with an automobile sales agency selling new automobiles.
- (12) Drive-in theaters.
- (13) Restaurants with drive-thru facilities, except in U-4A Integrated Business Districts as provided in Section 1155.05.
- (14) The sale of firearms and/or ammunition in any residential zoning district, provided however, that any person who has established a legal nonconforming use to sell firearms and/or ammunition prior to the effective date of this provision may continue to sell firearms and/or ammunitions provided that they maintain all applicable State and Federal permits and licenses. The nonconforming use may not be increased, enlarged, expanded, moved to another residential location, or transferred to another individual.

CHAPTER 1113
U-1 Single-Family ~~House~~ Residential District

1113.01	Permitted uses.	1113.07	Projections into and uses of required yards.
1113.02	Accessory uses.	1113.08	Height regulations.
1113.03	Rear yards.	1113.09	Cluster development alternate.
1113.04	Location of building line.	1113.10	Variances. (Repealed)
1113.05	Side yards.		
1113.06	Required house sizes.		

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lots - see P. & Z. Ch. 1143
Class U-5 uses may be permitted in Class U-1 District - see P. & Z. 1147.03

1113.01 PERMITTED USES.

In a Class U-1 District, no building or premises shall be used, and no building shall be erected which is designed, constructed or used, for any purpose other than a single-family dwelling, occupied and used by one family as defined in Section 1101.22, provided, however, that other similar, harmonious, and compatible uses may be permitted as determined by the Planning and Zoning Commission and confirmed by City Council. The Commission may recommend and City Council may attach such conditions, stipulations, or requirements to the approval of such similar uses as deemed necessary to insure their compatibility, mitigate potential impacts, and otherwise carry out the intent of this Code.
(Ord. 1999-195. Passed 8-7-00.)

1113.02 ACCESSORY USES.

An accessory use is permitted in a Class U-1 District, provided that such accessory use is located upon the same lot or use to which it is accessory.
(Ord. 1987-176. Passed 8-15-88.)

- (a) Garages. Each dwelling shall have an enclosed garage space for at least one (1) vehicle, but the total garage floor area for any dwelling shall not exceed 1,050 square feet of gross floor area. (Ord. 2004-56. Passed 6-21-04.)
- (b) Home Occupations. Home occupations are permitted for professional and business offices where each person employed in such business or profession actually resides at the residence ~~and where all employees are members of a family as defined in Section 1101.22.~~ Such business or professional office shall not have any signage. No residence may be used as a store, trade or business for the sale or storage of any merchandise or other property declared unlawful by the laws of the United States, the State and/or the City. The sale of personal furniture and furnishings owned and used by the occupants may be sold as is otherwise regulated by City ordinance.
- (c) Parking. The parking or storage of any truck, bus or other commercial vehicle is prohibited unless the vehicle is in actual use, performing a service or delivering or picking up merchandise or persons from the property, or unless such vehicle is parked entirely within an enclosed accessory garage located on the same lot as the residence. Motor vehicles shall be parked only within an enclosed garage or on a paved driveway.
A motor vehicle which is not capable of operation on a public street or highway shall not be parked or permitted to remain outside of an enclosed garage.
- (d) Roomers. Each residence may rent not more than one bedroom to ~~not more than~~

- two persons as roomers. (~~Ord. 1987-176. Passed 8-15-88.~~)
- (e) Accessory Recreation Structures. Accessory recreation structures, such as children's play equipment and fenced courts, may be permitted provided such accessory recreation structures:
- (1) Are located in the rear yard behind the principal building;
 - (2) Are located a minimum of ten feet from the rear lot line;
 - (3) Comply with the side yard setbacks contained in Section 1113.05.
- Tree houses and accessory recreation structures are not included in the definition of "building" or "structure" as set forth in Section 1101.07.
(Ord. 1999-118. Passed 9-14-99.)

1113.03 REAR YARDS.

In a Class U-1 District, every building erected shall have a rear yard. The least dimension of such rear yard shall be thirty percent (30%) of the average depth of the lot, but such least dimension need not be more than forty feet, provided such least dimension shall be in no case less than one-half of the height of the building. Decks and similar unenclosed structures, or portions thereof, may extend into said rear yards, but no such structure shall extend closer to the rear lot line than a least dimension of twenty percent (20%) of the average depth of the lot.

Twenty-five percent (25%) of the area of such yard may be occupied by a one-story accessory building not more than fifteen feet in height. On a corner lot the rear line of which is identical with the side line of an interior lot, no accessory building, if detached from the main building, shall be erected within twenty-five (25) feet of any street line or within ten (10) feet of the rear lot line. Accessory buildings on interior lots shall be located a minimum of five (5) feet from the rear lot line. (Ord. 1999-195. Passed 8-7-00.)

1113.04 LOCATION OF BUILDING LINE.

On any street frontage in a Class U-1 District, the location of the building line shall be as follows:

- (a) On a street frontage other than the side line of a corner lot, the distance of the building line back from the street right-of-way line shall be twenty percent (20%) of the average depth of the lot or thirty-five (35) feet whichever is greater.
- (b) In a Class U-1 District along the side line of a corner lot, the distance of the building line back from the street right-of-way line shall be twenty percent (20%) of the average width of such lot, or twenty (20) feet whichever is greater.
(Ord. 2008-100. Passed 11-17-08.)

1113.05 SIDE YARDS.

Side yards are required in Single-Family House Districts as follows:

<u>Lot Frontage (ft.)</u>	<u>Combined Open Side Yard (ft.)</u>	<u>Minimum Side Yard (ft.)</u>
100 and over	28	14
80 to 99	24	12
60 to 79	15	7
50 to 59	11	3
49 to 59	11	3

Building permits shall be issued wherever possible to alternate minimum side yards to avoid abutting minimum side yards. (Ord. 1975-131. Passed 12-15-75.)

1113.06 HOUSE SIZE DISTRICTS.

(a) Purpose and Intent. House size regulations are established to insure long-term compatibility within neighborhoods, preserve and protect residential property values, balance the size and bulk of housing with available lot area, avoid over building of residential lots, and provide appropriate housing opportunities within the City.

(b) Minimum Floor Area. Each house shall have a minimum gross floor area excluding basements, as defined in Section 1101.05, based upon the Area District in which it is located as set forth herein:

A-1 Area Districts
A-2 Area Districts

2,400 Square Feet
1,800 Square Feet

(c) Maximum Floor Area. Each house shall have a maximum gross floor area excluding basements, as defined in Section 1101.05, in accordance with the following table:

Lot Area	Minimum Side Yard	Maximum House Size
Less than 10,000 Sq. Ft.	Less than 10 Feet	2.0 X Buildable Area
Less than 10,000 Sq. Ft.	10 Feet or Greater	2.2 X Buildable Area
10,001 to 15,000 Sq. Ft.	Less Than 10 Feet	1.5 X Buildable Area
10,001 to 15,000 Sq. Ft.	10 Feet or Greater	1.7 X Buildable Area
15,001 to 24,000 Sq. Ft.	10 Feet or Greater	1.25 X Buildable Area
Greater Than 24,000 Sq. Ft.	10 Feet or Greater	1.1 X Buildable Area

For purposes of compliance with this section, Buildable Area shall be that portion of a lot behind the required Front, Side and Rear Set-Back Lines for the Use District within which a building may be constructed in conformance with this chapter. All Required Yards shall be deducted from the lot area to determine the Buildable Area.
(Ord. 2009-119. Passed 3-15-10.)

1113.07 PROJECTIONS INTO AND USES OF REQUIRED YARDS.

(a) There shall be no parking or storage of any motor vehicle in a side or rear yard or in front of any building setback line except upon an approved driveway or apron. No commercial vehicle shall be parked or stored on an unenclosed portion of a residentially zoned property except as specifically authorized in Section 452.14 of the Traffic Code.

(b) No commercial materials or equipment shall be stored on the exterior area of any residentially zoned property.

(c) The following building features may extend not more than twenty-four (24) inches into any front, side, or rear yard setback:

- (1) Cornices, canopies, eaves, overhangs and similar features;
- (2) Chimneys;
- (3) Bow windows, bay windows, and similar features.

(d) Steps from required exit doors may extend not more than three (3) feet into any required front, side, or rear yard setback.

(e) Accessibility ramps for disabled persons which meet Americans with Disabilities Act guidelines may extend into required front, side or rear yard setbacks subject to a determination by the Building Commissioner that the design of such facilities is reasonable and constitutes the least possible intrusion into the required setback. Such structures shall be considered temporary and any permit issued by the Building Commissioner shall contain a written agreement by the applicant to remove same upon termination of the accessibility need.
(Ord. 1999-195. Passed 8-7-00.)

1113.08 HEIGHT REGULATIONS.

Each dwelling shall have a maximum height of thirty-five (35) feet.
(Ord. 2002-31. Passed 4-15-02.)

1113.09 CLUSTER DEVELOPMENT ALTERNATE.

In lieu of compliance with the standard provisions of Sections 1113.03 through 1113.08

hereof, property owners in a Class U-1 Single-Family House District may choose to design and develop a group of single-family detached dwellings as a Cluster Development in conformance with the provisions of Chapter 1114. Where duly approved by the Planning and Zoning Commission pursuant to the provisions of Chapter 1114, the Cluster Development plan and standards shall apply and take precedence over the provisions of Sections 1113.01 through 1113.08. (Ord. 2002-31. Passed 4-15-02.)

~~1113.10 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1113.10 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

CHAPTER 1114
Cluster Development Alternate

1114.01	Purpose; intent.	procedures.
1114.02	Establishment of cluster developments.	1114.06 Occupancy.
1114.03	Permitted uses.	1114.0706 Bonding of required improvements.
1114.04	Development standards.	1114.08 Compliance required.
1114.05	Application and review	1114.09 Variances. (Repealed)

CROSS REFERENCES

District regulations - see P. & Z. Ch. 1113
Classification of uses - see P. & Z. 1111.02
Permits, fees, and deposits - see BLDG. Ch. 1329
Signs for residential districts - see P. & Z. 1141.12

1114.01 PURPOSE; INTENT.

The Cluster Development Alternate is intended to encourage the use of free and irregular yard patterns between dwellings and without uniform relation to the street pattern. The purpose is to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using more flexible zoning guidelines and site design criteria than permitted under traditional district regulations.

The suspension of traditional zoning provisions within Cluster Developments is intended to encourage creative, high quality site design practices in the development of residential areas, promote harmony and integration with existing developments, protect adjoining properties from adverse impacts, promote safe and efficient pedestrian and vehicular movement, promote efficient layout of infrastructure, and create attractive and useful private spaces.
(Ord. 2002-31. Passed 4-15-02.)

1114.02 ESTABLISHMENT OF CLUSTER DEVELOPMENTS.

The following criteria shall govern the establishment of any Cluster Development within a U-1 District:

- (a) No Cluster Development shall be established except subsequent to an application by the property owner requesting that the land be subject to these special provisions.
- (b) The layout shall be designed to create an orderly arrangement compatible with the landscape and topography of the area.
- (c) Each Cluster Development shall be developed in conformance with an approved development plan which has been reviewed and approved in accordance with the provisions set forth herein.
- (d) The minimum area to qualify for a Cluster Development shall not be less than ~~five (5) contiguous acres in a U-1 A-1 District and~~ two (2) contiguous acres ~~in a U-1 A-2 District.~~
(Ord. 2002-31. Passed 4-15-02.)

1114.03 PERMITTED USES.

Within a Cluster Development, no building or premises shall be used, and no building shall be erected which is designed, constructed or used, for any purpose other than single-family uses specifically enumerated as permitted, conditionally permitted, or accessory within Class U-1 Districts as set forth in Sections 1113.01, 1113.02, and 1111.02(a) and further provided that each such use is identified on and approved as part of the development plan.

(Ord. 2002-31. Passed 4-15-02.)

1114.04 DEVELOPMENT STANDARDS.

The following shall apply to all Cluster Developments:

- (a) Maximum Density. The maximum density of dwelling units shall be as set forth on the approved development plan provided, however, that the density of the entire development area shall not exceed three and one half (3.5) dwelling units per acre on land zoned U-1 A-1 and five (5) dwelling units per acre on land zoned U-1 A-2.
(Ord. 2002-169. Passed 1-6-03.)
- (b) Minimum Floor Area. As set forth in Section 1113.06 of the Beachwood Zoning Code.
- (c) Maximum Height. Each dwelling shall have a maximum height of thirty-five (35) feet, however, the Planning and Zoning Commission and the Architectural Board of Review may authorize additional height based on the proximity to existing housing.
- (d) Setbacks and Separations. Building setbacks and separations shall be established on the approved final development plan. In establishing said separations the Planning and Zoning Commission shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:
 - (1) No building or parking area shall be located closer to the right-of-way line of an existing public street than fifty (50) feet in a U-1 A-1 District and forty (40) feet in a U-1 A-2 District. Landscape features and structures such as walls, fences, hedges, lighting, development signs, etc. may be incorporated within the minimum front setback distance for said street with the approval of the Planning and Zoning Commission.
 - (2) No building or structure shall be located closer than forty (40) feet to any perimeter property line of the Cluster Development provided, however, decks, patios, and similar unenclosed structural elements may extend to within thirty (30) feet of the property line.
 - (3) No building or structure shall be located closer than twenty-five (25) feet from the right-of-way line of any new public street constructed as part of the Cluster Development or the edge of pavement of any private street constructed as part of the Cluster Development.
 - (4) The minimum side wall to side wall distance between buildings within a Cluster Development shall be fifteen (15) feet.
 - (5) The minimum rear wall to rear wall distance between buildings within a Cluster Development shall be fifty (50) feet.
 - (6) The minimum side wall to rear wall distance between buildings within a Cluster Development shall be thirty (30) feet.
 - (7) The minimum separation between decks, screened porches, or other similar open and unenclosed portions of structures within a Cluster Development shall be twenty (20) feet.
 - (8) Building features may project into required building separations as set forth in Section 1113.07.
 - (9) No private street or driveway shall be located closer than twenty (20) feet to any perimeter property line of the Cluster Development.
- (e) Access and Street Requirements.
 - (1) Streets and/or access drives to Cluster Developments shall be located at least one hundred (100) feet from the nearest intersecting street right-of-way.
 - (2) All private streets within a Cluster Development shall have a minimum pavement width of twenty four (24) feet, a minimum cul-de-sac radius of fifty (50) feet, and shall meet the same base and pavement design criteria as public streets.

- (3) Cluster Developments shall be designed to provide access internally within the development and to minimize access points and intersections onto existing public streets.
 - (4) Entrance and exit from a Cluster Development shall be through approved access drives and curb cuts.
 - (5) Each dwelling shall have access to either a public or private street in a manner approved by the Planning and Zoning Commission and as shown on the development plan.
 - (6) Cluster Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorist and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
- (f) Parking. Each dwelling unit shall be provided with a minimum of three (3) off street parking spaces, at least two (2) of which shall be within a completely enclosed attached garage.
- (g) Open Space Requirements.
- (1) Common open space areas shall be as set forth on the final approved development plan provided, however, that the common open space shall be located and designed to be integrally related to the overall design of the development and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
 - (2) In any Cluster Development, the total public or common open space area shall not be less than twenty-five percent (25%) of the gross acreage of the entire development area.
 - (3) Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space for the purpose of meeting the minimum open space area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space.
 - (4) The ownership of all common open space areas shall be identified and a perpetual maintenance plan for said areas submitted to the City for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and shall identify the City of Beachwood as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.
- (h) Landscaping and Buffers.
- (1) All disturbed areas within a Cluster Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.
 - (2) Perimeter setback areas as required in Section 1114.04 (d) shall be maintained as natural buffers from adjoining properties. No buildings or structures shall be placed within those perimeter buffer areas. Additional screening and buffering may be required within the required setbacks from existing public street rights-of-way and perimeter property boundaries where the Planning and Zoning Commission determines that existing vegetation is inadequate to provide an appropriate buffer. Landscape improvements may include mounding, screen walls, or fences if approved as part of the landscape plan.
- (i) Storm Drainage Provisions. Each Cluster Development shall include provisions

- for a storm drainage system designed and constructed by the developer in accordance with the requirements of the City Engineer.
- (j) Utilities. All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the City as part of the development plan approval.
- (1) Water lines and appurtenances shall be designed and installed in conformance with the requirements of the City of Beachwood and the City of Cleveland Division of Water.
 - (2) Sanitary sewer lines and appurtenances shall be designed and installed in conformance with the requirements of the City of Beachwood and the Northeast Ohio Regional Sewer District.
 - (3) Site lighting shall be in accordance with the requirements of the Planning and Zoning Commission and shall be shown on the development plan.
- (k) Accessory Structures. Decorative and ornamental fences not completely enclosing a patio, deck, or similar structure are permitted only as specifically approved by the Architectural Board of Review and the homeowners association.
- (l) Signs. Signs in Cluster Developments shall comply with the sign regulations for U-1 Districts as set forth in Section 1141.12.
(Ord. 2002-31. Passed 4-15-02.)

1114.05 APPLICATION AND REVIEW PROCEDURES.

~~(a) Application. Applications for Cluster Developments shall be submitted for review and approval in accordance with the provisions of this section and with the provisions of Chapter 1108. Applications for Cluster Developments shall be prepared by persons professionally qualified to perform such work and submitted to the Planning and Zoning Commission. Said application shall include:~~

- ~~(1) A fee as set forth in Section 1329.03.~~
- ~~(2) Fourteen (14) copies of the Preliminary Development Plan.~~
- ~~(3) The proposed forms of covenants and deed restrictions, including those with respect to the use and perpetual maintenance of common land and/or private streets.~~

~~(b) Preliminary Development Plan Requirements. Preliminary Development Plans shall include:~~

- ~~(1) The name of the development and the names and addresses of the owners and developers.~~
- ~~(2) A scale, north arrow and date.~~
- ~~(3) The proposed assignment of use and subdivision of land, including the proposed locations of buildings.~~
- ~~(4) The proposed vehicular and pedestrian circulation patterns, including the proposed location and design of streets and easements. The names, locations, and dimensions of existing streets and easements.~~
- ~~(5) Preliminary plans for provision of utilities.~~
- ~~(6) A boundary survey of the entire proposed Cluster Development. The proposed dimensions of any lots to be platted within a Cluster Development.~~
- ~~(7) Topography showing contours at an interval of two (2) feet or less.~~
- ~~(8) Conceptual plans for grading, drainage, and storm water management.~~
- ~~(9) Identification of all natural features, including existing water courses, wetlands, and flood areas.~~
- ~~(10) Anticipated development phasing and scheduling.~~
- ~~(11) Preliminary plans for the installation of landscaping.~~

~~(c) Planning and Zoning Commission Action. The Planning and Zoning Commission shall review said preliminary development plan and shall act thereon within a reasonable time. The Planning and Zoning Commission may approve the Cluster Development plan as submitted or modified, conditionally approve the plan and stipulate the condition of such approval, or disapprove the plan.~~

~~(d) Effect of Approval. Approval of a preliminary plan shall be effective for a period of one (1) year following the date of the approval by the Planning and Zoning Commission;~~

~~unless an extension of time is granted. Upon expiration of a preliminary plan approval, no approval of a final plat shall be given until a new preliminary plan has been submitted and approved.~~

~~(c) Final Development Plan Requirements. The developer of any parcel of land, for which a preliminary Cluster Development plan has been previously approved as set forth herein, may prepare and submit a detailed final development plan of a Cluster Development. The final development plan for each Cluster Development shall include the following:~~

~~(1) The number, location, arrangement, and general architectural design of all dwelling units.~~

~~(2) The locations, size, heights, and use of all main and accessory buildings and their general design.~~

~~(3) The use of all private and common land.~~

~~(4) A boundary and topographic survey, showing the land owned and proposed for a Cluster Development and contours at an interval acceptable to the City of Beachwood.~~

~~(5) The location, design, and arrangement of all dedicated and private vehicular and pedestrian accessways.~~

~~(6) All required setbacks and yard areas.~~

~~(7) The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.~~

~~(8) Detailed designs of landscaped yards, planting areas, and buffer and screening improvements, including plant lists and installation details.~~

