

Prepared by: Martin S. Horwitz, Mayor
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Pending Ordinance No. 2018-94

SUMMARY OF PROPOSED ZONING CODE CHANGES

In order to better understand the proposed changes to the Planning and Zoning Code (hereinafter “Zoning Code”), consider them as falling into three categories:

1. Organizational changes;
2. Housekeeping items to meet current standards of practice, to comply with changes in zoning law, eliminate discrepancies or conflicts in the current Zoning Code; and
3. Policy changes based on the recommendations of the 2015 Master Plan, prior economic development strategy reports and a year-long discussion and review by the members of the Planning & Zoning Commission, our Law Directors, our City Planner and Building Commissioner.

Note- The following zoning districts are specifically discussed in this summary:

Single Family (U-1)

Integrated Business (U-4A)

Shopping Center (U-4B)

General Office (U-7A)

Storage and Manufacturing (U-8)

Motor Service (U-9)

Planned Mixed Use (U-10)

ORGANIZATIONAL CHANGES

These changes include:

1. Development Plans: The process of getting a project approved starts with a development plan. In the current Zoning Code, this process has 10 variations in 10 zoning districts. Removing the development plan provisions from each zoning district and placing those provisions in one single chapter that applies to all zoning districts provides simplicity and consistency in the Zoning Code. These provisions have been moved to new Chapter 1108.

HOUSEKEEPING CHANGES

These types of changes include:

1. Elimination of zoning districts that are no longer used, that do not appear on the Zoning Map, or were repealed, but not removed from the list of zoning districts or the table of contents. Office Building and Research Laboratory Districts (U-7) were eliminated because the zoning district was previously repealed and Multiple Family Districts (U-2) were eliminated because these provisions were consolidated into Multi-Family Residential Districts (U-3).
2. Moving the Right-of-way regulations out of the Zoning Code, where they do not belong and into an appropriate section of the Codified Ordinances.
3. Updating definitions to reflect state law, case law, modern and actual practices, current conditions, and to eliminate discrepancies and conflicts and fill in missing terms.
4. Making practices consistent from chapter to chapter. For example, the formula for calculating density is done at least four different ways. The changes establish consistency.
5. Increased some maximum building heights to permit higher floor to ceiling heights in spaces consistent with today's building standards.
6. The chapter regarding non-conforming uses has been expanded to cover all situations including uses, lots and structures and to make it compliant with current legal standards.

POLICY CHANGES

There are numerous recommendations regarding future land use, development, and redevelopment that are detailed in the 2015 Master Plan. City Council created a Master Plan Committee in 2017 to prioritize the recommendations contained in the plan. The City has also commissioned at least three economic analyses and strategy studies. Some focused on the changes needed to revitalize Commerce Park and Chagrin Boulevard, while others examined the broader issue of maintaining a strong tax base in a more general context.

The importance of maintaining the economic vitality of the Beachwood Place Mall was also a common theme. The Mall is the single largest source of funding for the Beachwood Schools and its continued success is essential to the economic health of the school system.

It is critical that the Mall remain competitive in an era of increased internet shopping and continued emphasis on “life-style centers” over the traditional enclosed mall design.

To achieve these goals, policy changes include the following:

1. Mixed-Use Districts: Moving to more “mixed-use” districts is consistent with the concept of “live, work, play” that is being implemented by neighboring suburbs, throughout the region and the nation. This approach is intended to make redevelopment of older marginal buildings and/or properties more attractive. These new designs create living and working environments that can compete effectively with other cities. They are more attractive to young professionals who represent the City’s future. These arrangements are also more sustainable, producing more pedestrian and bicycle traffic and less auto use on main roads. To accomplish this policy, multi-family dwellings, above the first floor of mixed-use buildings, were added as a permitted use in:
 - a) Integrated Business Districts (U-4A) - LaPlace, BP/Tres Potrillos, Pavillion, NW corner of Chagrin Blvd. and Green Rd., the NTB store on Park East Dr. and Corporate Park (where Moxie’s is).
 - b) General Office Districts (U-7A) – The office buildings on the N. & S. sides of Chagrin Blvd.
 - c) Storage and Manufacturing Districts (U-8) – Commerce Park

A conditional use permit is required in the Integrated Business Districts (U-4A) and General Office Districts (U-7A). This means that the developer cannot build as a matter of right just because the use is allowed in the Zoning Code. The developer must be granted a conditional use permit by the Planning & Zoning Commission. Freestanding restaurants were also added as a permitted use in General Office Districts (U-7A).

2. Adding New Uses at Mall: Expanding the permitted uses at Beachwood Place Mall Shopping Center District (U-4B) by adding ancillary uses intended to bring more customers to the facility. Those additional uses include:
 - a) Medical facilities
 - b) Fitness centers
 - c) Hotels
 - d) Residences

All of these uses will require a conditional use permit. The permitted building height was raised to 100 feet to accommodate some of these uses. This increased height is consistent with The Hamptons complex located adjacent to the Mall.

3. Change in Cluster Minimum: Reducing the minimum project sizes for cluster developments of single family detached and single family attached homes to permit smaller scale projects that fit better into neighborhoods with minimal impact. These would be projects similar to Fairmount Courts and other cluster homes near Fairmount Blvd. and Richmond Rd. as an example. Currently a developer would have to acquire 10 acres for such a project. The proposed Zoning Code changes the minimum requirement to 3 acres. The minimum size has changed, but the density would remain the same at 6 units per acre.

4. Drive-Thru, Drive-Up and Restaurant Changes: Added provisions for drive-thru facilities and pickup spaces reflect a change in our lifestyle, the way people shop today and the current needs of retail developers to attract quality businesses that offer convenience in purchasing a product or service. Most grocery stores, banks, dry cleaners, pharmacies and certain restaurants will not consider a retail location without drive-thru or drive-up availability. The recommended changes are as follows:
 - a) Restaurants will be permitted in General Office Districts (U-7A), Storage and Manufacturing Districts (U-8), Motor Service Districts (U-9) (Park East Dr. and part of Enterprise Dr.) and Planned Mix Use Development Districts (U-10) (Chagrin Highlands). These zoning districts can have curb side pickup, but no drive-thru. All restaurants will require conditional use permits.
 - b) Restaurants in Shopping Center Districts (U-4B) (Beachwood Place Mall) can have curbside pickup—but no drive thru. The approval of these spaces would be part of the site planning process.
 - c) Drive thru restaurants would only be permitted in Integrated Business Districts (U-4A) (described above) and would be subject to a conditional use permit.

WHAT HAS NOT CHANGED

1. Other than as noted above there have been no changes to the Single Family Residential Districts (U-1).
2. There is no change to the permitted height in General Office Districts (U-7A). There are 5 different zoning districts along the north side of Chagrin Boulevard. The maximum heights range from 40 – 45 feet.
3. There are no changes to the Zoning Map. In other words, no property is being rezoned/reclassified from its current zoning district to another zoning district. Overall, these proposed changes focus on allowing additional uses of property in the City's existing zoning districts.

For further information please contact Mayor Horwitz via phone or email at martin.horwitz@beachwoodohio.com