

SUMMARY OF PROPOSED ZONING CODE CHANGES

Updated 9 12 19

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 which alter the structure and layout of the Zoning Code;
2. Housekeeping amendments intended to meet current standards of practice, to comply with changes in zoning law, and to eliminate discrepancies or conflicts that exist within 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)

Storage and Manufacturing (U-8)

Integrated Business (U-4A)

Motor Service (U-9)

Shopping Center (U-4B)

Planned Mixed Use (U-10)

General Office (U-7A)

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, the submission requirements and processing procedures for development plans has 10 variations in 10 different zoning districts. Removing the development plan provisions from each individual zoning district and placing those provisions in one single chapter that applies to all zoning districts provides simplicity and consistency for review and approving development plans. The development plan provisions have been moved to new Chapter 1108.
2. Off-Street Parking: Similar to the approach with development plans, the amendments would remove the off-street parking provisions from each individual zoning district and place all of the parking requirements in a single chapter to provide both simplicity and consistency in the Zoning Code. These provisions have been moved to new Chapter 1144.

3. **Fee Schedules:** Currently if fees (permit fees, etc.) need to be adjusted, there is a lengthy process involving review by the Planning & Zoning Commission, a Public Hearing and other steps. The new recommendation is to remove the fees and fee schedule from the Zoning Code and instead make reference to a fee schedule to be adopted by Council. Fees for other City services, such as Community Service programs, are established by City Council in this same fashion. These proposed changes are located in Section 1105.04 of the Zoning Code.

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 that were previously repealed, but were not removed from the list of zoning districts or the table of contents. For example: the Office Building and Research Laboratory District (U-7) was eliminated because that zoning district was previously repealed; and the Multiple Family District (U-2) was eliminated because there are no areas in the City with that zoning designation and the provisions of that district were consolidated into the Multi-Family Residential District (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. These changes will establish consistency within the Zoning Code.
5. Increasing some maximum building heights to permit higher floor to ceiling heights in spaces consistent with today's building standards.
6. Expanding the chapter regarding non-conformities to cover all non-conforming situations including uses, lots and structures and to make it compliant with current legal standards in Ohio.

POLICY CHANGES

There are numerous recommendations regarding future land use, development, and redevelopment that are detailed in the City's 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 concepts of “live, work, play” and “walkability” that are being implemented by other communities 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 and Council. Freestanding restaurants were also added as a permitted use in General Office Districts (U-7A). The building height was increased in Integrated Business Districts (U-4A) to permitted mixed-use buildings, but with a requirement that taller buildings have increased setbacks from any adjacent residential properties.

2. Adding New Uses at Mall: Expanding the permitted uses at Beachwood Place Mall, which is in the 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 Baywood Estates, Fairmount Courts and other cluster homes near Fairmount Boulevard. and Richmond Road. The proposed Zoning Code reduces the minimum area requirement for a cluster development from 10 acres to 5 acres. While the minimum size of a project would change, but the permitted 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) Banks and drug stores would be permitted drive-thru facilities with a Conditional Use Permit approved by City Council.

 - b) Grocery stores and drug stores would be permitted to have designated curbside pickup spaces. The approval of these spaces would be part of the site planning process by the Planning and Zoning Commission.

 - c) Restaurants in all Districts would be permitted to have designated curbside pickup spaces. The approval of these spaces would be part of the site planning process by the Planning and Zoning Commission.

 - d) Drive-thru restaurants would **not** be permitted anywhere in the City.

WHAT HAS NOT CHANGED

1. There are no proposed changes to the single-family residential districts (U-1).
2. There are no proposed changes to the regulations regarding keeping of chickens or farm animals.
3. 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.
4. 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.
5. Medical marijuana facilities, whether retail, processing, or cultivation, are **not** permitted anywhere in the City. Licensed health care facilities are, however, permitted to dispense medical marijuana.