~~(9) Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information and proposed storm outlet facility.~~

~~(10) A site lighting plan which indicates placement, heights, and types of lighting fixtures. Such plans may include details of resulting levels of illumination as required.~~

~~(11) The location and nature of recreation areas, fencing, retaining walls, and similar site features.~~

~~(12) The location, size, and design of all signs to be placed on the Cluster Development.~~

~~(13) A perpetual maintenance plan setting forth the ownership, responsibility, and financing method for maintenance of all common areas including, but not limited to, open space, landscape buffers, parking areas, access drives, and private streets.~~

~~(14) Covenants and restrictions to be recorded with the development plan and intended to control future use of the site.~~

~~(f) Final Development Plan Approval. If the Planning and Zoning Commission finds the development plans are in accord with this Zoning Code and other ordinances of the City, it may grant approval and the final building plans shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of a final development plan as it may deem reasonably required to insure compliance with the spirit and intent of this chapter and to protect the public health, safety, and welfare. When reviewing development plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant.~~

~~An approved plan may be modified by the same procedure as set forth herein for original plan approval.~~

~~No building permits shall be issued by the Building Commissioner until a development plan has been granted final approval as provided herein. Failure to commence construction of improvements or apply for a building permit within two (2) years from the date of final development plan approval shall render such development plan approval null and void and shall require submission of a new development plan. Failure to begin construction of the plan within six (6) months after the issuance of a building permit shall void the plan as approved unless an extension of time is granted by the Planning and Zoning Commission.~~

~~(Ord. 2002-31. Passed 4-15-02.)~~

~~1114.06 OCCUPANCY.~~

~~No use or occupancy shall be permitted until a certificate of occupancy is obtained from~~

~~the Building Commissioner as provided in the Building Code.
(Ord. 2002-31. Passed 4-15-02.)~~

~~1114.07—06 BONDING OF REQUIRED IMPROVEMENTS.~~

~~Prior to the commencement of construction, each Cluster Development shall provide a performance guarantee or bond to ensure completion of landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project in conformity with approved plans. Such bonds or guarantees shall be in a form approved by the Law Director, and shall be in an amount equal to the estimated construction cost of the improvements as determined by the City Engineer. Performance guarantees shall be submitted and approved prior to the issuance of any building permits.~~

~~(Ord. 2002-31. Passed 4-15-02.)~~

~~1114.08 COMPLIANCE REQUIRED.~~

~~Subsequent to the approval of a Cluster Development all development or construction within the Cluster Development shall be in substantial compliance with the approved final development plan and any conditions of such approval adopted by the City. Any departure from the approved final development plan shall be deemed to be a violation of this Zoning Code.~~

~~(Ord. 2002-31. Passed 4-15-02.)~~

~~1114.09 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1114.09 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

~~CHAPTER 1115
Multiple Family District~~

- | | |
|---|---|
| 1115.01—Yards. | 1115.04—Development plans. |
| 1115.02—Parking facilities. | 1115.05—Variances. (Repealed) |
| 1115.03—Height, area and setback requirements. | 1115.06—Single-lane driveways. |

~~CROSS REFERENCES~~

- ~~_____ Districts established—see P. & Z. 1111.01~~
- ~~_____ Classification of uses—see P. & Z. 1111.02~~
- ~~_____ Lots—see P. & Z. Ch. 1143~~
- ~~_____ Submission of plans to Architectural Board of Review; fee—see BLDG. 1329.08~~

~~_____ 1115.01—YARDS:~~

~~_____ (a) Side Yards. In a Class U-2 District, each building shall have a side yard on each side of not less than the height of the building. In the case of a corner lot, the side yard on the street side shall be not less in width than the setback building line provided for in Section 1115.03(c).~~

~~_____ (b) Rear Yards. Each main building shall have a rear yard of a depth of not less than fifty feet nor less than twice the height of the main building. (Ord. 1966-56. Passed 9-19-66.)~~

~~_____ 1115.02—PARKING FACILITIES:~~

~~_____ Indoor parking facilities shall be provided at the rate of space for at least one automobile for each family unit. An underground garage extending not over three feet above the established grade, with the entire roof covered with earth and landscaped, may occupy all or any part of the rear or side yards.~~

~~_____ Exterior parking space shall be provided at the rate of space for at least one automobile for each family unit. (Ord. 1966-56. Passed 9-19-66.)~~

~~_____ 1115.03—HEIGHT, AREA AND SETBACK REQUIREMENTS:~~

~~_____ (a) Height. Buildings in a Class U-2 District shall have a height of not over twenty-five feet.~~

~~_____ (b) Ground Area and Livable Floor Area. The minimum overall or gross ground area required for each family living unit and the minimum livable floor area, required for each family living unit in a Class 1; 2 District shall be as follows:~~

Number of Bedrooms in Suite	Gross Ground Area (sq. ft.)	Livable Floor Space (sq. ft.)
1	4,000	900
2	4,800	1,000
3	5,600	1,200

~~_____ (c) Setback. The building line or setback in a Class U-2 District shall be seventy-five feet from the street line. (Ord. 1966-56. Passed 9-19-66.)~~

~~_____ 1115.04—DEVELOPMENT PLANS:~~

~~_____ (a) Submission of Plans. A site plan shall be prepared for all types of proposals of developments in a Class U-2 District and submitted to the Planning and Zoning Commission. A preliminary and final development plan shall be submitted. Unless exempted by the Commission,~~

plans shall include:

- ~~(1) Survey. A survey of the property and topography, showing the land owned and proposed for development.~~
- ~~(2) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color.~~
- ~~(3) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; estimates of traffic volumes.~~
- ~~(4) Utilities. The plans for all utility installations and connections.~~
- ~~(5) Parking areas. A layout and estimate of the number of spaces, design of features, type of pavement.~~
- ~~(6) Miscellaneous. Other site development, including grading and drainage pattern designs of landscaped yards, planting areas and strips adjoining residential areas.~~

~~(b) Approval of Plans. If the Planning and Zoning Commission finds that plans are in accord with this Zoning Code and other ordinances of the City, the final development plans shall be submitted to the Architectural Board of Review for study and approval. The plan may be modified by the same procedure. No building permits shall be issued by the Building Commissioner until such development plan has been approved as provided herein.~~

~~Failure to begin the construction of all or an independent component of the plan within one year after approval by the Commission shall void the plan as approved, unless an extension of time is approved by Council. (Ord. 1966-56. Passed 9-19-66.)~~

~~1115.05 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1115.10 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

~~1115.06 SINGLE-LANE DRIVEWAYS.~~

~~Notwithstanding any other provision of this chapter to the contrary, a single lane driveway adjacent to or within 100 feet of a building shall be at least eighteen feet in width, to be located with the approval of the Planning and Zoning Commission. (Ord. 1987-44. Passed 4-6-87.)~~

CHAPTER 1116
U-2A Attached Single-Family Home Residential District

1116.01	Purpose; intent.	1116.07	Parking and driveways; streets.
1116.02	Development plans. <u>Permitted Uses.</u>	1116.08	Landscaping and open space.
1116.03	Permitted uses. <u>Area Regulations.</u>	1116.09	Lighting plan.
1116.04	Area regulations. <u>Development Plans.</u>	1116.10	Building and site design standards.
1116.05	Height regulations.	1116.11	Variances. (Repealed)
1116.06	Setbacks.	1116.12	Single-lane driveways.

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lots - see P. & Z. Ch. 1143
Submission of plans to Architectural Board of Review;
fee - see BLDG. 1329.08

1116.01 PURPOSE; INTENT.

The purpose of this zoning district is to permit and control development of attached one-family homes in clusters, as a condominium development. The intent is to permit additional flexibility in design and standards so as to promote quality and imaginative designs. Property may be improved to these standards when zoned U-2A only.
(Ord. 1976-109. Passed 11-1-76.)

~~1116.02 DEVELOPMENT PLANS.~~

~~(a) Submission of Preliminary Plans. A site plan shall be prepared for all types of proposals for developments in a Class U-2A District and submitted to the Planning and Zoning Commission. A preliminary and final development plan shall be submitted. Unless exempted by the Commission, plans shall include:~~

- ~~(1) Survey. A survey of the property and topography, showing the land owned and proposed for development;~~
- ~~(2) Buildings. Site location, size, height and use of all existing and proposed buildings and their general design and color;~~
- ~~(3) Streets. The proposed system of circulation of vehicular traffic, public and private; details for connections to present streets; type and width of pavement; and location of waste containers;~~
- ~~(4) Utilities. The plans for all utility installations and connections;~~
- ~~(5) Parking areas. A layout of the number of spaces, design of features and type of pavement;~~
- ~~(6) Topography and open space. The location of open space and recreation areas and the uses of the same; landscaping and type of buffering and screening within the development, including size specifications and location of all landscaping;~~
- ~~(7) Miscellaneous. Other site development, including the grading and drainage pattern, signing and lighting within the development and a Summary Table listing all major standards as applied to the proposed project.~~

~~(b) Approval of Plans.~~

- ~~(1) Where property is zoned U-2A, and the Planning and Zoning Commission finds that the plans are in accord with this Zoning Code and other ordinances of the City, the plan, if approved, shall be submitted to the Architectural Board of Review for study and approval as provided in the~~

~~Building Code. No building permits shall be issued by the Building Commissioner until such development plan has been approved as provided herein.~~

- ~~(2) Where property, at the time of application for U-2A zoning, is otherwise zoned, the applicant shall also submit a request for rezoning to U-2A in conformity with the procedure therefor. Such rezoning application shall contain the affidavit of each of the persons having an interest in the land to be rezoned to U-2A reciting the following: That the development plan has been offered to the City as a material inducement for rezoning and that such plan, should it be approved by the Planning and Zoning Commission, shall also be presented to Council at the time of the public hearing on rezoning before Council and be made a part of the record of the proceedings. Further, the applicants, at the time of public hearing, shall present to the City an irrevocable deed restriction for the land, making the City the beneficial owner thereof, wherein the land will be limited in its use to the submitted development plan only and any modification thereof or addition thereto approved by the City.~~

~~_____ If the land is rezoned to U-2A, and any attempt is made to deviate from the development plan, or if a deviation from the development plan occurs, without the express approval of Council, then Council may, at its option, rezone the property to any other zoning category which Council finds and determines is consistent with the overall planning and zoning of the City, and the deed restrictions shall be enforced. Failure to obtain a building permit for the entire development plan within one year after approval of rezoning, or if the land has already been rezoned to U-2A, failing to obtain a building permit for the entire development plan within one year after the plan is approved by the Planning and Zoning Commission, shall be just cause for Council to either modify the development plan or rezone the property to any other zoning category as set forth above. (Ord. 1976-109. Passed 11-1-76.)~~

~~(c) Amendment of Plans:~~

- ~~(1) Where development plans have been approved and the main uses and buildings, as provided in this section, have been or are being constructed, permitted accessory uses may be located and approved by the Building Commissioner to conform with standards established for such use. Where no standards have been established, the application may be referred to the Architectural Board of Review which may grant approval upon a finding that the accessory use is located to minimize intrusion to other properties and to conform to the spirit and intent of the City. An application under this section shall include a letter demonstrating the prior written consent of the developer or the association of home owners.~~

- ~~(2) Accessory uses are regulated as follows and must be within all setback requirements:~~

~~A. Dog runs. Located in the rear yard, not to exceed 100 square feet and connected to the house;~~

~~B. Decks, porches and patios. Not to exceed 500 square feet; and~~

~~C. Sheds. Permitted in the rear yard if attached to the main building, with a common wall and of a design approved by the Board to be similar to the main building. (Ord. 1987-175. Passed 8-15-88.)~~

~~1116.03-02 PERMITTED USES.~~

~~Land and buildings shall be used, and buildings shall be designed, erected, moved and altered, only in accordance with the use regulations set forth in this chapter.~~

- ~~(a) Main Uses and Buildings. Units which form attached one-family homes with separate exterior entrances, fire walls dividing each unit and no unit built above or below another unit. All land and buildings shall be owned in accordance with~~

Ohio R.C. Chapter 5311.

(b) Accessory Uses and Buildings.

- (1) Private accessory automobile garages for each dwelling;
- (2) Visitor off-street parking of passenger automobiles;
- (3) Private noncommercial swimming pools, recreation areas and facilities intended and used solely by the occupants and their guests;
- (4) Private accessory storage and maintenance structures needed for the operation and maintenance of the building and site;
- (5) Landscape features, including gardens, fountains, sidewalks, walls, decorative fences and lawns;
- (6) Master radio and television antennas, air conditioning and ventilation equipment and necessary utility equipment as permitted under this chapter and approved by the Architectural Board of Review; and
- (7) One identification or project sign per entrance disclosing the name and address of the development, which shall be approved by the Planning and Zoning Commission. (Ord. 1976-109. Passed 11-1-76.)

1116.04-03 AREA REGULATIONS.

Land and buildings shall be designed, improved and maintained only in accordance with the following schedules:

- (a) Site Area. The area of a parcel or parcels of land shall contain at least ~~ten~~ three (3) acres and shall be under common ownership and shall be one subplot.
- (b) Distance Between Buildings. The space between buildings shall be at least equal to the height of the higher building, unless otherwise approved by the Planning and Zoning Commission and Council.
- (c) Density and Floor Area. Not more than six units shall be built per acre, and each dwelling unit in this District shall have a minimum livable floor area of not less than:

	<u>Minimum Livable Floor Area (sq. ft.)</u>	
	<u>Without Den or Family Room</u>	<u>With Den or Family Room</u>
(1) One bedroom (only with a den or family room)	not permitted	1,200
(2) Two bedroom	1,200	1,400
(3) Three bedroom	1,400	1,600
(4) For each additional bedroom, den or family room	200	200

(Ord. 1976-109. Passed 11-1-76.)

1116.04 DEVELOPMENT PLANS.

A preliminary and final site development plan shall be prepared for all improvements within a U-2A District. Site development plans shall conform to the standards and criteria of this Chapter and shall be submitted and reviewed in accordance with the provisions of Chapter 1108.

1116.05 HEIGHT REGULATIONS.

- (a) The height of any residential or main building shall not exceed twenty-five feet.
- (b) The height of any accessory building, garage or other structure that is not part of any residential or main building shall not exceed twenty feet in height, unless otherwise approved by the Planning and Zoning Commission and Council. (Ord. 1976-109. Passed 11-1-76.)

1116.06 SETBACKS.

(a) Setbacks.

- (1) All buildings shall be set back at least fifty feet from a public street.
- (2) Buildings shall be set back twenty-five feet or more from any adjacent lot line.

- (3) Garage entrances shall be set back twenty-five feet or more from a private street.

(b) Use of Setbacks. Required setbacks shall not be used for buildings or structures or recreational facilities, such as tennis courts, parking lots, swimming pools and the like, unless otherwise approved by the Planning and Zoning Commission and Council.
(Ord. 1976-109. Passed 11-1-76.)

1116.07 PARKING AND DRIVEWAYS; STREETS.

Parking areas and driveways shall be properly related to the public street and residential buildings so as to promote safety and convenience and to minimize congestion or hazards.

- (a) Every planned development in a district shall provide garage space for two vehicles for every living unit and at least one open visitor parking space, not on a public street, for each living unit. Such garage and open visitor parking space shall be at least nine feet by twenty feet per car and shall comply with all of the specifications applicable thereto in this Zoning Code and in the Building Code, except as otherwise provided in this chapter.
- (b) Access driveways from public streets shall be limited in number. Such access driveways shall be planned and constructed at locations designed to avoid traffic congestion and hazard, and shall first be approved by the Planning and Zoning Commission.
- (c) All streets in this District to be dedicated to the City shall be constructed in accordance with the standards established by the City Engineer for public streets. Private streets not to be dedicated:
 - (1) Shall be permanent hard-surfaced pavement sufficient to carry moving van trucks and fire vehicles;
 - (2) Shall not provide any through traffic between public streets; and
 - (3) Shall be approved by the City Engineer.
(Ord. 1976-109. Passed 11-1-76.)

1116.08 LANDSCAPING AND OPEN SPACE.

In order to ensure the park-like character of the City and to provide environmental amenities to the occupants of the development, land area not covered by buildings, parking areas, drives, sidewalks, plazas or other hard-surfaced uses shall be developed and maintained in grass or other landscape material, in accordance with the general plan approved by the Planning and Zoning Commission.

- (a) Minimum Area. Open space shall not be less than fifty percent of the site and may include required setbacks, patios, private gardens, sidewalks, private yards, garage roofs at ground level that are covered with earth and grass, and landscaping or other decorative features.
- (b) Required Private Open Space for Residential Uses. Every dwelling unit shall have available to it separate private yards, patios or courts containing at least 400 square feet, with screening provided as part of the planned development, so as to ensure adequate privacy, all in accordance with the general plan approved by the Planning and Zoning Commission. (Ord. 1976-109. Passed 11-1-76.)

1116.09 LIGHTING PLAN.

A lighting plan shall be submitted to the Planning and Zoning Commission for its approval. Such plan shall be designed to promote the safety of pedestrians and vehicles and the protection of persons and property.

- (a) Private Street and Property Lighting. Lighting units on private streets and property shall not exceed fifteen feet in height and shall be so shielded from adjoining residences so as to limit interference with other property.
- (b) Public Street Lighting. Public street lighting shall be subject to the approval of the Planning and Zoning Commission. (Ord. 1976-109. Passed 11-1-76.)

1116.10 BUILDING AND SITE DESIGN STANDARDS.

Buildings, site development and uses shall be designed and arranged so as to provide a

unified building complex which will be an asset to the City, to residents and to occupants of the development.

- (a) All utilities serving the buildings and site, including electricity, telephone and all supporting equipment therefor, including meters, transformers and the like, shall conform to City ordinances.
- (b) All buildings and grounds shall be designed, constructed and maintained as approved in the site development plan. All landscaping, sidewalks, pedestrian plazas, parking areas and building exteriors shall be maintained free of any unsafe, unsightly or blighting condition which deteriorates the appearance, character, safety or value of the City or the surrounding area.
- (c) The developers and, after formation, the condominium association, shall make provision for the maintenance, upkeep and repair of common land, utilities, roofs, walls, driveways, sidewalks and other areas or facilities under common or joint use, and for the payment of expenses, taxes and assessments thereon, and shall establish standards for the maintenance and repair of all areas, in accordance with laws applicable to condominium or incorporated association ownership. Such provisions, agreements, easements and covenants shall be on file with the City, shall conform to all applicable laws regarding housing, zoning, sanitation, safety and welfare, shall identify the person responsible for repairs and maintenance and shall inform the Building Department of the name of the initial owner or tenant. Thereafter, the condominium association shall keep accurate records of the names and addresses of each owner of each unit and the name of each tenant in possession and inform the Inspector of Buildings of any change within fifteen days after transfer.
- (d) All developments shall be designed and constructed so as to relate to and to improve the character and quality of the surrounding properties and the City. Areas of development not to be occupied by buildings, road pavement, sidewalks, parking areas or recreation facilities shall be retained in their existing wooded state or maintained in landscaping as approved by the Planning and Zoning Commission. The orientation and construction of buildings and the location of private space and common space should be designed to promote the utmost privacy and individuality of units and to form a unified composition of buildings and space and a variety of perspectives according to sound architectural and planning principles.

(Ord. 1976-109. Passed 11-1-76.)

~~1116.11 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1116.11 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

~~1116.12 SINGLE-LANE DRIVEWAYS.~~

~~Notwithstanding any other provision of this chapter to the contrary, a single lane driveway adjacent to or within 100 feet of a building shall be at least eighteen feet in width, to be located with the approval of the Planning and Zoning Commission.~~

~~(Ord. 1987-44. Passed 4-6-87.)~~

CHAPTER 1117

~~Apartment House~~ U-3 ~~Multi-Ffamily~~ Residential District

1117.~~0701~~ Use regulations.

1117.~~0102~~ Yards.

1117.~~0203~~ Parking facilities.

1117.~~0304~~ Height and area requirements.

1117.~~0405~~ Development plans.

