BEACHWOOD CITY COUNCIL
PLANNING AND ZONING COMMITTEE MEETING AGENDA
MONDAY, FEBRUARY 25, 2019,
IMMEDIATELY FOLLOWING THE BUILDING AND GROUNDS COMMITTEE MEETING
at **BEACHWOOD CITY HALL, CONFERENCE ROOM A,**
25325 Fairmount Boulevard, Beachwood, Ohio 44122

James Pasch
Justin Berns
Brian Linick

Agenda Items

1. Mayor's Report

2. Discussion regarding Zoning Code Updates as recommended by the Planning and Zoning Commission

3. Any other matters coming before the Planning and Zoning Committee

# # #

AS RECOMMENDED BY PLANNING AND ZONING COMMISSION

CODIFIED ORDINANCES OF BEACHWOOD

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Administration
Chap. 1101. Definitions.
Chap. 1103. Interpretation and Purpose.
Chap. 1105. Enforcement and Penalty.
Chap. 1107. Amendments; Annexed Lands.
Chap. 1108. Development Plans
Chap. 1109. Condominium Conversions.

TITLE THREE - Zoning Districts and Uses
Chap. 1111. District and Use Classification; Zone Map.
Chap. 1113. U-1 Single-Family House District.
Chap. 1114. Cluster Development Alternate.
~~Chap. 1115. Multiple Family District.~~
Chap. 1116. U-2A Attached Single-Family Home District.
Chap. 1117. ~~Apartment House~~ U-3 Multifamily 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 (Repealed)~~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.

TITLE FIVE - General Provisions
Chap. 1141. Signs.
Chap. 1143. Lots.
Chap. 1144. Off-Street Parking Facilities
Chap. 1145. Yards and Lines.
Chap. 1146. Fences, Landscaping and Driveways.
Chap. 1147. Nonconforming Uses.
~~Chap. 1149. Rights of Way.~~
Chap. 1151. Trees.
Chap. 1153. Dished Satellite Antennas.
Chap. 1154. Alternative Energy Facilities.
Chap. 1155. Special and Conditional Uses.
Chap. 1157. Riparian and Wetland Setbacks.
Chap. 1159. Determinations and Variances.

TITLE SEVEN - Stormwater Management
Chap. 1173. Illicit Discharge and Illegal Connection Control.
Chap. 1177. Storm Water Management.

CODIFIED ORDINANCES OF BEACHWOOD

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Administration

Chap. 1101. Definitions.
Chap. 1103. Interpretation and Purpose.
Chap. 1105. Enforcement and Penalty.
Chap. 1107. Amendments; Annexed Lands.
Chap. 1108. Development Plans
Chap. 1109. Condominium Conversions.

CHAPTER 1101
Definitions

1101.01 Interpretation; general definitions.
1101.02 Accessory use or building.
1101.03 Apartment.
1101.04 Areas (building coverage, dwelling unit, floor, lot).
1101.05 Basement.
1101.06 Buffer area.
1101.07 Building.
1101.08 Building height.
1101.09 Building line (set-back line).
1101.10 Building permit.
1101.105 Business services.
1101.11 Church; synagogue, temple.
1101.12 Conditional use (special permit).
1101.13 Condominium conversion.
1101.14 Condominium property.
1101.15 Density.
1101.16 Development plan.
1101.17 Dished satellite antenna.
1101.18 Dwelling, multifamily.
1101.19 Dwelling unit.
1101.20 Dwelling unit, single-family.
1101.21 Dwelling unit, single-family attached.
1101.22 Family.
1101.221 Family home.
1101.23 Frontage.
1101.24 Garage.
1101.25 Gasoline service station.
1101.26 Grade.
1101.27 Group home. (Repealed)
1101.275 Licensed health care facility.
1101.277 Light manufacturing, fabrication and assembly.
1101.28 Loading space.
1101.29 Lot.
1101.30 Main use or building.
1101.305 Professional medical office.
1101.31 Nonconforming.
1101.32 Occupancy permit.
1101.33 Open space.
1101.34 Parking.
1101.345 Personal services.
1101.35 Public notice.
1101.355 Restaurant and lunchroom.
1101.36 Set-back line.
1101.37 Sign.
1101.38 Story.
1101.39 Street.
1101.40 Use.
1101.401 Wireless telecommunications antenna.
1101.403 Wireless telecommunications facility.
1101.41 Variance.
1101.42 Yard.
1101.43 Zone map.

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 Conditional 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.)~~

Formatted: Indent: Left: 0", Hanging: 1"

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 unpierced 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 3722 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 "rest 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 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.