~~1117.05 Variances. (Repealed)~~

~~1117.06 Single-lane driveways.~~

CROSS REFERENCES

Districts established - see P. & Z. 1111.01

Classification of uses - see P. & Z. 1111.02

Senior citizen apartments - see P. & Z. Ch. 1120

Lots - see P. & Z. Ch. 1143

Front yards; building line - see P. & Z. 1145.02

Submission of plans to Architectural Board of Review;
fee - see BLDG. 1329.08

~~1117.07-01 USE REGULATIONS PERMITTED USES.~~

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in a U-3 District only for the uses set forth in this section and the use regulations of this Zoning Code.

(a) ~~Main Uses. Apartment houses (as defined under Sections 1117.01 to 1117.03). Multi-family Dwellings.~~

(b) Accessory Uses. Accessory uses shall be designated and intended to principally serve the apartment residents. Such accessory uses shall be as follows:

~~(1) Parking~~

~~(2)~~ Car washes, provided that:

A. No washing or detailing activities are conducted outside of the building.

B. There is no advertising or signage associated with the car wash.

C. Washing is by hand only and no automated wash systems are used.

D. The wash area does not exceed 600 square feet.

~~(3) Signs in conformance with Chapter 1141.~~

1117.01 YARDS.

(a) Side Yards. In a Class U-3 District, each building shall have a side yard on each side of not less than one-half of the height of the building. In the case of a corner lot, the side yard on the street side shall be not less in width than the setback building line shown on the Zone Map for that side of the corner lot.

(b) Rear Yards. Each main building shall have a rear yard of a depth not less than twenty-five feet nor less than the height of the main building.
(Ord. 1966-56. Passed 9-19-66.)

1117.02 PARKING FACILITIES.

Indoor parking facilities shall be provided at the rate of space for at least one automobile for each family unit.

Exterior off-street parking space shall be provided at the rate of space for at least one automobile for each family unit. (Ord. 1966-56. Passed 9-19-66.)

1117.03 HEIGHT AND AREA REQUIREMENTS.

(a) Height. Buildings in a Class U-3 District shall have a height of not over ~~thirty-five~~ forty-five (45) feet.

(b) Ground Area Density and Livable Floor Area. ~~The minimum overall or gross ground area required for each family living unit~~ The maximum density shall be eighteen (18) dwelling units per gross acre. and ~~the~~ The minimum livable floor area required for each family

living unit in a Class U-3 District shall be as follows:

<u>Number of Bedrooms in Suite</u>	<u>Gross Ground Area (sq. ft.)</u>	<u>Livable Floor Space (sq. ft.)</u>
1	2,000	825
2	2,400	950
3	2,800	1,150

1117.04 DEVELOPMENT PLANS.

~~(a) Submission of Plans. A preliminary and final site development plan shall be prepared for all types of proposals of developments in a Class U-3 District and submitted to the Planning and Zoning Commission in accordance with the provisions of Chapter 1108. A preliminary and final development plan shall be submitted. Unless exempted by the Commission, plans shall include:~~

~~(1) Survey. A survey of the property and topography, showing the land owned and proposed for development.~~

~~(2) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color.~~

~~(3) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; estimates of traffic volumes.~~

~~(4) Utilities. The plans for all utility installations and connections.~~

~~(5) Parking areas. A layout and estimate of the number of spaces, design of features, type of pavement.~~

~~(6) Miscellaneous. Other site development, including grading and drainage pattern designs of landscaped yards, planting areas and strips adjoining residential areas.~~

~~(b) Approval of Plans. If the Planning and Zoning Commission finds the plans are in accord with this Zoning Code and other ordinances of the City, the final development plans shall be submitted to the Architectural Board of Review for study and approval. The plan may be modified by the same procedure. No building permits shall be issued by the Building Commissioner until such development plan has been approved as provided herein.~~

~~Failure to begin the construction of all or an independent component of the plan within one year after approval by the Commission shall void the plan as approved, unless an extension of time is approved by Council. (Ord. 1966-56. Passed 9-19-66.)~~

~~1117.05 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1117.05 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

1117.06 SINGLE-LANE DRIVEWAYS.

~~Notwithstanding any other provision of this chapter to the contrary, a single lane driveway adjacent to or within 100 feet of a building shall be at least eighteen feet in width, to be located with the approval of the Planning and Zoning Commission. (Ord. 1987-44. Passed 4-6-87.)~~

CHAPTER 1118
U-3C Planned Multi-Family Residential District

1118.01	Purpose; intent.	1118.04	Development standards.
1118.02	Establishment of Planned Multi-Family Residential Districts.	1118.05	Application and review procedures.
1118.03	Permitted uses.	1118.06	Compliance required.

CROSS REFERENCES

Classification of uses - see P. & Z. 1111.02
Signs for residential districts - P. & Z. 1141.13
Permits, fees and deposits - see BLDG. Ch. 1329

1118.01 PURPOSE; INTENT.

(a) The Class U-3C District is created to provide for the establishment of quality higher density multi-family residential developments at strategic locations within the City consistent with the City's overall land use planning principles and community vision. It is the expressed purpose of the Planned Multi-Family Residential District to provide for the establishment of attractive and well designed residential developments which offer superior quality housing for residents.

(b) It is intended that Planned Multi-Family Residential Districts create additional housing opportunities that provide support for established commercial retail areas and for the City's primary employment centers. It is further intended that Class U-3C Districts encourage creative, high quality site design practices that encourage the efficient use of land and resources, promote harmony and integration with existing developments, protect adjoining properties from adverse impacts, promote safe and efficient pedestrian and vehicular movement, promote efficient layout of infrastructure, and create attractive and useful private spaces.
(Ord. 2011-170. Passed 3-19-12.)

1118.02 ESTABLISHMENT OF PLANNED MULTI-FAMILY RESIDENTIAL DISTRICTS.

The following criteria shall govern the establishment of any Planned Multi-Family Residential District:

- (a) No Planned Multi-Family Residential District shall be established except subsequent to an application by the property owner requesting that the land be subject to these special provisions.
- (b) The layout shall be designed to create an orderly arrangement compatible with the landscape and topography of the area and with the planning principles of the City of Beachwood.
- (c) Each Planned Multi-Family Residential District shall be developed in conformance with an approved Final Development Plan which has been reviewed and approved in accordance with the provisions set forth herein.

~~(d) The minimum area to qualify for a Planned Multi Family Residential District shall not be less than seven (7) contiguous acres.
(Ord. 2011-170. Passed 3-19-12.)~~

1118.03 PERMITTED USES.

Buildings and land in the Planned Multi-Family Residential District shall be used and buildings shall be designed, erected, altered or intended only for the uses specifically designated herein.

- (a) Principal Permitted Uses and Buildings.
 - ~~(1) Apartment Buildings~~
 - (2) Multi-Family Dwellings

- (b) Accessory Uses.
 - (1) Private parking garages for the use of residents.
 - (2) Off-street resident and visitor parking.
 - (3) Private recreation areas and facilities intended for the exclusive use of residents and their guests.
 - (4) Accessory structures pursuant to Section 1118.04(1).
 - (5) Concierge type services intended for the exclusive use of residents which may include a laundry/dry cleaning drop off, car washing services, personal shopping services, fitness facilities, and similar services.
 - (6) Signs in conformance with the provisions of Section 1141.13. (Ord. 2011-170. Passed 3-19-12.)

1118.04 DEVELOPMENT STANDARDS.

The following standards and requirements shall apply to all Planned Multi-Family Residential Districts:

- (a) Maximum Density. The maximum density of dwelling units shall be as set forth on the approved Master Development Plan provided, however, that the density of the entire development area shall not exceed sixty (60) dwelling units per gross acre of land in the Planned Multi-Family Residential District.
- (b) Maximum Building Ground Coverage. The maximum building ground coverage shall not exceed sixty percent (60%) of the total area of the Planned Multi-Family Residential District.
- (c) Maximum Building Height. Buildings within a Planned Multi-Family Residential District shall not exceed sixty-five (65) feet in height. For projects with frontage on more than one street the height shall be measured on the facade facing the main street on which the building has frontage, as determined by the Planning and Zoning Commission.
- (d) Setbacks and Separations. Building setbacks and separations shall be established on the approved Final Development Plan. In establishing said separations the Planning and Zoning Commission shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:
 - (1) No building shall be located closer than forty (40) feet to the right-of-way line of a public street.
 - (2) No building or structure shall be located closer than thirty (30) feet to any perimeter property line of the Planned Multi-Family Residential District.
 - (3) The minimum wall to wall distance between apartment buildings within a Planned Multi-Family Residential District shall be thirty (30) feet.
 - (4) No parking area shall be located closer than ten (10) feet to the right-of-way line of a public street.
 - (5) No private driveway shall be located closer than ten (10) feet to any perimeter property line of the Planned Multi-Family Residential District.
- (e) Minimum Dwelling Unit Area. The minimum dwelling unit areas shall be in conformance with the following standards:

(1) Studio Units	600 square feet
(2) One Bedroom Units	700 square feet
(3) Two Bedroom Units	850 square feet
(4) Three Bedroom Units	1000 square feet

The combined total of Studio and One Bedroom Units shall not exceed fifty percent (50%) of the total number of dwelling units of any Planned Multi-Family Residential project.
- (f) Access and Street Requirements.
 - (1) Access drives to Planned Multi-Family Residential Districts shall be located at least two hundred (200) feet from the nearest intersecting street right-of-way.
 - (2) All private drives within a Planned Multi-Family Residential District shall

- have a minimum pavement width of twenty-four (24) feet.
- (3) Planned Multi-Family Residential District shall be designed to minimize the number of access points onto public streets.
 - (4) Planned Multi-Family Residential District shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
- (g) Parking. Each Planned Multi-Family Residential District shall provide a minimum of one and one-half (1.5) parking spaces per dwelling unit. Exterior parking spaces shall be a minimum of 180 square feet in area. Enclosed parking spaces shall be a minimum of 170 square feet in area. Charging stations for electric powered vehicles may be permitted within parking garages and shall be of sufficient size to adequately accommodate the vehicles.
- (h) Open Space Requirements.
- (1) Open space areas shall be as set forth on the final approved development plan provided, however, that open space shall be located and designed to be integrally related to the overall design of the development.
 - (2) In any Planned Multi-Family Residential District, the total open space area shall not be less than thirty percent (30%) of the gross acreage of the entire Planned Multi-Family Residential District.
 - (3) Land areas devoted to driveways and parking shall not be included in the calculation of open space for the purpose of meeting the minimum open space area requirement. Walkways, paths, patios, pools, and recreational facilities may be counted as open space.
- (i) Landscaping. All disturbed areas within a Planned Multi-Family Residential District which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.
- (j) Storm Drainage Provisions. Each Planned Multi-Family Residential District shall include provisions for a storm drainage system designed and constructed by the developer in accordance with the requirements of the City Engineer.
- (k) Utilities. All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the City as part of the development plan approval.
- (1) Water lines and appurtenances shall be designed and installed in conformance with the requirements of the City of Beachwood and the City of Cleveland Division of Water.
 - (2) Sanitary sewer lines and appurtenances shall be designed and installed in conformance with the requirements of the City of Beachwood and the Northeast Ohio Regional Sewer District.
 - (3) Site lighting shall be in accordance with the requirements of the Planning and Zoning Commission and shall be shown on the development plan.
- (l) Accessory Structures. Decorative and ornamental fences and/or walls, pools, patios, fountains, and similar structures shall be permitted and located only as specifically authorized by the Planning and Zoning Commission as part of the development plan approval.
- (m) Building Service Facilities. Delivery and refuse removal areas shall be screened or located within enclosed service areas as approved by the Planning and Zoning Commission.
- (n) Building And Site Design Standards. Buildings and site improvements shall be designed and arranged so as to provide a unified building complex which will be an asset to the City, to residents and to occupants of the development. (Ord. 2011-170. Passed 3-19-12.)

1118.05 APPLICATION AND REVIEW PROCEDURES.

- (a) ~~Application~~. Applications for a map amendment for a Planned Multi-Family

Residential District shall be submitted for review and approval in accordance with the provisions of Section 1107.01. Applications for rezoning to the Planned Multi-Family Residential District shall be accompanied by and pursuant to a Master Development Plan conforming to the requirements of ~~and approved in accordance with the provisions of subsection (b) hereof and prepared by persons professionally qualified to perform such work~~Chapter 1108.

~~(b) Master Development Plan Requirements. Each Master Development Plans shall include:~~

- ~~(1) The name of the development and the names and addresses of the owners and developers.~~
- ~~(2) A scale, north arrow and date.~~
- ~~(3) The proposed assignment of use and subdivision of land including the proposed locations of buildings.~~
- ~~(4) The proposed vehicular and pedestrian circulation patterns, including the proposed location of any proposed easements and the names, locations, and dimensions of existing streets and easements.~~
- ~~(5) Preliminary plans for provision of utilities.~~
- ~~(6) A boundary survey of the entire proposed Planned Multi Family Residential District and the proposed dimensions of any lots to be platted within the Planned Multi Family Residential District.~~
- ~~(7) Topography showing contours at an interval of two (2) feet or less.~~
- ~~(8) Conceptual plans for grading, drainage, and storm water management.~~
- ~~(9) Identification of all natural features, including existing water courses, wetlands, and flood areas.~~
- ~~(10) Anticipated development phasing and scheduling.~~
- ~~(11) Preliminary plans for the installation of landscaping and site lighting.~~

~~(c) Master Development Plan Approval. Approval of any map amendment for a Planned Multi Family Residential District shall be based on and all subsequent development therein shall be pursuant to the approved Master Development Plan. As part of the approval of any rezoning to a Planned Multi Family Residential District, the Planning and Zoning Commission may recommend and City Council may adopt modifications to or place such conditions and/or stipulations on the Master Development Plan as may be deemed appropriate and in the public interest. Approval of a Master Development Plan shall be effective for a period of two (2) years following the date of the approval by the City Council, unless an extension of time is granted. Upon expiration of a Master Development Plan approval, no approval of a Final Development Plan shall be given until a new Master Development Plan has been submitted and approved.~~

~~(d) Final Development Plan. The developer of any parcel of land, for which a Master Development Plan has been previously approved, as set forth herein, may prepare and submit a detailed Final Development Plan for a Planned Multi Family Residential Development. The Final Development Plan for each Planned Multi Family Residential Development shall include the following:~~

- ~~(1) The number, location, arrangement, and general architectural design of all dwelling units.~~
- ~~(2) The locations, size, heights, and use of all main and accessory buildings and their general design.~~
- ~~(3) The use of all private and common land.~~
- ~~(4) A boundary and topographic survey, showing the land owned and proposed for development and contours at an interval acceptable to the City of Beachwood.~~
- ~~(5) The location, design, and arrangement of all private vehicular drives and pedestrian ways.~~
- ~~(6) All required setbacks and yard areas.~~
- ~~(7) The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.~~
- ~~(8) Detailed designs of landscaped yards, planting areas, and buffer and~~

- screening improvements, including plant lists and installation details.
- (9) Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information and proposed storm outlet facility.
 - (10) A site lighting plan indicating placement, heights, and types of lighting fixtures. Such plans may include details of resulting levels of illumination as required.
 - (11) The location and nature of recreation areas, fencing, retaining walls, and similar site features.
 - (12) The location, size, and design of all signs.

~~(c) Final Development Plan Approval. If the Planning and Zoning Commission finds the Final Development Plan to be in accordance with the Master Development Plan, this Zoning Code, and other ordinances of the City, it may grant approval of said Final Development Plan and the building plans shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of a Final Development Plan as it may deem to be reasonably required to insure compliance with the spirit and intent of this chapter and to protect the public health, safety, and welfare. When reviewing development plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant.~~

~~An approved plan may be modified by the same procedure as set forth herein for original plan approval.~~

~~No building permits shall be issued by the Building Commissioner until a development plan has been granted final approval as provided herein. Failure to commence construction of improvements or apply for a building permit within two (2) years from the date of Final Development Plan approval shall render such development plan approval null and void and shall require submission of a new development plan. Failure to begin construction within six (6) months after the issuance of a building permit shall void the plan as approved unless an extension of time is granted by the Planning and Zoning Commission. (Ord. 2011-170. Passed 3-19-12.)~~

~~1118.06 COMPLIANCE REQUIRED.~~

~~Subsequent to the approval of a Final Development Plan for a Planned Multi Family Residential Development all development or construction within the Planned Multi Family Residential District shall be in substantial compliance with the approved Final Development Plan and any conditions of such approval adopted by the City. Any departure from the approved Final Development Plan shall be deemed to be a violation of this Zoning Code. (Ord. 2011-170. Passed 3-19-12.)~~

CHAPTER 1119
U-3A High-Rise Apartment District

1119.01 Development plans.	1119.09-02 Definition of area and height regulations.
1119.02 Cash deposit.	1119.10-03 Schedule of area and height regulations.
1119.03 Change in zoning plan.	1119.11-04 Land planning.
1119.04 Final development plan.	1119.12 Variances. (Repealed)
1119.05 Approval by Commission.	1119.13 Single-lane driveways.
1119.06 Building permits.	
1119.07 Changes to plans.	
1119.08-01 <u>Use regulations</u> <u>Permitted Uses.</u>	

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Senior citizen apartments - see P. & Z. Ch. 1120
Lots - see P. & Z. Ch. 1143
Yards and building lines - see P. & Z. Ch. 1145
Building permits, fees and deposits - see BLDG. Ch. 1329
Submission of plans to Architectural Board of Review; fee
see - BLDG. 1329.08

~~1119.08-01 USE REGULATIONS~~PERMITTED USES.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in a U-3A District only for the uses set forth in this section and the use regulations of this Zoning Code.

- (a) Main Uses. Apartment houses (as defined under Sections 1119.09 to 1119.11);
- (b) Accessory Uses. Accessory uses shall be designed and intended to principally serve the apartment residents. Except for car washes as provided in subsection (b)(5) hereof, all accessory uses shall be centralized in one building as adjoining uses apart from residential areas. No such accessory use other than parking facilities and enclosed garages shall exceed 1,800 square feet in size. Such accessory uses shall be as follows:
 - (1) Snack bars and coffee shops;
 - (2) Automobile parking facilities and enclosed garages;
 - (3) Personal services, limited to barber shops, beauty shops, laundries, cleaners, pharmacies, convenience groceries, florists, restaurants and/or coffee shops, retail specialty stores and other similar services as approved by the Planning Commission and confirmed by Council;
 - (4) Health and recreation facilities, such as swimming pools, tennis courts and exercise rooms.
 - (5) Car washes provided that:
 - A. No washing or detailing activities are conducted outside of the building.
 - B. There is no advertising or signage associated with the car wash.
 - C. Washing is by hand only and no automated wash systems are used.
 - D. The wash area does not exceed 600 square feet.
- (c) Building Service Facilities. Delivery and refuse removal areas shall be screened or located within enclosed service areas as approved by the Planning and Zoning Commission.
- (d) Wireless Communication Facilities. Wireless telecommunications facilities shall be subject to the following provisions:
 - (1) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the

penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

- (2) Wireless telecommunications antennas, including dipole antennas over two inches in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet above the roof and shall be set back from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet above the top of said parapet wall. All such antennas shall be colored to minimize visibility.
- (3) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ~~ninety miles per hour~~ per the Ohio Building Code.
- (4) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.
- (5) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from public rights of way and from apartment units in adjoining buildings.
- (6) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03(y).
- (7) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Planning Commission; otherwise applications for wireless telecommunications facilities shall be referred to the Planning Commission for consideration.

~~1119.01 DEVELOPMENT PLANS.~~

~~(a) Submission of Plans. A site plan shall be prepared for all types of proposals of developments in a Class U-3A District and submitted to the Planning and Zoning Commission. A preliminary and final development plan shall be submitted. Unless exempted by the Commission, plans shall include:~~

- ~~(1) Survey. A survey of the property and topography, showing the land owned and proposed for development;~~
- ~~(2) Buildings. The locations, size, height and use of all main and accessory buildings and their general design and color;~~
- ~~(3) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes;~~
- ~~(4) Utilities. The plans for all utility installations and connections;~~
- ~~(5) Parking areas. A layout and estimate of the number of spaces, design of features, type of pavement;~~
- ~~(6) Topography and open space. The location of open space and recreation areas and the uses of the same; landscaping and type of buffering and screening within the development; and~~
- ~~(7) Miscellaneous. Other site development, including grading and drainage patterns, designs of landscaped yards, planting material, including taxonomic names and sizes, and buffer strips adjoining residential areas.~~

~~(b) Approval of Plans. If the Planning and Zoning Commission finds that the plans~~

~~are in accord with this Zoning Code and other ordinances of the City, the building plans shall be submitted to the Architectural Board of Review for study and approval as provided in the Building Code. The plan may be modified by the same procedure. No building permit shall be issued by the Building Commissioner until such development plan has been approved as provided herein.~~

~~Failure to begin the construction of all or an independent component of the approved plan within one year after approval by the Commission shall void the plan as approved, unless an extension of time is approved by Council. (Ord. 1977-18. Passed 3-21-77.)~~

~~1119.02 CASH DEPOSIT.~~

~~Following approval by the Planning and Zoning Commission, the Clerk shall notify the developer of such action in writing. Within fifteen days after notice, unless the time is extended by Council, the developer shall post a cash deposit with the Clerk. The condition of such deposit shall be that the developer shall, within two years or such longer period as may be allowed by the Commission, commence construction of the development and that upon failure to do so the City shall be paid such cash deposit as and for liquidated damages for the failure to perform. Such cash deposit shall be determined according to the following scale:~~

Estimated Cost of Development	Amount of Cash Deposit
To \$250,000	\$1,000
\$250,000 to 500,000	1,500
500,001 to 1,000,000	2,500
1,000,001 and up	5,000

~~The estimated cost of the development is to be determined by the Building Commissioner or such other person as may be designated by Council.~~

~~If the development is an apartment project, such cash deposit shall be released as soon as the footings are installed. (Ord. 1977-18. Passed 3-21-77.)~~

~~1119.03 CHANGE IN ZONING PLAN.~~

~~Upon posting of such cash deposit, the Clerk shall instruct the City Engineer to make the proper notation on the Zone Plan Maps to reflect the approval of Council and shall return the plan to the Planning and Zoning Commission with a report of the action of Council thereon. (Ord. 1977-18. Passed 3-21-77.)~~

~~1119.04 FINAL DEVELOPMENT PLAN.~~

~~The developer of any parcel or parcels of land for which a preliminary plan of development area has been approved by the Planning and Zoning Commission and who has posted the cash deposit required by Section 1119.02 may submit a final development plan for all or any part of such area. The area may be developed if approved in progressive periods. Any such plan shall be filed with the Building Commissioner and, upon payment of the appropriate fees, shall be submitted by him to the Planning and Zoning Commission.~~

~~The final development plan shall contain and be accompanied by the following:~~

- ~~(a) The proposed public and private street system, including detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, shade trees and other important engineering considerations, which shall meet City standards;~~
- ~~(b) A plat for all of the development showing street rights of way and easements and showing private and common land division, which shall be in form for recording; (Ord. 1977-18. Passed 3-21-77.)~~
- ~~(c) A final site plan containing the accurate location of each existing structure to be retained, if any, and detailed plans and specifications for each proposed structure, including driveways, parking and loading areas, illumination facilities, pedestrian walks, open areas, landscaping, facilities for waste disposal and finished grades, which shall comply with the standards set forth in the ordinances of the City and accessory uses; (Ord. 1980-121. Passed 1-19-81.)~~
- ~~(d) A detailed landscape plan for the entire area;~~

~~(e) The estimated project cost, including estimates for streets, utilities and landscaping;~~

~~(f) The construction schedule and disposition program; and~~

~~(g) When the final development plan provides for partial development of the area for which a primary development plan has been approved, a final development plan of the remainder of the area shall be submitted to permit evaluation of the entire parcel. (Ord. 1977-18. Passed 3-21-77.)~~

~~1119.05 APPROVAL BY COMMISSION.~~

~~If the Planning and Zoning Commission finds that the proposed final development plan of the area is in accordance with and represents a comprehensive detailing and full development of the preliminary plan heretofore approved, that it is in accordance with the design criteria and provisions of the ordinances of the City, which apply particularly to a final plan, and complies with all of the conditions which may have been imposed in the approval of the preliminary plan, the Commission shall approve such final development plan. (Ord. 1977-18. Passed 3-21-77.)~~

~~1119.06 BUILDING PERMITS.~~

~~No building permit for the improvement of a parcel or a portion thereof or for the erection of any building shall be issued for any building or structure in a U-3A District unless and until a final development plan has been approved in accordance with the provisions of this chapter. If and when any proposed final development plan has been so approved, the Building Commissioner shall then issue the necessary building and other permits upon payment of the required fees. (Ord. 1977-18. Passed 3-21-77.)~~

~~1119.07 CHANGES TO PLANS.~~

~~At any time after the approval of a preliminary development plan or a final development plan, the owner or owners may request a change, in which case the following procedure will govern:~~

~~(a) If the change deals with the preliminary development plan, the request for it shall be filed with the Planning and Zoning Commission and acted upon by it. If the change deals with a final development plan, it shall be filed with the Commission and a copy filed with the Clerk of Council.~~

~~(b) The proposed change shall then be subject to the same procedure and conditions of approval as the original application. (Ord. 1977-18. Passed 3-21-77.)~~

1119.09-02 DEFINITION OF AREA AND HEIGHT REGULATIONS.

The various area and height regulations of the area to be developed are defined in this section and scheduled in the following section.

(a) Development Area. "Development area" means the minimum area to be constructed by a single owner or owners or group of owners of a parcel or assembled parcels, acting jointly, involving a related group of multiple-family dwellings, planned and developed as an entity, in order to qualify under the planning development provisions.

(b) Land Area Per Dwelling Unit. "Land area per dwelling unit" means the minimum area required within a development area for each dwelling unit in order to qualify for such provisions.

(c) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, the whole area of garages and one-half the area of balconies, porches and other open areas within parts of the building may be excluded from the gross area.

(d) Building Coverage. "Building coverage" means the maximum ratio of the ground floor area of the dwelling or apartment buildings to the lot area. Garage roofs, if below grade and landscaped or if developed as a terrace or similar landscape feature, may be excluded from the ground floor building area for this purpose.

(e) Maximum Height. "Maximum height" refers to the height to which any main building may be constructed above the designed finished grade.

~~(f) Dwelling Unit. "Dwelling unit" means a space within a dwelling comprising a living room, a dining room, a sleeping room or rooms, storage closets and space and equipment for bathing and toilet facilities, all used by one family.
(Ord. 1977-18. Passed 3-21-77.)~~

1119.10-03 SCHEDULE OF AREA AND HEIGHT REGULATIONS.

Land and buildings shall be used in a U-3A District and buildings shall be designed, erected, altered, moved or maintained in such District in accordance with the following schedule:

~~(a) Development area (minimum acres) 7~~
~~(ba) Maximum Density (land per dwelling unit minimum sq. ft.) 1,750~~ Dwelling
Units Per Acre

~~(eb)~~ Gross area of dwelling unit as follows:

<u>Minimum Apartment Unit Size</u>	<u>Minimum Area (sq. ft.)</u>
1 bedroom unit (there shall be not more than fifty percent of the units in this category)	725
2 bedroom unit	875
3 bedroom unit	1,050
4 bedroom unit	1,375

Efficiency units are prohibited

~~(dc) Building coverage, including all above grade structures (maximum percent of land) exclusive of parking facilities~~

2025%

(e) Height of main buildings: buildings shall be limited to 100 feet in height, inclusive of penthouses, cornices or similar features.

~~(f) Minimum lot width: at the building line, the lot width shall be not less than 300 feet, with a minimum frontage on a public street of not less than 100 feet.
(Ord. 1977-18. Passed 3-21-77.)~~

1119.11-04 LAND PLANNING.

The following criteria shall guide the site planning of a development area:

~~(a) Densities and Dwelling Types. A development area in a U-3A District may be of apartment house or multiple family buildings. The units need not be distributed at a uniform density throughout the District, but those parts of the area occupied shall not exceed the density set forth for specific types of dwellings.~~

~~The area occupied by a building shall not exceed twenty-five dwelling units per acre as set forth in Section 1119.10(b).~~

~~(ba) Site Data. Buildings shall be arranged so that the distance from any building to any boundary line of a development area shall be not less than eighty feet, for an eight-story building or less and increased ten feet for each additional story in height. If there are more than two buildings in a development area, the distance between the walls of any two buildings shall be not less than the height of the highest building, and the distance between shall be increased ten feet for each increase of one-story height. Where main walls of buildings face each other across an open court, the distance between such walls shall not be less than one and one-half times the height of the highest building.~~

Parking structures and facilities shall be set back from any side or rear lot line at least ten feet. However, parking structures and facilities, where abutting any land zoned from U-1 (A-1 or A-2), U-2 or U-2A, shall require forty feet of buffering with appropriate landscape screening as required by the Planning and Zoning Commission. No off-street parking shall be permitted within the front yard setback.

Services to the building shall be provided by separate drives to service areas which shall be separate from pedestrian and vehicular circulation routes.

Parking shall be provided at the rate of at least two spaces per

dwelling unit with a minimum of one space per dwelling unit in underground facilities at an elevation low enough so that the roof will be covered and planted with trees, shrubs or ground cover, except that a roof slab may be incorporated into paved terraces or pool areas. Garage walls shall not be exposed unless they are a part of the approved landscape design.

Outside parking facilities may be open if provided with walkways and islands for trees and other landscape planning. Such facilities shall not be closer than twenty feet to the main residence building.

When access roads or driveways are provided of twenty-six feet in width (curb to curb) or more, one side of the road or driveway to the limit of nine feet from the curb may be computed in the required parking for the development. (Ord. 1977-18. Passed 21-77.)

~~(c) Services and Shops. If services and shops are developed as an additional use, such facilities shall be designed and constructed integrally with and managed as part of a building or buildings.~~

~~Delivery facilities to such services and shops shall be separated and concealed from normal pedestrian circulation routes of the buildings and the frontage street.~~

~~The architectural design shall be of a scale and character to conform with the multiple family buildings or apartment houses. The facilities shall not be conspicuous from any family building or apartment house. The facilities shall not be conspicuous from any public street.~~

~~Services and shops permitted as accessory uses shall not have any exterior signage or other signage which can be viewed from a public way or an adjacent property except as permitted in Section 1141.12(d).~~

~~(Ord. 1998-41. Passed 4-20-98.)~~

~~(db) Landscaping. Land areas not occupied by buildings, parking or drives shall be left in a natural state or developed and maintained in grass and other landscaped material, in accordance with the development plan approved by the Planning and Zoning Commission. Not less than twenty percent of the site shall be landscaping or open space.~~

~~(e) Latitudes. The latitudes in the development or redevelopment shall be consistent with and in a manner that will enhance the general amenities and unity of the neighborhood. (Ord. 1977-18. Passed 3-21-77.)~~

~~(c) Development plans shall be provided in conformance with the provisions of Chapter 1108.~~

~~1119.12 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1119.12 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

~~1119.13 SINGLE-LANE DRIVEWAYS.~~

~~Notwithstanding any other provision of this chapter to the contrary, a single lane driveway adjacent to or within 100 feet of a building shall be at least eighteen feet in width, to be located with the approval of the Planning and Zoning Commission.~~

~~(Ord. 1987-44. Passed 4-6-87.)~~

CHAPTER 1120
U-3B Senior Apartment and Long-Term Care District

1120.01 Development plans.	1120.0701 Use regulations	<u>Permitted Uses.</u>
1120.02 Approval by Commission.	1120.0802 Definition of area and height regulations.	
1120.03 Reports by other boards and offices.	1120.0903 Schedule of area and height regulations.	
1120.04 Performance deposit.	1120.1004 Land planning.	
1120.05 Building permits.	1120.11 Variances. (Repealed)	
1120.06 Changes to plans.		

CROSS REFERENCES

Department of Senior Adult Activities - see ADM. Ch. 158
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lots - see P. & Z. Ch. 1143
Yards and building lines - see P. & Z. Ch. 1145
Building permits, fees and deposits - see BLDG. Ch. 1329
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

~~1120.01 DEVELOPMENT PLANS.~~

- ~~(a) Submission of Plans. A preliminary and final development plan package shall be prepared for all types of proposals of developments in a Class U-3B District and submitted to the Planning and Zoning Commission. Plans shall include:~~
- ~~(1) Survey. A survey of the property and topography, showing the land owned and proposed for development, the final site plan to include a plat for all of the development showing street rights-of-way and easements and private and common land division, which shall be in a form for recording;~~
 - ~~(2) Buildings. The location, size, height and use of all main and accessory buildings and their general design, the final site plan to include the accurate location of each existing structure and detailed plans and specifications for each proposed structure, including the color and type of building material and submittal of samples of the exterior building material;~~
 - ~~(3) Floor plans. The total project spaces to scale and dimensioned and labeled indicating the proposed uses of all building areas;~~
 - ~~(4) Streets. The proposed public and private system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volume, the final plan to include detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, shade trees and other important engineering considerations, which shall meet City standards;~~
 - ~~(5) Utilities. The plans for all utility installations and connections;~~
 - ~~(6) Parking areas. A layout and estimate of the number of spaces, type of pavement, including driveways, loading areas and sidewalks;~~
 - ~~(7) Landscape and open space plan. The location of open space and recreation areas and the uses of the same; landscaping and type of buffering and screening within the development; designs of landscaped yards; planting material, including taxonomic names and sizes, buffer strips adjoining residential areas, lighting, walls and/or fences;~~
 - ~~(8) Grading and drainage plan. A topographic plan indicating existing and proposed finished grading, drainage, drainage structures, retention systems, drain sizes and structures, typical sections and erosion control~~

systems, the final site plan to include all engineering documents, drainage calculations and specifications;

~~(9) Project cost. The estimated project cost, including estimates for streets, utilities and landscaping; and~~

~~(10) Schedule. The construction schedule.~~

~~(b) Plans for Entire Parcel. When the final development plan may provide for partial development of the area for which a preliminary development plan has been approved, a final development plan of the remainder of the area shall be submitted to permit evaluation of the entire parcel. (Ord. 1987-62. Passed 7-20-87.)~~

~~1120.02 APPROVAL BY COMMISSION.~~

~~The Planning and Zoning Commission may approve or disapprove part or all of the preliminary and final site development plans depending on the conformance of the plans to the spirit and/or letter of this Zoning Code. The Commission may approve the preliminary and final site development plans contingent on the future submittal and approval by the Commission of portions of the required plans, such as final engineering or final landscape plans.~~

~~Any variances from the requirements of this Zoning Code shall require approval by the Commission and the consent of Council.
(Ord. 1987-62. Passed 7-20-87.)~~

~~1120.03 REPORTS BY OTHER BOARDS AND OFFICES.~~

~~After approval of the preliminary and final site development plans, the plans shall be submitted to the Architectural Board of Review, City Engineer, Fire Chief, Police Chief and Building Commissioner for review and report.~~

~~Any modification of the plans shall require approval by the Planning and Zoning Commission by the above procedure. No building permit shall be issued by the Building Commissioner until such site development plans have been approved as provided herein.~~

~~Failure to begin construction of all or an independent component of the approved plan within one year after the approval of the Commission shall void the plan as approved unless an extension of time is approved by the Commission with the consent of Council.
(Ord. 1987-62. Passed 7-20-87.)~~

~~1120.04 PERFORMANCE DEPOSIT.~~

~~Within fifteen days after approval by the Planning and Zoning Commission, the developer shall post a cash deposit with the Clerk of Council. The condition of such deposit shall be that the developer shall, within one year or such longer period as may be allowed by the Commission, commence construction of the development and that, upon failure to do so, the City shall be paid such cash deposit for liquidated damages for the failure to perform. Such deposit shall be determined according to the following scale:~~

Estimated Cost of Development	Amount of Deposit
To \$ 250,000	\$1,000
250,001 to 500,000	1,500
500,001 to 1,000,000	2,500
1,000,001 and up	5,000

~~The estimated cost of the development is to be determined by the Building Commissioner or his or her assignee.~~

~~If the development is an apartment project, such deposit shall be released as soon as the footings are installed, as certified by the Building Commissioner.
(Ord. 1987-62. Passed 7-20-87.)~~

~~1120.05 BUILDING PERMITS.~~

~~No building permit for the improvement of a parcel or portion thereof, or for the erection of any building, shall be issued for any building or structure in a U-3B District unless and until a final development plan has been approved in accordance with the provisions of this chapter, and the developer provides evidence that all State required long-term care certificates have been~~

issued and are valid for the construction of a long-term care center, if such use is a part of the development. After a final development plan has been approved, the Building Commissioner shall issue the necessary building and other permits upon payment of the required fees. (Ord. 1987-62. Passed 7-20-87.)

~~1120.06 CHANGES TO PLANS.~~

~~At any time after the approval of a preliminary or final development plan, the owner may request a change which shall be subject to the same procedures and conditions of approval as the original application. (Ord. 1987-62. Passed 7-20-87.)~~

~~1120.07-01 USE REGULATIONS PERMITTED USES.~~

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in the U-3B District for uses set forth in this section and the use regulations of this Zoning Code.

(a) Main Uses.

- (1) Senior citizen apartments, including any or all of the following: assisted elderly and handicapped units, independent living units, long-term care units and nursing home units.
- (2) ~~Apartment houses~~ Multi-family dwellings, as regulated by the U-3 District standards, except for building and parking setbacks which shall conform to the standards of the U-3B District. (Ord. 1987-62. Passed 7-20-87.)
- (3) Adult day care center, as a conditional use subject to the requirements of Section 1155.03. (Ord. 1996-196. Passed 1-27-97.)

(b) Accessory Uses. Accessory uses shall be limited to and have occupancy permits limiting them to those for the private use of residents and their guests. ~~The total combined floor area of all accessory uses shall be less than twenty five percent of the total floor area of the housing facility, excluding automobile parking facilities and outdoor recreation areas.~~ Such accessory uses shall be limited to the following:

- (1) Automobile parking and enclosed garages;
- (2) Common residential areas, including dining halls, lounges, libraries, auditoriums, craft rooms, game rooms, exercise rooms, swimming pools and laundry rooms;
- (3) Administrative offices;
- (4) Building services, such as compactors, boiler rooms, maintenance facilities, kitchens, storage areas and utility rooms;
- (5) Personal services, limited to barber shops, beauty shops, convenience groceries, cleaners, florists, gift shops, banks and post offices;
- (6) Snack bars and coffee shops;
- (7) Resident health services, limited to exercise rooms, physical therapy rooms, examination rooms, emergency first-aid rooms, and pharmacies; and
- (8) Outdoor recreation areas. (Ord. 1987-62. Passed 7-20-87.)

~~1120.082~~ DEFINITION OF AREA AND HEIGHT REGULATIONS.

The various area and height regulations of the area to be developed are defined in this section and scheduled in Section 1120.09.

- (a) Building Coverage. "Building coverage" means the maximum ratio of the ground floor area of the apartment buildings, commons and long-term care center or rest home to the lot area. Garage roofs, which are below grade and landscaped or developed as a terrace or similar landscape feature, may be excluded from the ground floor building area for this purpose.
- (b) Development Area. "Development area" means the minimum area to be constructed by a single owner or owners or group of owners of a parcel or assembled parcels, acting jointly, involving a related group of multiple-family dwellings, planned and developed as an entity, in order to qualify under the

- (c) planning development provisions.
Gross Floor Area of Dwelling Unit. "Gross floor area of dwelling unit" means the gross area contained within the unit.
- (d) Land Area Per Dwelling Unit. "Land area per dwelling unit" means the minimum area required within a development area for each dwelling unit in order to qualify under the planning development provisions.
- (e) Maximum Height. "Maximum height" means the vertical distance from the finish grade of the center of the building line to the highest point of the coping of the street wall in the case of a flat roof, irrespective of any decorative features, and to the eaves in the case of a pitched roof.
(Ord. 1987-62. Passed 7-20-87.)

1120.093 SCHEDULE OF AREA AND HEIGHT REGULATIONS.

Land and buildings shall be used in a U-3B District and buildings shall be designed, erected, altered, moved or maintained in such District in accordance with the following schedule:

- (a) Development area (minimum acres) 10
- (b) Density ~~(land per dwelling unit—~~
~~minimum sq. ft.)~~ 2,000²² Dwelling Units per Acre
- (c) Gross area of dwelling unit as follows:

<u>Minimum Apartment Unit Size</u>	<u>Minimum Area (sq. ft.)</u>
<u>1 bedroom unit</u>	<u>600</u>
<u>(there shall be not more than</u> <u>fifty percent of the units in</u> <u>this category)</u>	
<u>2 bedroom unit</u>	<u>875</u>
<u>3 bedroom unit</u>	<u>1,050</u>
<u>4 bedroom unit</u>	<u>1,375</u>
<u>Efficiency and alcove units</u> <u>are prohibited</u>	
<u>Rest home and long term care</u> <u>private room</u>	<u>250</u>
<u>Rest home and long term care</u> <u>double room</u>	<u>350</u>
<u>(there shall be not more than</u> <u>one rest home or long term</u> <u>care room for each four senior</u> <u>citizen apartment units)</u>	

Room and unit sizes shall be in accordance with the approved development plan.
- (d) Building coverage, including all above grade structures (maximum percent of land) shall not exceed 20% of the total land area.
- (e) Height of main buildings: buildings shall be limited to forty-eight feet in height, exclusive of mechanical equipment, penthouses, cornices or similar features not to exceed eight feet above the roof.
- (f) Minimum lot width: at the building line, the lot width shall be not less than 500 feet, with frontage on a public street.
(Ord. 1987-62. Passed 7-20-87.)

1120.1004 LAND PLANNING.

The following criteria shall guide the site planning of a development area:

- (a) Densities and Dwelling Types. A development area in a U-3B District will be of senior apartments, assisted living units and long-term care and rest home units. The units need not be distributed at a uniform density throughout the District, but those parts of the area occupied shall not exceed the density set forth for specific types of dwellings. The the area gross density shall not exceed twenty-two dwelling units per acre as set forth in Section 1120.09(b).

- (b) ~~Site Data. If there are more than two buildings in a development area, the distance between the walls of any two buildings shall be not less than one and one half times the height of the highest building, but in no instance less than forty feet. Each U-3B development shall be constructed in accordance with a development plan approved in conformance with Chapter 1108 and shall conform to the following minimum setbacks:~~

(1) <u>Building setbacks:</u>	Ft.
A. Main building to Richmond Rd.	200
B. Main building to other streets	160
C. Main building to property line adjacent to nonresidential	55
D. Main building to property line adjacent to residential	100
(2) <u>Parking setbacks:</u>	
A. Parking setback to Richmond Rd.	100
B. Parking setback to other streets	80
C. Parking setback to other non residential districts	10
D. Parking setback to residential districts	50

- (c) Parking.

- (1) Parking shall be provided at the rate of at least one space per apartment with a minimum of one-half space per apartment in underground or covered facilities.
- (2) Employee parking shall be provided at the rate of at least one space per each employee during the peak work shift.
- (3) Long-term care or rest home units shall be provided one-fourth space per unit.
- (4) Underground or covered facilities shall be constructed at an elevation low enough so that the roof will be covered and planted with trees, shrubs or ground cover, except that a roof slab may be incorporated into paved terraces or pool areas. Garage walls shall not be exposed unless they are a part of the approved landscape design.
- (5) Outside parking facilities may be open if provided with walkways and islands for trees and other landscape planning. Such facilities shall not be closer than twenty feet to the main residence building.
- (6) Parking may be land-banked if approved by the Planning and Zoning Commission, and shall be developed by the owner should the Commission determine that additional parking is required.
- (7) When access roads or driveways are provided of twenty-six feet in width (curb to curb) or more, one side of the road or driveway to a limit of nine feet from the curb may be computed in the required parking for the development.

~~(Ord. 1987-62. Passed 7-20-87.)~~

- ~~(d) Service and Shops. Services and shops developed in the commons hall shall be designed and constructed integrally with and managed as part of a building or buildings, and shall be limited in intent to serve primarily the senior apartment, long-term care center, rest home and assisted living unit residents and their guests. Delivery facilities to such services and shops shall be separated and concealed from normal pedestrian circulation routes of the buildings.~~

~~The architectural design shall be of a scale and character to conform with the apartment houses.~~

~~Services and shops within the commons shall not have any exterior signage or other signage which can be viewed from a public way or an adjacent property.~~

- (ed) Landscaping. A minimum of twenty percent (20%) of the site shall be landscaped. Land areas not occupied by buildings, parking or drives shall be left in a natural wooded state or landscaped, as in accordance with plans and specifications submitted to and approved by the City.

- ~~(f) Site Lighting. All site lighting shall be low in scale and unobtrusive to the eye of~~

~~passing residents and designed to interfere as little as possible with surrounding development.~~

- ~~(g) Latitudes. The latitudes in the development or redevelopment shall be consistent with and in a manner that will enhance the general amenities and unity of the neighborhood. (Ord. 1987-62. Passed 7-20-87.)~~

~~1120.11 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1120.11 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

CHAPTER 1121
U-4A Integrated Business District

1121.01	Intent.	1121.05	Off-street loading facilities.
1121.02	Permitted uses.	1121.0605	Development plans.
1121.03	Area, yard and height regulations.	1121.07	Occupancy.
1121.04	Off-street parking <u>and loading</u> facilities.	1121.08	Variances. (Repealed)
		1121.09	Single-lane driveways.

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Building lines - see P. & Z. 1145.02
Nonconforming uses - see P. & Z. Ch. 1147
Certificates of occupancy - see BLDG. Ch. 1313
Building permits, fees and deposits - see BLDG. Ch. 1329

1121.01 INTENT.

It is the intent of this chapter (Class U-4A Districts) to provide for the grouping of local retail shops and services in designated areas near residential neighborhoods primarily for the ordinary shopping needs of a daily and weekly nature, as well as for some of those establishments usually associated with such shopping; to protect both residential and business developments from congestion by requiring off-street parking and loading facilities; and to provide for indoor recreation and athletic facilities located to protect both residential and business developments from traffic congestion. (Ord. 1980-67. Passed 9-8-80.)

1121.02 PERMITTED USES.

(a) Buildings and land in a Class U-4A District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated as Class U-4A uses in Section 1111.02, except that other similar harmonious and compatible uses as may be determined by the Planning and Zoning Commission and approved by Council may be permitted.

(b) Accessory uses customarily incident to the main uses listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:

- (1) Parking garages and off-street parking and loading areas for employees and customers as provided in this chapter.
- (2) Maintenance, storage and incineration facilities provided the incinerator is located within the main building and conforms to the regulations of Part III, Sections 3.1 to 3.13, inclusive, Bulletin 82 of the American Insurance Association.
- (3) All solid waste collection, compaction, storage or container facilities shall be located within the main building and physically separated from other uses by a wall or similar partition.

~~(c) Permitted uses on a single lot in a Class U-4 District shall be designed and built as a single free-standing building or attached buildings containing one or more individual stores in a unified complex. The Planning and Zoning Commission may permit the clustering of semiattached or detached buildings if such clustering does not violate the intent of this chapter and will result in a harmonious development. (Ord. 1980-67. Passed 9-8-80.)~~

1121.03 AREA, YARD AND HEIGHT REGULATIONS.

- (a) Area.
- (1) The ground area occupied by the building shall not exceed thirty percent

- (30%) of the total area of the lot.
- (2) Not less than fifteen percent (15%) of the total lot area shall be developed as planted areas in accordance with a landscape plan as approved by the Planning and Zoning Commission and shall be maintained in good condition.
- (3) The minimum lot width ~~of at~~ the building setback line shall be 150 feet.
(~~Ord. 2004-56. Passed 6-21-04.~~)

(b) Yards.

- (1) A front yard of not less than 100 feet shall be provided ~~unless shown otherwise on the Zone Map.~~
- (2) Where adjoining a residential district, a side yard shall not be less than fifty feet, nor less than twenty-five feet where adjoining a public street ~~unless shown otherwise on the Zone Map.~~ Within a U-4A District, side yards ~~between free-standing buildings and adjoining lot lines~~ shall be not less than twenty-five feet.
- (3) Where adjoining a residential district, the rear yard shall not be less than fifty feet. In all other locations, the rear yard shall be not less than twenty-five feet.
- (4) The Planning and Zoning Commission shall require, from each applicant for its approval, a landscape plan depicting the design of the installation of a fence, wall, hedge and/or other suitable screening and/or planting in order to create a buffer area where a residential district adjoins or abuts a rear or side yard of a lot in a U-4A District.

(c) Off-Street Parking and Loading in Yards. Accessory off-street parking in a front yard shall be permitted no closer than ten feet from a street line. Accessory off-street loading spaces in a front yard shall be permitted no closer than fifty feet from a street line.

Accessory off-street parking and driveways in a side or rear yard shall be permitted no closer than ten feet from a property line or thirty feet from a residential district line. Accessory off-street loading in a side or rear yard shall be permitted no closer than fifteen feet from a property line or fifty feet from a residential district line.

All portions of required yards in which no off-street parking or driveways are permitted shall be developed as lawn or planted areas or maintained in an orderly wooded state.

(d) Height. Building height shall not exceed ~~twenty-five~~forty-two (42) feet, inclusive of towers, cornices or similar features ~~as approved by Council.~~
(~~Ord. 1980-67. Passed 9-8-80.~~)

1121.04 OFF-STREET PARKING AND LOADING FACILITIES.

~~The following requirements are provided so that the required off-street parking facilities shall be developed in such manner as to interfere as little as possible with the use and enjoyment of neighboring residential properties and with pedestrian and vehicular traffic on neighboring streets:~~

- ~~(a) Parking facilities shall be located on the same lot as the main building or use served, provided, however, that the Planning Commission may authorize joint or shared use of parking facilities by two (2) or more uses provided there are legal agreements approved by the Law Director setting forth access, use and maintenance provisions for such facilities.~~
- ~~(b) The minimum number of off-street parking spaces shall be as follows:~~

Use	Minimum Parking Spaces
Retail stores	1 space for each 200 square feet of gross floor area.
Eating and drinking places	1 space per 2 seats at maximum permissible occupancy; provided however that parking for outdoor seating areas shall be provided at 1 space for each four (4) seats.

- | | |
|---|--|
| Service establishments | 1 space for each 200 square feet of gross floor area. |
| Banks | 1 space for each 150 square feet of gross floor area. |
| Private schools and colleges | 10 spaces for each classroom plus 1 space for every 200 square feet of gross floor area other than classrooms. |
| Child day care centers | Per Section 1155.02. |
| Adult day care centers | Per Section 1155.03. |
| Offices | 1 space for each 200 square feet of gross floor area. |
| Medical offices | 1 space for each 150 square feet of gross floor area. |
| Indoor recreation | 6 spaces for each tennis, handball, racquet ball, squash or other court, plus 1 space for each 100 square feet of other recreation use, plus 1 space for each employee. |
| Dance studios | 1 space for each 150 square feet of gross floor area. |
| Exercise and training facilities | 1 space for each 150 square feet of gross floor area. |
-
- ~~(c) The gross floor area of a building shall be the total area of all the floors including the basement measured from the exterior faces of the building.~~
 - ~~(d) A parking space shall be not less than 180 square feet (minimum of nine feet by twenty feet) exclusive of drives and turning spaces.~~
 - ~~(e) Handicapped parking spaces and access shall be provided, designed, located, and identified in accordance with the requirements of the Americans with Disabilities Act.~~
 - ~~(f) All parking areas and driveways shall be provided with an asphalt, concrete or other similar hard surface designed in accordance with criteria established by the City Engineer. All drive aprons shall be concrete. All parking areas and driveways shall be graded and drained to provide positive drainage away from buildings, to prevent runoff onto adjacent properties, and to direct storm water to an approved inlet.~~
 - ~~(g) Concrete or stone curbs at least six (6) inches above the level of the surface of the parking area and at least twelve (12) inches below the surface shall be provided to define the limits of the parking area except at exits and entrances. Such curbs shall be at least six (6) inches thick.~~
 - ~~(h) Drive aisles providing direct access to parking spaces shall be a minimum of twenty four (24) feet in width. On site drive aisles which do not provide access to individual parking spaces shall be a minimum of twenty (20) feet in width.~~
 - ~~(i) All parking facilities with a capacity of over ten (10) vehicles shall have permanent pavement markings to delineate the spaces. All parking areas containing more than forty (40) spaces shall contain planting strips or islands to interrupt the mass of paved area, aid in controlling the flow of traffic, and provide visual quality. A minimum of five (5) square feet of landscaped area shall be provided within the parking area for each 100 square feet of vehicle use area.~~
 - ~~(j) The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Therefore, whenever possible, the center line of the access driveways on the frontage street shall be at least forty feet from the right of way line of the nearest intersecting street and spaced at not less than 120 feet intervals measured from the center line of the driveways. At least two separate driveways shall be provided and, whenever possible, they shall be limited to either entrance or exit.~~
 - ~~(k) Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits shall conform to the following schedule:~~

	Width (in feet)	
	Minimum	Maximum
One lane	12	14
Two lanes	20	24
Three lanes	30	36

- ~~(l) The angle of intersection between driveways and the street shall be as near to ninety degrees as possible, but in no case less than eighty degrees. The turn-out radius of the edge of the apron shall conform to criteria established by the City Engineer for safe connection to the public street.~~
- ~~(m) All access drives and parking areas shall be designed to provide appropriate accessibility for emergency vehicles as determined by the Fire Chief.~~
- ~~(n) Sources of light for illumination of buildings or grounds shall be shielded so that the light source is not directly visible from residential property and light spillage at the property line shall not be greater than 0.1 lumens and shall be installed in conformance with a lighting plan approved by the Planning Commission.
(Ord. 2004-56, Passed 6-21-04; Ord. 2016-21, Passed 5-2-16.)~~

~~1121.05 OFF-STREET LOADING FACILITIES.~~

~~(a) Loading facilities shall be located on the same lot as the main building or use served and located so that a public street or sidewalk will not be occupied during the loading or unloading process.~~

~~(b) Off-street loading spaces shall be provided with surface improvements as required for parking areas in Section 1121.04(e).~~

~~(c) Repairing or servicing of motor vehicles shall not be permitted in an off-street loading space. Space required and allocated for off-street loading shall not be allocated or used to satisfy the space requirements for off-street parking.~~

~~(d) An off-street loading space at least twelve feet wide by at least twenty-five feet in length shall be provided for buildings less than 15,000 square feet in gross floor area, and an off-street loading space of not less than twelve feet wide by fifty feet in length shall be provided for a building having a floor area of 15,000 feet or more. In all cases, off-street loading spaces shall be provided for a building or a group of buildings so that the length of the required space shall be in accordance with the usual size of truck employed for loading or unloading. Each space shall have a vertical clearance of at least fourteen feet. The required areas shall be exclusive of aisle and maneuvering space.~~

~~(e) Schedule of Minimum Requirements for Required Minimum
Required Off-Street Loading Spaces Number of Spaces~~

Use	Gross Floor Area (in sq. ft.)	Number of Spaces
Retail Stores	Up to 9,999	1
	10,000 to 39,999	2
	40,000 to 100,000	3
	Each additional 50,000	1
Servicing, cleaning, repairing	Up to 40,000	1
	40,000 to 100,000	2

~~(Ord. 1980-67, Passed 9-8-80.) Off-street parking and loading facilities shall be provided in accordance with Chapter 1144.~~

~~1121.06-05 DEVELOPMENT PLANS.~~

~~(a) Submission of Plans. Preliminary and final site development plans are required and shall be prepared for all proposed developments in a Class U-4A District. Site development plans shall be prepared by persons professionally qualified to do such work and shall be submitted to the Planning and Zoning Commission and reviewed in accordance with the provisions of Chapter 1108.~~

~~(b) Contents of Preliminary Site Plans. Preliminary site development plans shall be prepared at an appropriate scale and shall include the following:~~

- ~~(1) Property description. A boundary description based on deed records showing the land owned and proposed for development and topographic contours at an interval acceptable to the City Engineer.~~
- ~~(2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.~~
- ~~(3) Setbacks. All required setbacks and yard areas.~~
- ~~(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume; and plans for control of traffic in and around the development.~~
- ~~(5) Utilities. A schematic plan for all utility installations.~~
- ~~(6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.~~
- ~~(7) Drainage. Conceptual plans for grading, drainage and storm water management, including identification of the intended outlet.~~
- ~~(8) Landscaping. Conceptual plans showing the areas to be landscaped, the locations and dimensions of buffer areas, and proposed parking lot planter strips and/or islands. Plans shall include information regarding the general landscape treatment and the nature of buffer and/or screening treatments.~~
- ~~(9) Lighting. A schematic site lighting plan.~~
- ~~(10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.~~

~~(c) Contents of Final Site Plans. Site development plans shall be prepared at an appropriate scale and shall include the following:~~

- ~~(1) Survey. A boundary and topographic survey, showing the land owned and proposed for development and contours at an interval acceptable to the City Engineer.~~
- ~~(2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.~~
- ~~(3) Setbacks. All required setbacks and yard areas.~~
- ~~(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume and plans for control of traffic in and around the development.~~
- ~~(5) Utilities. The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.~~
- ~~(6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.~~
- ~~(7) Drainage. Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information, and proposed storm outlet facility.~~
- ~~(8) Landscaping. Detailed designs of landscaped yards, planting areas, buffer and screening improvements, and parking lot planter strips and/or islands, including plant lists and installation details.~~
- ~~(9) Lighting. A site lighting plan which indicates placement, heights, and types of lighting fixtures. Such plans may include details of resulting levels of illumination as required.~~
- ~~(10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.~~
- ~~(11) Signs. The location, size and design of all signage to be placed on the site.~~

~~(d) Approval of Plans. If the Planning and Zoning Commission finds the plans are in~~

~~accordance with this Zoning Code and other ordinances of the City, the Commission may grant approval and the final development plan shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of a site development plan as it may deem reasonably required to insure compliance with the spirit and intent of this chapter and to protect the public health, safety and welfare. An approved plan may be modified by the same procedure.~~

~~When reviewing site development plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant.~~

~~No building permits shall be issued by the Building Commissioner until a site development plan has been approved as provided herein. Failure to apply for a building permit within two (2) years from the date of final site development plan approval shall render such site development plan approval null and void and shall require submission of a new site plan. Failure to begin construction of the plan within six (6) months after the issuance of a building permit shall void the plan as approved unless an extension of time is granted by Council.
(Ord. 2004-56. Passed 6-21-04.)~~

~~1121.07 OCCUPANCY.~~

~~No use or occupancy shall be permitted until the development plan for which a building permit has been issued is substantially completed and until a certificate of occupancy is obtained from the Building Commissioner as provided in the Building Code.
(Ord. 1980-67. Passed 9-8-80.)~~

~~1121.08 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1121.08 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

~~1121.09 SINGLE LANE DRIVEWAYS.~~

~~Notwithstanding any other provision of this chapter to the contrary, a single lane driveway located adjacent to or within 100 feet of a building shall be at least eighteen feet in width, to be located with the approval of the Planning and Zoning Commission.
(Ord. 1987-44. Passed 4-6-87.)~~

CHAPTER 1123
U-4B Shopping Center District

1123.01	Intent.	1123.05 Signs.
1123.02	Permitted uses.	1123. 06-05 Development plans.
1123.03	Area, yard and height regulations.	1123.07 Occupancy.
1123.04	Off-street parking.	1123. 08056 1123. 09067

Illumination.
Access.

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lot requirements for issuance of building permits -
see P. & Z. 1143.04
Certificates of occupancy - see BLDG. Ch. 1313
Submission of plans to Architectural Board of Review;
fee - see BLDG. 1329.08

1123.01 INTENT.

This chapter (Class U-4B District) is established to provide regulations for a regional scale fashion shopping center designed in a cohesive fashion, requiring large amounts of land, involving uses generating large volumes of traffic, and serving the shopping needs of the region extending beyond the boundaries of the City. General retail businesses, shops and offices providing services are permitted in this District only as part of a unified site design which incorporates an enclosed mall, and further provided that such uses are consistent with the fashion character of the center.

(Ord. 2013-82. Passed 11-18-13.)

1123.02 PERMITTED USES.

Buildings and land in a Class U-4B District shall be designed, created, used, altered, and intended only as a unified and cohesive shopping center which shall include an interior sheltered walk or promenade that provides access to a variety of retail stores, restaurants, and service uses. Permitted uses shall ~~include retail stores, personal services, restaurants, and offices, which are be~~ consistent with the fashion character of the center and may include the following provided that under no circumstances shall the percentage of space dedicated to retail sales be less than fifty percent (50%) of the total floor area:

- (a) Retail Stores;
- (b) Personal Services;
- (c) Restaurants;
- (d) Offices;
- (e) Medical facilities including clinics and urgent care facilities, but excluding facilities with patient beds for overnight stays with a Conditional Use Permit;
- (f) Hotels, which may be freestanding or attached to the main building with a Conditional Use Permit;
- (g) Fitness Centers with a Conditional Use Permit;
- (h) Residences with a Conditional Use Permit and provided that no residences shall be located in the main mall building except above the retail store levels;
- (i) Free-standing restaurants and outdoor dining areas may be approved provided that they are consistent in style with the fashion character of the mall, are designed and oriented to be compatible with the overall design of the mall and ~~obtain a Conditional Use Permit from the Planning and Zoning Commission.~~ further provided that there shall be no drive-thru or drive-up facilities. Curbside pickup may be permitted provided that the number and location of spaces dedicated for such pickup are approved by the Planning and Zoning Commission as part of the

- site development plan approval;
- (j) Medical marijuana dispensaries with a Conditional Use Permit;
 - (k) Accessory uses including parking garages, parking lots, truck loading and delivery areas, signs, and solid waste collection, compaction, and storage facilities.

(Ord. 2013-82. Passed 11-18-13.)

1123.03 AREA, YARD AND HEIGHT REGULATIONS

(a) Area.

- (1) The ground area occupied by buildings, exclusive of parking decks, shall not exceed thirty percent (30%) of the total area of the development.
- (2) At least fifteen percent (15%) of the total area of the development shall be developed as planted or landscaped area.

(b) Yards.

- (1) The main mall building and other freestanding buildings, except as provided in Subsection 4 hereof, shall be setback a minimum of two hundred (200) feet from the right-of-way line of any public street.
- (2) Free-standing restaurants not exceeding 10,000 square feet in gross floor area and twenty-five (25) feet in height may be located closer than two hundred (200) feet but not less than one hundred (100) feet from any street right-of way.
- (3) The main mall building and other freestanding buildings, except as provided in Subsection 4 hereof, shall be setback a minimum of one hundred (100) feet from any adjacent side or rear property line.
- (4) Free-standing restaurants shall be setback a minimum of ~~one hundred (100)~~ fifty (50) feet from any adjacent side or rear property line.
- (5) Parking spaces shall be setback a minimum of thirty (30) feet from the right-of-way lines of Cedar Road and George Zeiger Drive.
- (6) Parking spaces shall be setback a minimum of sixty (60) feet from the right-of-way line of Richmond Road.
- (7) Parking spaces shall be setback a minimum of ~~fifty (50)~~ twenty (20) feet from any adjacent side or rear property line. This requirement may be waived by the Planning and Zoning Commission where there are shared access and parking easements.
- (8) Required setbacks shall be improved with landscaping which may include the installation of fences, walls, hedges, mounding, or other treatments as approved to create visual appeal and provide screening or buffering as appropriate.

(c) Height. The height of buildings shall not exceed ~~fifty (50)~~ one hundred (100) feet inclusive of towers, cornices, and decorative architectural features.
(Ord. 2013-82. Passed 11-18-13.)

1123.04 OFF-STREET PARKING.

~~(a) Accessibility. Handicapped parking and access shall be provided, designed, located and identified in accordance with the requirements of the Americans with Disabilities Act.~~

~~(b) Pavement and Grading. All parking areas and driveways shall be provided with an asphalt, concrete, or similar hard surface designed in accordance with criteria established by the City Engineer. All drive aprons shall be concrete. All parking areas and driveways shall be graded and drained to provide positive drainage away from buildings, to prevent runoff onto adjacent properties, and to direct storm water to an approved outlet.~~

~~(c) Curbs. Concrete or stone curbs at least six (6) inches above the level of the surface of the parking area and at least twelve (12) inches below the surface shall be provided to define the limits of the parking area. Such curbs shall be at least six (6) inches thick.~~

~~(d) Landscape Islands Required. Parking areas shall be developed with planted islands distributed so as to interrupt the expanse of paved area as approved by the Planning and Zoning Commission. Planter islands shall be of sufficient width to adequately support and maintain the landscape materials.~~

~~(e) Emergency Access. All access drives and parking areas shall be designed to provide appropriate accessibility for emergency vehicles as determined by the Fire Chief.~~

~~(f) Screening of Service Areas. Loading spaces and service areas shall be screened from view to the greatest extent possible with screen walls, landscaping, or other approved methods.~~

~~(g) Parking Ratio. Parking spaces shall be provided at a minimum rate of four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area. Gross leasable area shall be the total area of all floors designed for tenant occupancy and exclusive use but does not include common areas such as arcades, stairwells, elevators, and mechanical equipment rooms.~~

~~(h) Parking Dimensions. Individual parking spaces shall not be less than one hundred eighty (180) square feet in area exclusive of drive aisles. The minimum width of a double loaded parking bay shall be sixty (60) feet.
(Ord. 2013-82, Passed 11-18-13.) Off-street parking and loading facilities shall be provided in conformance with the provisions of Chapter 1144.~~

~~1123.05 SIGNS.~~

~~(a) Area of Signs. The total area of all permanent signs shall not exceed one (1) square foot for each lineal foot of exterior perimeter wall of the main mall building as determined by the Building Commissioner. Total permanent sign area may be allocated to any or all of the sign types in Subsections (b) through (e) subject to the restrictions and requirements set forth herein.~~

~~(b) Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached. Wall signs may be backlit or externally illuminated. If internally illuminated, only letters and logos shall transmit light, backgrounds shall remain solid opaque. Wall signs may include any or all of the following:~~

- ~~(1) Mall Signs. Wall signs may be permitted on the main mall building only to identify mall entrances and for anchor tenants with exterior entrances.~~
- ~~(2) Streetscape Tenant Signs. Wall signs for streetscape tenants facing Richmond Road shall not exceed one (1) square foot per lineal foot of store frontage nor shall the length of such signs be more than seventy percent (70%) of the store frontage. Lighting of streetscape tenant signage shall be turned off during nonbusiness hours.~~
- ~~(3) Restaurant Signs. Wall signs for free-standing restaurants shall not exceed one (1) square foot per lineal foot of wall frontage nor shall the length of any such signs be more than seventy percent (70%) of the length of the wall to which it is attached. Illuminated restaurant signs shall be turned off during nonbusiness hours.~~

~~(c) Monument Signs. The mall development shall be permitted a total of two (2) monument signs, which shall not exceed forty eight (48) square feet in area nor ten (10) feet in height. One such monument sign may be located at the intersection of Cedar Road and George Zeiger Drive and the other at the intersection of Richmond Road and George Zeiger Drive. Monument signs shall be located a minimum of ten (10) feet from all property boundary lines and the public right-of-way. Each monument sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal mall building. The base and foundation of each monument sign shall be landscaped with plant material as approved by the Planning and Zoning Commission.~~

~~(d) Entrance Identification Signs. The mall development shall be permitted two (2) entrance identification signs at each driveway entrance to the site. Entrance identification signs shall not exceed forty eight (48) square feet in area nor eight (8) feet in height and shall be located a minimum of ten (10) feet from all property boundary lines and the public right-of-way. Each entrance identification sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal mall building. The base and foundation of each entrance identification sign shall be landscaped with plant material as approved by the Planning and Zoning Commission.~~

~~(e) Window Signs. Window signs shall be limited to one (1) such sign per use or tenant which sign shall not exceed a maximum of four (4) square feet in area.~~

~~(f) Wayfinding Signs. The mall development shall submit a Wayfinding Signage Plan to the Planning and Zoning Commission as part of the Site Plan Review process. The Planning and Zoning Commission may, at its sole discretion, authorize the installation of wayfinding signs where it deems their use necessary and/or appropriate for guiding traffic flow on the site. Wayfinding signs approved by the Planning Commission shall not be counted as part of the total permitted sign area as set forth in Subsection (a) hereof. The number, size, height, and location of wayfinding signs shall be as authorized by the Planning and Zoning Commission, provided however, that no such signs shall exceed a maximum of forty eight (48) square feet in area or twelve (12) feet in height.~~

~~(g) Temporary Signs. Temporary signs may be approved from time to time for such duration and in such manner as specifically authorized by the Safety Director and Building Commission. Temporary signs shall require the approval of the Architectural Review Board.~~

~~(h) Compliance Required. All signs erected in the U-4B District shall comply with the provisions of Chapter 1141.
(Ord. 2013-82. Passed 11-18-13.)~~

1123.06-05 DEVELOPMENT PLANS.

~~(a) Submission of Plans. Preliminary and final site development plans are required and shall be prepared for all proposed developments in a Class U-4B District. Site development plans shall be prepared Commission and reviewed in accordance with the provisions of Chapter 1108 by persons professionally qualified to do such work and shall be submitted to the Planning and Zoning Commission.~~

~~(b) Contents of Preliminary Site Plans. Preliminary site development plans shall be prepared at an appropriate scale and shall include the following:~~

- ~~(1) Property description. A boundary description based on deed records showing the land owned and proposed for development and topographic contours at an interval acceptable to the City Engineer.~~
- ~~(2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.~~
- ~~(3) Setbacks. All required setbacks and yard areas.~~
- ~~(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume; and plans for control of traffic in and around the development.~~
- ~~(5) Utilities. A schematic plan for all utility installations.~~
- ~~(6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.~~
- ~~(7) Drainage. Conceptual plans for grading, drainage and storm water management, including identification of the intended outlet.~~
- ~~(8) Landscaping. Conceptual plans showing the areas to be landscaped, the locations and dimensions of buffer areas, and proposed parking lot planter strips and/or islands. Plans shall include information regarding the general~~

- landscape treatment and, the nature of buffer and/ or screening treatments.
- (9) ~~Lighting.~~ A schematic site lighting plan.
 - (10) ~~Miscellaneous.~~ The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.

~~(c) Contents of Final Site Plans.~~ Final site development plans shall be prepared at an appropriate scale and shall include the following:

- (1) ~~Survey.~~ A boundary and topographic survey, showing the land owned and proposed for development and contours at an interval acceptable to the City Engineer.
- (2) ~~Buildings.~~ The locations, size, heights and proposed use of all main and accessory buildings and their general design.
- (3) ~~Setbacks.~~ All required setbacks and yard areas.
- (4) ~~Traffic.~~ The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume and plans for control of traffic in and around the development.
- (5) ~~Utilities.~~ The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.
- (6) ~~Parking facilities.~~ The layout and number of parking spaces, drive aisles, design features, and type of pavement.
- (7) ~~Drainage.~~ Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information, and proposed storm outlet facility.
- (8) ~~Landscaping.~~ Detailed designs of landscaped yards, planting areas, buffer and screening improvements, and parking lot planter strips and/or islands, including plant lists and installation details.
- (9) ~~Lighting.~~ A site lighting plan which indicates placement, heights, and types of lighting fixtures. Such plans may include details of resulting levels of illumination as required.
- (10) ~~Miscellaneous.~~ The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.
- (11) ~~Signs.~~ The location, size and design of all signage to be placed on the site.

~~(d) Approval of Plans.~~ If the Planning and Zoning Commission finds the plans are in accordance with this Zoning Code and other ordinances of the City, the Commission may grant approval and the final development plan shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of site development plans as it may deem reasonable and appropriate to insure compliance with the spirit and intent of this chapter and to protect the public health, safety and welfare. An approved site development plan may be modified by the same procedure. When reviewing site development plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant. No building permit shall be issued by the Building Commissioner until a site development plan has been approved as provided herein.

~~(e) Time Limitation on Plan Approval.~~ Failure to apply for a building permit within two (2) years from the date of final site development plan approval shall render such site development plan approval null and void and shall require submission of a new site plan prior to the commencement of any construction. Failure to begin construction of the plan within six (6) months after the issuance of a building permit shall void the plan as approved unless an extension

of time is granted by Council.
(Ord. 2013-82. Passed 11-18-13.)

~~1123.07 OCCUPANCY.~~

~~———— No use or occupancy shall be permitted until the development plan for which a building permit has been issued is substantially completed and until a certificate of occupancy has been obtained from the Building Commissioner.
(Ord. 2013-82. Passed 11-18-13.)~~

1123.~~08-06~~ ILLUMINATION.

Sources of light for illumination of buildings and grounds shall be shielded so that the light source is not directly visible from residential property and light spillage at the property line shall not be greater than 0.1 ~~lumens~~ foot candles and shall be installed in conformance with a lighting plan approved by the Planning Commission.
(Ord. 2013-82. Passed 11-18-13.)

1123.~~09-07~~ ACCESS.

Direct vehicular access to the mall development from a public right-of-way shall only be from Cedar Road and George Zeiger Drive.
(Ord. 2013-82. Passed 11-18-13.)

CHAPTER 1124
Class U-5 Public and Institutional

1124.01	Intent.	1124. 08-07	Site lighting.
1124.02	Permitted uses.	1124. 09-08	Wireless telecommunications facilities.
1124.03	Lot dimensions.	1124. 10-09	Development plans.
1124.04	Area, yard and height regulations.	1124.11	Occupancy.
1124.05	Landscaping and screening.	1124.12	Variances. (Repealed)
1124.06	Site access	1124. 13 10	Rezoning.
1124. 07-06	<u>Parking and loading facilities.</u>		Parking and loading facilities.

CROSS REFERENCES

Adult day care centers - see P. & Z.1155.03
Child day care centers - see P. & Z.1155.02
Signs - see P. & Z. Ch. 1141

1124.01 INTENT.

This chapter is established to provide appropriate regulations for the operation, expansion, and maintenance of existing educational, religious, cultural and governmental uses, and to provide for the development of institutional uses which serve the needs of the residents of the City in a manner consistent with the overall land use and zoning plan of the City; compatible and harmonious with established residential neighborhoods; and designed to minimize impacts on adjacent properties.
(Ord. 1997-112. Passed 1-6-98.)

1124.02 PERMITTED USES.

(a) Buildings and land in a Class U-5 District shall be used and buildings shall be designed, altered, moved or intended only for the uses specifically designated as Class U-5 uses in Section 1111.02.

(b) The following accessory uses shall be permitted provided such uses are incidental and subordinate to a principal use listed in Section 1111.02, and further provided that such accessory uses are planned and developed in connection with said principal use:

- (1) Child Day Care Center subject to Section 1155.02.
- (2) Adult Day Care Center subject to Section 1155.03.
- (3) Parking Facilities.
- (4) Assisted Living Facilities provided such facilities are operated in conjunction with a licensed nursing home.
- (5) Wireless Telecommunication Facilities subject to Section 1124.09.
- (6) Signs subject to Chapter 1141.
- (7) Satellite dish antennas subject to Chapter 1153.
(Ord. 1997-112. Passed 1-6-98.)

1124.03 LOT DIMENSIONS.

The minimum area of any U-5 District shall be three acres and the minimum street frontage shall be 250 feet.
(Ord. 1997-112. Passed 1-6-98.)

1124.04 AREA, YARD AND HEIGHT REGULATIONS.

(a) Area Regulations. The ground area occupied by buildings shall not exceed twenty-five percent (25%) of the total area of the lot. Provided, however, that the maximum ground area covered by buildings may be increased to thirty percent (30%) of the total site area

with the approval of the Planning and Zoning Commission and the consent of City Council in instances where structured parking is provided within 200 feet of the principal use. Not less than twenty-five percent (25%) of the total lot area shall be developed as planted areas.

(b) Yard Regulations.

(1) Front. The front setback shall not be less than seventy-five feet in depth as measured from the street right-of-way line and shall be used only for access drives and landscaping.

(2) Side and Rear. Each lot shall have side and rear yards each of which shall be not less than fifty feet. Any side or rear yard which abuts a residential district shall be a minimum of eighty feet. No buildings, drives or parking areas shall be located within the required side or rear yards.

(c) Height Regulations. Height of buildings shall not exceed two stories or forty feet exclusive of towers, steeples, cornices, or similar features as approved by the Planning Commission with the concurrence of City Council.
(Ord. 2012-166. Passed 2-4-13.)

1124.05 LANDSCAPING AND SCREENING.

(a) Whenever a U-5 District is located adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face residentially zoned property by an acceptably designed wall, fence, mound or planting screen. Such wall, fence, mound or planting screen shall be not less than six feet in height and shall be maintained in good condition.

(b) Required yard areas shall be landscaped in accordance with a landscape plan as approved by the Planning Commission and shall be maintained in good condition.

(c) Dumpsters and/or garbage collection facilities shall be enclosed by a solid wall or fence at least six feet in height and constructed of materials which are compatible in type, texture, style, and color with the main building.

(d) All buildings shall have appropriate foundation plantings, installed in conformance with an approved landscape plan, which complement the architectural treatment and provide for year round interest.
(Ord. 1997-112. Passed 1-6-98.)

~~1124.06 SITE ACCESS.~~

~~(a) The location, number and width of entrance and exit driveways to parking facilities shall be planned to minimize interference with the use of adjacent properties and with the public rights of way. All curb cuts or access locations shall be subject to the review and approval of the Planning Commission which may require recommendations from the City Engineer and/or the City's Traffic Engineer. To minimize impacts on residential neighborhoods, each U-5 District shall have frontage or direct access to an arterial street. To minimize impacts on public rights of way, the centerline of access driveways shall be located as far as practical from street intersections but in any case shall not be located within 120 feet of the right of way line of the nearest intersecting street. Exit driveways shall be located so as to have adequate clear sight distance on the public street.~~

~~(b) Entrances and exits shall be limited to a maximum of three lanes. The width of such entrances and exits shall conform to the following schedule:~~

	Width (in feet)	
	Minimum	Maximum
One lane	12	14
Two lanes	20	24
Three lanes	30	36

~~(c) The angle of intersection between driveways and the street shall be as near to ninety degrees as possible, but in no case less than eighty degrees. The turn-out radius of the~~

~~edge of the apron shall conform to criteria established by the City Engineer for safe connection to the public street.~~

~~(d) All access drives and parking areas shall be designed to provide appropriate accessibility for emergency vehicles as determined by the Fire Chief.
(Ord. 1997-112. Passed 1-6-98.)~~

~~1124.067~~ **PARKING AND LOADING FACILITIES.**

~~(a) Parking facilities shall be located on the same lot as the main building or use served, provided however, that the Planning Commission may authorize joint or shared use of parking facilities by two or more uses provided there are legal agreements approved by the Law Director setting forth access, use and maintenance provisions for such facilities.
(Ord. 1997-112. Passed 1-6-98.)~~

~~(b) Parking spaces shall be provided in conformance with the following schedule:~~

Use	Required Minimum Parking Spaces
(1) Governmental Facilities	1 space for every 250 square feet of gross floor area.
(2) Recreation Facilities	1 space for every 260 square feet of gross floor area.
(3) Primary Schools	2 spaces for each classroom plus 1 space for every 200 square feet of gross floor area other than classrooms.
(4) Secondary Schools	6 spaces for each classroom plus 1 space for every 200 square feet of gross floor area other than classrooms.
(5) Colleges	10 spaces for each classroom plus 1 space for every 200 square feet of gross floor area other than classrooms.
(6) Nursing homes	1 space for each bed.
(7) Assisted Living Facilities	1 space for each 1.5 units.
(8) Places of Worship	1 space for every 300 square feet of gross floor area.
(9) Libraries	1 space for every 300 square feet of gross floor area.
(10) Museums	1 space for every 400 square feet of gross floor area.
(11) Community Centers	1 space for every 150 square feet of gross floor area.
(12) Child Day Care Centers	Per Section 1155.02
(13) Adult Day Care Centers	Per Section 1155.03

~~(Ord. 1997-112. Passed 1-6-98; Ord. 2002-149. Passed 11-4-02.)~~

~~For exceptional circumstances where the proposed building or use requires a lesser parking requirement, the Planning and Zoning Commission may, after consideration of the proposed building or use, grant a variance as permitted under Section 1124.12.~~

~~(c) The gross floor area of a building shall be the total area of all the floors, including the basement, measured from the exterior faces of the building.~~

~~(d) A parking space shall be not less than 180 square feet, nine feet by twenty feet, exclusive of drives and turnings spaces.~~

~~(e) Handicapped parking spaces and access shall be provided, designed and located in accordance with the requirements of the Americans with Disabilities Act.~~

~~(f) All parking areas and driveways shall be provided with an asphalt, concrete or~~

~~other similar hard surface designed in accordance with criteria established by the City Engineer. All drive aprons shall be concrete. All parking areas and driveways shall be graded and drained to provide positive drainage away from buildings, to prevent runoff onto adjacent properties, and to direct storm water to an approved outlet.~~

~~(g) Concrete or stone curbs at least six inches above the level of the surface of the parking area and at least twelve inches below the surface shall be provided to define the limits of the parking area except at exits and entrances. Such curbs shall be at least six inches thick.~~

~~(h) Drive aisles providing direct access to parking spaces shall be a minimum of twenty-four feet in width. On-site drive aisles which do not provide access to individual parking spaces shall be a minimum of twenty feet in width.~~

~~(i) All parking facilities with a capacity of over ten vehicles shall have permanent pavement markings to delineate the spaces. All parking areas containing more than forty spaces shall contain planting strips or islands to interrupt the mass of paved area, aid in controlling the flow of traffic, and provide visual quality. A minimum of five square feet of landscaped area shall be provided within the parking area for each 100 square feet of vehicle use area.~~

~~(j) Loading areas shall be designed to provide adequate maneuvering area for service vehicles. Loading areas shall not be visible from the public right-of-way. (Ord. 1997-112. Passed 1-6-98.) Off-street parking and loading facilities shall be provided in conformance with Chapter 1144.~~

1124.08-07 SITE LIGHTING.

Parking areas and walkways which are intended to be used during non-daylight hours shall be properly illuminated to adequately provide for safety. Lights shall be so designed and arranged as to direct light away from the adjoining property and shall be installed in conformance with a lighting plan approved by the Planning Commission. There shall be no light spillage onto adjoining properties. Light poles shall not extend more than thirty feet in height above the finished grade of the parking area or walkway.
(Ord. 1997-112. Passed 1-6-98.)

1124.09-08 WIRELESS TELECOMMUNICATIONS FACILITIES.

(a) For the purpose of this chapter the following terms shall have the meanings set forth below:

- (1) "Wireless Telecommunications Facilities" means equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines.
- (2) "Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

(b) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except, where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels, or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

(c) Wireless telecommunications antennas, including dipole antennas over two inches in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet above the roof and shall be setback from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches or less in diameter may be attached to the rear (inside) of the parapet wall provided such

antennas do not extend more than three feet above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

(d) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety miles per hour.

(e) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

(f) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

(g) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03(y).

(h) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Planning Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Planning Commission for consideration.
(Ord. 1997-112. Passed 1-6-98.)

~~1124.10-09~~ DEVELOPMENT PLANS.

~~(a) Submission of Plans. Preliminary and final site development plans are required and shall be prepared for all proposed developments in a Class U-5 District. Site development plans shall be prepared Commission and reviewed in accordance with the provisions of Chapter 1108 by persons professionally qualified to do such work and shall be submitted to the Planning and Zoning Commission.~~

~~(b) Contents of Preliminary Site Plans. Preliminary site development plans shall be prepared at an appropriate scale and shall include the following:~~

~~(1) Property description. A boundary description based on deed records showing the land owned and proposed for development and topographic contours at an interval acceptable to the City Engineer.~~

~~(2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.~~

~~(3) Setbacks. All required setbacks and yard areas.~~

~~(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume; and plans for control of traffic in and around the development.~~

~~(5) Utilities. A schematic plan for all utility installations.~~

~~(6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.~~

~~(7) Drainage. Conceptual plans for grading, drainage and storm water management, including identification of the intended outlet.~~

~~(8) Landscaping. Conceptual plans showing the areas to be landscaped, the locations and dimensions of buffer areas, and proposed parking lot planter strips and/or islands. Plans shall include information regarding the general landscape treatment and the nature of buffer and/or screening treatments.~~

~~(9) Lighting. A schematic site lighting plan.~~

~~(10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.~~

~~(c) Contents of Final Site Plans. Site development plans shall be prepared at an appropriate scale and shall include the following:~~

- ~~(1) Survey. A boundary and topographic survey, showing the land owned and proposed for development and contours at an interval acceptable to the City Engineer.~~
- ~~(2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.~~
- ~~(3) Setbacks. All required setbacks and yard areas.~~
- ~~(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume, and plans for control of traffic in and around the development.~~
- ~~(5) Utilities. The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.~~
- ~~(6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.~~
- ~~(7) Drainage. Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information and proposed storm outlet facility.~~
- ~~(8) Landscaping. Detailed designs of landscaped yards, planting areas, buffer and screening improvements, and parking lot planter strips and/or islands, including plant lists and installation details.~~
- ~~(9) Lighting. A site lighting plan which indicates placement, heights, and types of lighting fixtures. Such plans may include details of resulting levels of illumination as required.~~
- ~~(10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.~~
- ~~(11) Signs. The location, size, and design of all signage to be placed on the site.~~

~~(d) Approval of Plans. If the Planning and Zoning Commission finds the plans are in accord with this Zoning Code and other ordinances of the City, it may grant approval and the final development plan shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of a site development plan as it may deem reasonably required to insure compliance with the spirit and intent of this chapter and to protect the public health, safety, and welfare. An approved plan may be modified by the same procedure.~~

~~When reviewing site development plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant.~~

~~No building permits shall be issued by the Building Commissioner until a site development plan has been approved as provided herein. Failure to apply for a building permit within two years from the date of final site development plan approval shall render such site development plan approval null and void and shall require submission of a new site plan. Failure to begin construction of the plan within six months after the issuance of a building permit shall void the plan as approved unless an extension of time is granted by Council. (Ord. 1997-112. Passed 1-6-98.)~~

~~1124.11 OCCUPANCY:~~

~~No use or occupancy shall be permitted until the plan as originally submitted and approved is seventy five percent (75%) completed and a certificate of occupancy is obtained from the Building Commissioner as provided in the Building Code. (Ord. 1997-112. Passed 1-6-98.)~~

~~1124.12 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1124.12 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

1124.103 REZONING.

In order to protect established single family residential neighborhoods, to preserve the single family residential character of the City, and to otherwise carry out the purposes of this zoning code, no land shall be rezoned from a Class U-1 Single-Family House District to a Class U-5 Public and Institutional District where such rezoning involves the consolidation of existing single family lots and/or the demolition, destruction, or removal of existing single family residences.

(Ord. 1997-112. Passed 1-6-98.)

CHAPTER 1127
U-7A General Office Building District

1127.01	Intent.	1127.05	Development plans.
1127.02	Permitted uses.	1127.06	Occupancy.
1127.03	Area, yard and height regulations.	1127.07	Variances. (Repealed)
1127.04	Parking facilities.	1127.08	Single-lane driveways.

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lot requirements for issuance of building permit - see P. & Z. 1143.04
Building lines - see P. & Z. 1145.02
Certificates of occupancy - see BLDG. Ch. 1313
Submission of plans to Architectural Board of Review; fee - see BLDG . 1329.08

1127.01 INTENT.

It is the intent of this chapter (Class U-7A Districts) to provide for buildings in areas near residential neighborhoods of such types as do not create large volumes of pedestrian and vehicular traffic, nor excessive noise, to provide employment opportunities, to provided medical services for nearby residential neighborhoods and to permit limited commercial development on parcels not considered appropriate for more intensive commercial uses. (Ord. 1966-96. Passed 9-19-66.)

1127.02 PERMITTED USES.

Buildings and land in a Class U-7A District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated as Class U-7A uses in Section 1111.02, except that other similar harmonious and compatible uses, as may be determined by the Planning and Zoning Commission and approved by Council, may be permitted. Accessory uses customarily incident to the main uses listed above shall be permitted, provided they are planned and developed integrally with the main building and provided further that in no event shall any one accessory use or any combination of accessory uses as hereinafter set forth in subsection (a) exceed a total of twenty percent (20%) of the maximum gross square footage of the floor area of the main building. Such accessory uses among those permitted under this section shall include:

- (a) The sale of drugs; the sale, serving and consumption of food, soft drinks, juices or ice cream at such places as lunch rooms; restaurant and florist shop.
- (b) Parking garages; off-street parking areas for employees and customers as provided in other sections of this chapter.
- (c) Maintenance and storage facilities within enclosed buildings or fenced areas.
- (d) Wireless telecommunications facilities subject to the following provisions:
 - (1) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.
 - (2) Wireless telecommunications antennas, including dipole antennas over two inches in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet above the roof and shall be

set back from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

- (3) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety miles per hour.
 - (4) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.
 - (5) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.
 - (6) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03(y).
 - (7) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Planning Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Planning Commission for consideration.
- (e) Satellite dish antennas subject to Chapter 1153.
- (f) Car washes provided that:
- (1) No washing or detailing activities are conducted outside of the building.
 - (2) There is no advertising or signage associated with the car wash.
 - (3) Washing is by hand only and no automated wash systems are used.
 - (4) The wash area does not exceed 600 square feet.
(Ord. 1998-41. Passed 4-20-98.)

1127.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Area Regulations. The area of a lot occupied by a main use shall be a minimum of one acre (43,560 square feet), with a minimum frontage width of 150 feet at the street line. The ground area occupied by the buildings shall not exceed twenty percent of the total area of the lot.

(b) Yard Regulations.

- (1) Front yard. Every lot or parcel shall provide a front yard of not less than seventy-five feet, except where the depth of such lot or parcel is 200 feet or less, in which case a front yard of not less than twenty feet may be permitted upon application to and approval by the Planning and Zoning Commission and the consent of Council.
- (2) Side yard. Except where a party wall is permitted, two side yards are required. Each side yard shall be at least equal to the height of the building and in no case less than ten feet, except that no side yard shall be less than twelve and one-half percent of the width of the lot. However, where adjoining a residential district, a side yard shall not be less than fifty feet.
- (3) Rear yard. Where adjoining a residential district, the rear yard shall be not less than fifty feet. In all other locations, the rear yard shall be not less than twenty-five feet.
- (4) Landscaping. Not less than five percent of the total land area, exclusive of the side yards, shall be developed as lawn or planted areas, or be maintained in an orderly wooded state, and in addition thereto, all portions of required yards in which no off-street parking is permitted, shall be developed as lawn or planted areas or maintained in an orderly wooded state.

- (5) Screening or Planting. The Planning and Zoning Commission shall require, from each applicant for its approval, a plan depicting the design of the installation of a fence, wall, hedge, mound or other suitable screening or planting in order to create a buffer area where a U-7A District adjoins or abuts a rear or side yard or is across a street from a residential district.

(c) Use of Yard for Accessory Parking. Accessory off-street parking in a front yard shall be permitted no closer than ten feet from a property line. Accessory off-street parking, including driveways, in a side yard or rear yard shall be permitted no closer than ten feet from a property line or thirty feet from a residential district line.
(Ord. 1970-129. Passed 12-21-70; Ord. 1981-39. Passed 5-4-81.)

(d) Height Regulations. Buildings shall not exceed forty-two (42) feet, exclusive of towers, cornices or similar decorative features. (Ord. 2007-139. Passed 4-7-08.)

(e) Other Conditions. Such other conditions or requirements may be imposed by the Planning and Zoning Commission as may be necessary to provide for the protection of the public peace, health, safety and welfare, and to insure a development which will not adversely affect the use and development of neighboring property.
(Ord. 1970-129. Passed 12-21-70; Ord. 1981-39. Passed 5-4-81.)

1127.04 PARKING FACILITIES.

~~(a) — Parking facilities shall be planned and developed in such manner as to interfere as little as possible with the use and enjoyment of neighboring residential properties and with pedestrian and vehicular traffic on neighboring streets.~~

~~(b) — Parking facilities shall be located on the same lot as the main building or use served. (Ord. 1972-38. Passed 3-20-72.)~~

~~(c) — Off street parking spaces shall be provided at the following rates:~~

~~(1) — Professional medical offices shall provide one space for each 150 square feet of gross floor area, provided, however, that where professional medical offices occupy less than ten percent (10%) of the gross floor area of a general office building parking shall be provided as set forth in Subsection 1127.04(c)(2). (Ord. 2000-187. Passed 2-20-01.)~~

~~(2) — Other office uses shall provide one space for each 200 square feet of gross floor area. (Ord. 1997-185. Passed 1-20-98.)~~

~~(3) — Nursing homes shall provide one space for each bed.
(Ord. 2002-149. Passed 11-4-02.)~~

~~(4) — Child day care centers shall provide spaces in conformance with Section 1155.02.~~

~~(5) — Adult day care centers shall provide spaces in conformance with Section 1155.03.~~

~~(6) — Licensed health care facilities shall provide one space for each 100 square feet of gross floor area of the facility.~~

~~(7) — Accessory restaurants shall provide one space for each two seats at maximum occupancy permitted by applicable State law; provided however that parking for outdoor seating areas shall be provided at 1 space for each four (4) seats.~~

~~(Ord. 1997-185. Passed 1-20-98; Ord. 2016-21. Passed 5-2-16.)~~

~~(d) — The gross floor area of a building shall be the total area of all floors, including the basement, measured from the exterior faces of the building. For the purpose of computing required off street parking, gross floor area shall not include atriums not used for office space, and ten percent of the gross floor area shall be deducted as an allowance for stairwells, elevators, restrooms, janitorial storage space, mechanical rooms and other nonrentable space.
(Ord. 1989-55. Passed 11-6-89.)~~

~~————(e)———A parking space shall be not less than 180 square feet (nine feet by twenty feet) exclusive of drives and turning spaces. At least ten percent of the area within the boundary of a parking area designed for more than fifty car spaces shall be developed as planted islands with minimum dimensions of ten feet and designed to interrupt the expanse of paving area. (Ord. 1981-39. Passed 5-4-81.)~~

~~————(f)———All parking areas and driveways shall be provided with an asphalt, concrete or other similar hard surface as shall be approved by Council. All parking areas and driveways shall provide adequate drainage so that all water is drained within the lot on which the parking area or driveway is located in such a manner that water shall not drain across public or private property. Concrete or stone curbs at least six inches above the level of the surface of the parking area and at least twelve inches below the surface shall be provided to define the limits of the parking area except at exits and entrances. Such curbs shall be at least six inches thick.~~

~~————(g)———The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Whenever possible the center line of the access driveways on the frontage street shall be at least forty feet from the right of way line of the nearest intersecting street and spaced at not less than 120 feet intervals measured from the center line of the driveways. Parking areas of fifteen spaces or less shall have at least one single lane driveway and shall be designed so that vehicles can be driven forward into the street. Those having sixteen or more spaces shall have two single lane driveways, if possible, or at least one two-lane driveway.~~

~~————Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the setback line, shall conform to the following schedule:~~

	—Width (in feet)	
	Minimum	Maximum
One lane	10	12
Two lanes	18	24
Three lanes	27	33

~~————In all cases, the radius of the edge of the apron shall be at least twelve feet so that a car entering from the curb lane shall be perpendicular to the setback line at the driveway without obstructing vehicles in other traffic lanes. (Ord. 1972-38. Passed 3-20-72.)~~

~~————(h)———Sources of light for illumination of buildings or grounds shall be shielded so that the light source is not directly visible from residential property and light spillage at the property line shall not be greater than 0.1 lumens and shall be installed in conformance with a lighting plan approved by the Planning Commission. (Ord. 2004-56. Passed 6-21-04.)~~
~~Off-street parking and loading facilities shall be provided in conformance with Chapter 1144.~~

1127.05 DEVELOPMENT PLANS.

~~————(a)———Submission of Plans. Preliminary and final site plans shall be prepared for all types of proposed developments in a Class U-7A District and submitted to the Planning and Zoning Commission Commission in accordance with the provisions of Chapter 1108. The plans shall include:~~

- ~~————(1)———Survey. A property line and topographic survey, showing the land owned and proposed for development.~~
- ~~————(2)———Buildings. The locations, size, heights and use of all main and accessory buildings and their general design and color.~~
- ~~————(3)———Traffic. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; estimates of traffic volumes; plans for control of traffic in and around the development.~~
- ~~————(4)———Utilities. The plans for all utility installations and connections and estimates required.~~

- ~~(5) Parking areas. A layout and estimate of the number of spaces, design features, type of pavement, location and type of lighting fixtures.~~
- ~~(6) Miscellaneous. Other site developments, including grading and drainage, designs of landscaped yards, planting areas and strips adjoining residential areas.~~
- ~~(7) Signs. The size, location and nature of outdoor signs shall first be presented to the Architectural Board of Review for its recommendation.~~

~~(b) Approval of Plans. If the Planning and Zoning Commission finds the plans are in accord with this Zoning Code and other ordinances of the City, the final development plan shall be submitted to the Architectural Board of Review for study and approval. The plan may be modified by the same procedure. No building permits shall be issued by the Building Commissioner until such development plan has been approved as provided herein.~~

~~Failure to begin the construction of all or an independent component of the plan within one year after the issuance of a permit shall void the plan as approved unless an extension of time is granted by Council. (Ord. 1966-96. Passed 9-19-66.)~~

~~1127.06 OCCUPANCY.~~

~~No use or occupancy shall be permitted until the plan as originally submitted and approved is seventy-five percent completed and a certificate of occupancy is obtained from the Building Commissioner as provided in the Building Code. (Ord. 1966-96. Passed 9-19-66.)~~

~~1127.07 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1127.07 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

~~1127.08 SINGLE-LANE DRIVEWAYS.~~

~~Notwithstanding any other provision of this chapter to the contrary, a single-lane driveway located adjacent to or within 100 feet of a building shall be at least eighteen feet in width, to be located with the approval of the Planning and Zoning Commission. (Ord. 1987-44. Passed 4-6-87.)~~

CHAPTER 1129
U-8 Industrial and Office Mixed-Use District

1129.01	Purpose and intent.	1129.05	Access and parking.
1129.02	Permitted uses.	1129.06	Loading facilities.
1129.03	Area, yard and height regulations.	1129.07-06	Site lighting.
1129.04	Special redevelopment overlay provisions.	1129.08-07	Performance standards.
		1129.09-08	Site development plans.
		1129.10	Occupancy.

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lot requirements for issuance of building permit - see P. & Z. 1143.04
Building lines - see P. & Z. 1145.02
Certificates of occupancy - see BLDG. Ch. 1313

1129.01 PURPOSE AND INTENT.

It is the intent of this Chapter (Class U-8 District) to provide for and encourage the reuse and redevelopment of the existing industrial park as a high-density mixed-use development district in order to create jobs and to enhance the tax base of the City. These regulations are intended to provide for the integration of basic industrial and manufacturing uses with office, service, and limited retail uses into a cohesive employment center.
(Ord. 2011-169. Passed 3-19-12.)

1129.02 PERMITTED USES.

(a) Buildings and Uses to Conform. Building and land in the Class U-8 District shall be used and buildings shall be designed, altered, moved or intended only for the uses specifically designated as Class U-8 uses in Section 1111.02, except that other similar, harmonious and compatible uses may be permitted, provided the Planning and Zoning Commission determines and Council confirms that they conform to the above statement of intent and are similar as to their effect upon surrounding uses, and with regard to hours of operation and amount of traffic generated. The Planning and Zoning Commission and Council may attach such conditions, stipulations, or requirements to the approval of such similar uses as deemed necessary to insure their compatibility, mitigate potential impacts, and otherwise carry out the spirit and intent of this Code.

(b) Accessory Uses. Accessory uses customarily incident to the main uses listed in Section 1111.02 shall be permitted, provided that such uses are planned and developed in conjunction with the main building. Such accessory uses may include:

- (1) Lunchrooms.
- (2) Parking garages, off-street parking lots, and loading areas.
- (3) Wireless telecommunications facilities subject to the following provisions:
 - A. Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match appearance of the penthouse wall and reduce visibility.

- B. Wireless telecommunications antennas, including dipole antennas over two inches in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet above the roof and shall be setback from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet above the top of said parapet wall. All such antennas shall be colored to minimize visibility.
 - C. Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety miles per hour.
 - D. Where wireless telecommunications facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the reception or transmission of signals by the existing equipment.
 - E. Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.
 - F. A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03(y).
 - G. The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Planning Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Planning Commission for consideration.
- (4) Maintenance of fleet vehicles provided that:
 - A. Vehicle repair and maintenance shall be limited to minor repair services such as tune-ups, oil filter changes, tire changes, brake service, and vehicle inspections.
 - B. Repair and maintenance operations shall be restricted to fleet vehicles owned by the occupant or tenant only and no repair work shall be performed on vehicles belonging to any entity or individual other than the occupant or tenant.
 - C. All repair and maintenance work shall be performed solely and entirely within an enclosed building.
 - D. No major repair work, such as engine or transmission overhauls, and no bodywork or painting shall be performed.
 - (5) Car washes provided that no washing or detailing services are conducted outside of the building.
 - (6) Alternative energy facilities subject to the provisions of Chapter 1154.

(c) Special Redevelopment Overlay Uses. On parcels or land where the buildings existing on the effective date of this chapter are removed or demolished, and where the property owner redevelops the site with new facilities under the provisions of Section 1129.04, such redevelopment may include retail stores as part of a mixed-use development, provided, however, that such retail uses shall not exceed fifty percent (50%) of the gross floor area of the development.
(Ord. 2011-169. Passed 3-19-12.)

1129.03 AREA, YARD AND HEIGHT REGULATIONS.

Buildings in existence prior to the effective date of this chapter shall comply with the following regulations regarding area, yards, and heights:

- (a) Area Regulations. The area of a lot occupied by a main use shall be a minimum

of one acre with a minimum frontage of 150 feet. The ground area occupied by all buildings shall not exceed forty percent (40%) of the total lot area. Not less than five percent (5%) of the total land area, exclusive of the required side yards, shall be developed as lawn or landscaped areas and shall be maintained in an orderly state.

(b) Yard Regulations. Yards and building setbacks shall be maintained in accordance with the following provisions:

- (1) Front Yards. A front yard of not less than seventy-five (75) feet in depth shall be required for parcels or lots of less than two acres in area. Parcels containing two acres or more shall provide a front yard of not less than one hundred (100) feet in depth.
- (2) Side Yards. Each parcel or lot of less than two acres in area shall have combined side yard widths of not less than fifty (50) feet, and no individual side yard shall be less than ten (10) feet in width. Parcels of two or more acres shall have combined side yard widths of not less than eight (80) feet, and no individual side yard shall be less than twenty (20) feet in width. Where adjoining a residential district or a public street, the side yard adjacent to such residential district or public street shall be not less than fifty (50) feet in width.
- (3) Rear Yards. Each parcel or lot shall have a rear yard of not less than forty (40) feet in depth. Where adjoining a residential district, the depth of the rear yard shall be not less than fifty (50) feet.
- (4) Buffers and Screening. The Planning and Zoning Commission may require the installation of a fence, wall, hedge or other suitable screening or planting in order to create a buffer area where a residential district adjoins or abuts a rear or side yard of this classification.
- (5) Use of Yards for Parking and Loading. Accessory off-street parking in a required front yard shall be permitted no closer than eleven feet from the street right-of-way line. Accessory off-street parking shall be permitted in a required side or rear yard but located not less than three (3) feet from a side lot line and thirty (30) feet from a residential district line. Accessory off-street loading shall be permitted in a required side or rear yard but located not less than five (5) feet from a side lot line and fifty (50) feet from a residential district line.
- (6) Landscaping. All portions of required yards in which no off-street parking or loading spaces are permitted shall be developed as lawn or landscaped areas and shall be maintained in an orderly condition.

(c) Height Regulations. Buildings shall not exceed a maximum of forty-two (42) feet in height, exclusive of towers, cornices or similar decorative features.
(Ord. 2011-169. Passed 3-19-12.)

1129.04 SPECIAL REDEVELOPMENT OVERLAY PROVISIONS.

On parcels or land where the buildings existing on the effective date of this chapter are removed or demolished and the property owner redevelops the site with new facilities, such redevelopment shall comply with the following special Redevelopment Overlay provisions:

- (a) Area Regulations. The minimum area necessary to qualify as a Redevelopment Overlay project shall be two acres with a minimum frontage of 150 feet.
- (b) Yard Regulations. Yards, building setbacks, parking setbacks, and requirements for landscaping for Redevelopment Overlay projects shall be as approved by the Planning and Zoning Commission as part of the approved final site development plan, provided, however, that no building or parking area shall be located closer than thirty (30) feet from a residential district boundary line. All yards shall be landscaped and maintained in accordance with an approved landscape plan.
- (c) Height Regulations. Redevelopment Overlay buildings shall not exceed a maximum of six (6) stories and ninety (90) feet in height.
(Ord. 2011-169. Passed 3-19-12.)

1129.05 ACCESS AND PARKING.

~~(a) Site Access. Off-street parking and loading facilities shall be provided in conformance with the provisions of Chapter 1144.~~

- ~~(1) The location, number and width of entrance and exit driveways to parking facilities shall be planned to minimize interference with the use of adjacent properties and with the public rights of way. All curb cuts or access locations shall be subject to the review and approval of the Planning Commission which may require recommendations from the City Engineer and/or the City's traffic engineer.~~
- ~~(2) To minimize impacts on public rights of way, the centerline of access driveways shall be located as far as practical from street intersections. Exit driveways shall be located so as to have adequate clear sight distance on the public street.~~
- ~~(3) Entrances and exits shall be limited to a maximum of three lanes unless otherwise approved by the Planning and Zoning Commission. The width of such entrances and exits shall conform to the recommendations of the City Engineer and the approved site development plan.~~
- ~~(4) All access drives and parking areas shall be designed to provide appropriate accessibility for emergency vehicles as determined by the Fire Chief.~~

~~(Ord. 2011-169. Passed 3-19-12.)~~

~~(b) Off-Street Parking.~~

- ~~(1) Required off street parking shall be located on the same lot as the main building and/or principal use which it serves, provided, however that the Planning and Zoning Commission may approve off site parking provisions for buildings and uses developed under the Special Redevelopment Overlay provisions.~~
- ~~(2) Off street parking shall be provided in accordance with the following rates:
 - ~~A. Professional administrative, executive, and sales offices shall provide one space for each 250 square feet of gross floor area.~~
 - ~~B. Professional medical offices shall provide one space for each 150 square feet of gross floor area.~~
 - ~~C. Licensed health care facilities shall provide one space for each 150 square feet of gross floor area.~~
 - ~~D. Research and development laboratories and testing facilities shall provide one space for each 400 square feet of gross floor area.~~
 - ~~E. Wholesale businesses and showrooms shall provide one space for each 400 square feet of gross floor area.~~
 - ~~F. Retail sales associated with wholesale businesses and showrooms, or with articles or goods created, manufactured, or assembled on the premises shall provide one space for each 250 square feet of gross floor area.~~
 - ~~G. Storage and distribution of finished or packaged goods shall provide one space for each 400 square feet of gross floor area.~~
 - ~~H. Light manufacturing, fabrication and assembly operations shall provide one space for each 400 square feet of gross floor area.~~
 - ~~I. Business services shall provide one space for each 250 square feet of gross floor area.~~
 - ~~J. Personal services shall provide one space for each 250 square feet of gross floor area.~~
 - ~~K. Printing, publishing and engraving shall provide one space for each 400 square feet of gross floor area.~~
 - ~~L. Photographic studios, sales and processing shall provide one space for each 300 square feet of gross floor area.~~
 - ~~M. Copy, blueprinting and reproduction services shall provide one space for each 300 square feet of gross floor area.~~~~

- ~~N. Interior decorating and design services and facilities shall provide one space for each 400 square feet of gross floor area.~~
- ~~O. Postal facilities and package delivery services shall provide one space for each 250 square feet of gross floor area.~~
- ~~P. Public utility facilities shall provide spaces as determined by the Planning and Zoning Commission.~~
- ~~Q. Municipal facilities shall provide spaces as determined by the Planning and Zoning Commission.~~
- ~~R. Financial institutions shall provide one space for each 250 square feet of gross floor area.~~
- ~~S. Child day care centers shall provide spaces as required by Chapter 1155.~~
- ~~T. Adult day care centers shall provide spaces as required by Chapter 1155.~~
- ~~U. Schools and training facilities shall provide one space for each 200 square feet of gross floor area.~~
- ~~V. Athletic facilities, fitness centers, and health spas shall provide one space for each 250 square feet of gross floor area.~~
- ~~W. Dance studios shall provide one space for each 250 square feet of gross floor area.~~
- ~~X. Recording and broadcasting studios shall provide one space for each 300 square feet of gross floor area.~~
- ~~Y. Art studios and galleries shall provide one space for each 300 square feet of gross floor area.~~
- ~~Z. Nursing homes shall provide one space for each patient bed.~~
- ~~AA. Restaurants shall provide one space for each two seats at maximum permitted occupancy; provided however that parking for outdoor seating areas shall be provided at 1 space for each four (4) seats.
(Ord. 2016-21, Passed 5-2-16.)~~

- ~~(3) The gross floor area of a building shall be the total area of all the floors, including the basement, measured from the exterior faces of the building.~~
- ~~(4) A parking space shall not be less than nine feet by eighteen feet, exclusive of drives and turning space. Drive aisles shall be a minimum of twenty-four (24) feet in width.~~
- ~~(5) Handicapped parking spaces and access shall be provided, designed, and located in accordance with the requirements of the Americans with Disabilities Act.~~
- ~~(6) All parking areas and driveways shall be provided with asphalt, concrete, or other similar hard surface designed in accordance with criteria established by the City Engineer. All drive aprons shall be concrete. All parking areas and driveways shall be graded and drained to provide positive drainage away from buildings to prevent runoff onto adjacent properties and to direct storm water to an approved outlet.~~
- ~~(7) Concrete or stone curbs at least six inches above the level of the surface of the parking area and at least twelve inches below the surface shall be provided to define the limits of the parking area except at exits and entrances. Such curbs shall be at least six inches thick.~~
- ~~(8) All parking facilities with a capacity of over ten (10) vehicles shall have permanent pavement markings to delineate the spaces. All parking areas containing more than forty (40) spaces shall contain planting strips or islands to interrupt the mass of paved area, aid in controlling the flow of traffic, and provide visual quality.~~
- ~~(9) An applicant for a site development plan approval may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required herein. The request shall include a detailed drawing of a complete parking layout and identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. The Planning and~~

~~Zoning Commission may approve a total parking layout, which permits a portion of the required parking spaces to be land banked and temporarily retained in landscaped open space. Prior to approval of the plan, the applicant shall make a written commitment to construct the additional parking at such time as the Building Commissioner determines that the parking is necessary for the operation of the use.~~

~~(Ord. 2011-169. Passed 3-19-12.)~~

~~1129.06~~ LOADING FACILITIES.

~~Loading facilities shall be located on the same lot as the main building or use served. Loading facilities shall not be permitted between a building and an abutting street and shall be so located that no public street or sidewalk will be occupied during the loading or unloading process. Off-street loading facilities shall be provided with an asphalt, concrete, or other similar hard surface designed in accordance with criteria established by the City Engineer, shall be graded and drained to provide positive drainage away from buildings to prevent runoff onto adjacent properties and to direct storm water to an approved outlet. Loading areas shall be designed to provide adequate maneuvering area for service vehicles.~~

~~(Ord. 2011-169. Passed 3-19-12.)~~

~~1129.07~~ 06 SITE LIGHTING.

~~Parking areas and walkways, which are intended to be used during non daylight hours, shall be properly illuminated to adequately provide for safety. Sources of light for illumination of buildings or grounds shall be shielded so that the light source is not directly visible from residential property and light spillage at the property line shall not be greater than 0.1 lumens and shall be installed in conformance with a lighting plan approved by the Planning Commission. Light poles shall not extend more than thirty (30) feet in height above the finished grade of the parking area or walkway.~~

~~(Ord. 2011-169. Passed 3-19-12.)~~

~~1129.08~~ 07 PERFORMANCE STANDARDS.

(a) Enclosed Buildings. All permitted main and accessory uses shall be conducted wholly within enclosed buildings, including storage of all mobile equipment. However parking of cargo carriers in the process of loading or unloading and in required off-street loading spaces shall be permitted for a period not to exceed twenty-four hours.

(b) Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls. All activities concerned with flammable or explosive materials shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved. All buildings shall be accessible to fire-fighting equipment and shall be in compliance with Part Fifteen the Fire Prevention Code.

(c) Waste Materials. Liquid wastes other than storm water shall be discharged into the sanitary sewer system. A separate storm sewer system shall be provided to receive storm water. No wastes shall be discharged into any sewer system which is inimical to sewage treatment, nor shall any waste which is deleterious to the sewerage system or the sewage treatment process be discharged into any sewer system. Solid wastes shall be stored in buildings.

(d) Toxic or Noxious Matter. Emission of toxic, noxious or corrosive fumes or gases, which would be demonstrably injurious to property, vegetation, animals or human health, shall not be permitted. Radioactive or electrical disturbances, which adversely affect any equipment at or beyond the boundaries of the lot, shall not be created.

(Ord. 2011-169. Passed 3-19-12.)

~~1129.09~~ 08 SITE DEVELOPMENT PLANS.

~~(a) Submission of Plans. Preliminary and final site development plans are required and shall be prepared for all proposed developments in a Class U-8 District. Site development~~

plans shall be prepared by persons professionally qualified to do such work and shall be submitted to the Planning and Zoning Commission Commission in accordance with the provisions of Chapter 1108.

~~(b) Contents of Preliminary Site Development Plans. Preliminary site development plans shall be prepared at an appropriate scale and shall include the following:~~

- ~~(1) Property description. A boundary description based on deed records showing the land owned and proposed for development and topographic contours at an interval acceptable to the City Engineer.~~
- ~~(2) Buildings. The locations, sizes, heights and proposed uses of all main and accessory buildings and their general design.~~
- ~~(3) Setbacks. All required setbacks and yard areas.~~
- ~~(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume; and plans for control of traffic in and around the development.~~
- ~~(5) Utilities. A schematic plan for all utility installations.~~
- ~~(6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.~~
- ~~(7) Drainage. Conceptual plans for grading, drainage and storm water management including identification of the intended outlet.~~
- ~~(8) Landscaping. Conceptual plans showing the areas to be landscaped, the locations and dimensions of buffer areas, and proposed parking lot planter strips and/or islands. Plans shall include information regarding the general landscape treatment and the nature of buffer and/or screening treatments.~~
- ~~(9) Lighting. A schematic site lighting plan.~~
- ~~(10) Miscellaneous. The location and nature of refuse facilities, fencing, retaining walls and similar site features.~~

~~(c) Contents of Final Site Development Plans. Final site development plans shall be prepared at an appropriate scale and shall include the following:~~

- ~~(1) Survey. A boundary and topographic survey, showing the land owned and proposed for development and contours at an interval acceptable to the City Engineer.~~
- ~~(2) Buildings. The locations, sizes, heights and proposed use of all main and accessory buildings and their general design.~~
- ~~(3) Setbacks. All required setbacks and yard areas.~~
- ~~(4) Site Improvements. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; and plans for control of traffic in and around the development.~~
- ~~(5) Utilities. The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.~~
- ~~(6) Parking facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.~~
- ~~(7) Drainage. Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information and proposed storm outlet facility.~~
- ~~(8) Landscaping. Detailed designs of landscaped yards, planting areas, buffer and screening improvements, and parking lot planter strips and/or islands, including plant lists and installation details.~~
- ~~(9) Lighting. A site lighting plan which indicates placement, heights, and types of lighting fixtures. Such plans shall include details of resulting levels of illumination.~~
- ~~(10) Miscellaneous. The location and nature of refuse facilities, fencing, retaining walls, and similar site features.~~

~~(d) Approval of Plans. If the Planning and Zoning Commission finds the plans are in accord with this Zoning Code and other ordinances of the City, it may grant approval and the final site development plan shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of a site development plan, as it may deem reasonably required to insure compliance with the spirit and intent of this chapter and to protect the public health, safety, and welfare. An approved plan may be modified by the same procedure. When reviewing site development plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant. No building permits shall be issued by the Building Commissioner until a site development plan has been approved as provided herein. Failure to apply for a building permit within two (2) years from the date of final site development plan approval granted by the Planning and Zoning Commission shall render such site development plan approval null and void and any variances granted therewith and shall require submission of a new site plan. Failure to begin construction of the plan within six (6) months after the issuance of a building permit shall void the plan as approved and any variances granted therewith unless an extension of time is granted by Council. If a permit is voided as a result of failure to commence construction, a new permit application, fee and plans and specifications shall be submitted for review as required for a new submission.~~

~~(Ord. 2011-169. Passed 3-19-12.)~~

~~1129.10 OCCUPANCY.~~

~~No use or occupancy shall be permitted until the site development plan for which a building permit has been issued is substantially completed and a certificate of occupancy is obtained from the Building Commissioner as provided in the Building Code.~~

~~(Ord. 2011-169. Passed 3-19-12.)~~

CHAPTER 1130
U-8A Office Building and Research District

1130.01	Intent.	1130.05	Design and performance standards.
1130.02	Permitted uses.	1130.06	Development plans.
1130.03	Area, yard and height regulations.	1130.07	Variances. (Repealed)
1130.04	Parking facilities.	1130.08	Single-lane driveways.

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Existing nonconforming uses - see P. & Z. 1147.01

1130.01 INTENT.

This chapter (Class U-8A District) is established, among other purposes, to control and regulate permitted uses in this District and other similar uses. The intent is to regulate and encourage limited manufacturing, research and development laboratories, office complexes and wholesale offices within close proximity to interstate transportation and developed in such a manner that all buildings will function as a unified high quality science and office park. The development standards are designed to ensure a park-like environment not only for the benefit of uses within the District but to protect and harmonize with the surrounding residential areas of the City. (Ord. 1977-13. Passed 12-5-77.)

1130.02 PERMITTED USES.

(a) Buildings and land in the Class U-8A District shall be used and buildings shall be designed, erected, altered or intended only for the uses specifically designated as Class U-8A uses in Section 1111.02; other similar harmonious and compatible uses may be determined by the Planning and Zoning Commission and approved by Council. No retail sales are permitted in this District.

(b) Accessory uses related to the principal use of the building authorized in Section 1111.02 are permitted as follows:

- (1) Restaurants or lunchrooms, beauty and barber shops, mail services, blueprinting and other services found by the Planning Commission to be similar, harmonious and compatible with the principal building use and which will not impair other permitted uses in the building. No accessory use or combination of accessory uses set forth in this subsection shall exceed twenty percent (20%) of the gross square footage of the building.
- (2) Parking areas and garages, loading areas, enclosed maintenance and storage facilities and antennas permitted in Section 1129.02.
- (3) Wireless telecommunications facilities subject to the following provisions:
 - A. Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.
 - B. Wireless telecommunications antennas, including dipole antennas over two inches in diameter, and support structures mounted

directly on the roof shall not extend higher than twenty feet above the roof and shall be set back from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

- C. Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety miles per hour.
- D. Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.
- E. Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.