		Residential	Commercial
(1)	Apron - new or replacement	$20.00	$40.00
(1a)	Low Voltage Wiring - including communication, fiber optic cable system & data processing system/phone system	20.00	40.00
	(No Base Fee)		plus $20.00 per each 50 devices or fraction thereof
(2)	Construction Dumpsters	5.00	5.00
	(*No contractor registration required)		
(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	3.00	4.00
	Minimum	50.00	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)	5.00	5.00
	(*No Contractor Registration Required)		
(14)	Public Sidewalk	10.00	20.00
(15)	Recycling Bin Placement		50.00
	(*No Contractor Registration Required)		
(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

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

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.

Formatted: No underline

1108.02 CONTENTS OF PRELIMINARY SITE PLANS.

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

Formatted: No underline

(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:

Formatted: No underline

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

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

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 sublot, but not closer than one foot from a rear yard line or three feet from a sidewalk line in the front yard. Transformers shall be located on the side yard line and not closer than thirty 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 of sufficient density to reasonably shield the view of such transformers. Such 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 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 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; and

(4) Underground gas lines.

1108.10 ABOVE GROUND TELEPHONE CUBICLES.

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

(a) Cleveland Electric Illuminating Company--thirty-two inches high; thirty-six inches wide; forty-two inches long.

(b) Ohio Bell Telephone Company--ten inches square; forty-eight inches high, sixteen inches below ground and thirty-two inches above ground (standard is only six inches square by forty-eight inches high

Formatted: No underline

Formatted: Underline

Formatted: No underline

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~~Multifamily 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~~ Multifamily 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 ~~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
(3) 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) Child day care center with a Conditional Use Permit.
(6) Adult day care center with a Conditional Use Permit.
(7) Licensed health care facilities~~y~~ with a Conditional Use Permit.
(8) Professional medical offices.
(9) Banks~~.~~, and other financial institutions.
(10) Restaurants.
(11) Multi-family dwellings above the first floor with a Conditional Use

Formatted: Indent: Left: 0", Hanging: 2"

Permit.

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

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

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:

Lot Frontage (ft.)	Combined Open Side Yard (ft.)	Minimum Side Yard (ft.)
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 2,400 Square Feet
A-2 Area Districts 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 Buidable 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.
1114.02 Establishment of cluster developments.
1114.03 Permitted uses.
1114.04 Development standards.
1114.05 Application and review procedures.
~~1114.06 Occupancy.~~
1114.~~07~~06 Bonding of required improvements.
~~1114.08 Compliance required.~~
~~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-l 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,~~

Formatted: Indent: Left: 0", First line: 0"

Formatted: Indent: Left: 0", First line: 0"

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.

(e) 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 advise or cause special studies to be made. The cost of securing such advise 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

Formatted: Indent: Left: 0", First line: 0"

~~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.
1115.02 Parking facilities.
1115.03 Height, area and setback requirements.
1115.04 Development plans.
1115.05 Variances. (Repealed)
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.
1116.02 ~~Development plans.~~Permitted Uses.
1116.03 ~~Permitted uses~~Area Regulations.
1116.04 ~~Area regulations~~Development Plans.
1116.05 Height regulations.
1116.06 Setbacks.
1116.07 Parking and driveways; streets.
1116.08 Landscaping and open space.
1116.09 Lighting plan.
1116.10 Building and site design standards.
~~1116.11 Variances. (Repealed)~~
~~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 sublot.

(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:

		Minimum Livable Floor Area (sq. ft.)	
		Without Den or Family Room	With Den or Family Room
(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 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 Multifamily Residential District

1117.~~07~~01 Use regulations.
1117.~~01~~02 Yards.
1117.~~02~~03 Parking facilities.
1117.~~03~~04 Height and area requirements.
1117.~~04~~05 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).~~Multifamily 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

(~~1~~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:

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

1117.04 DEVELOPMENT PLANS.

~~(a) Submission of Plans.~~ A 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.)~~

Formatted: Indent: Left: 0", First line: 0"

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

1118.01 Purpose; intent.
1118.02 Establishment of Planned Multi-Family Residential Districts.
1118.03 Permitted uses.
1118.04 Development standards.
1118.05 Application and review procedures.
~~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~~1) Multi-~~F~~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 Plmmed 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 tmified 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.~~
~~1119.02 Cash deposit.~~
~~1119.03 Change in zoning plan.~~
~~1119.04 Final development plan.~~
~~1119.05 Approval by Commission.~~
~~1119.06 Building permits.~~
~~1119.07 Changes to plans.~~
1119.~~08~~ 01 ~~Use regulations~~Permitted Uses.
1119.~~09~~ 02 Definition of area and height regulations.
1119.~~10~~ 03 Schedule of area and height regulations.
1119.~~11~~ 04 Land planning.
~~1119.12 Variances. (Repealed)~~
~~1119.13 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
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~~

(~~b~~a) Maximum Density ~~(land per dwelling unit minimum sq. ft.) 1,750~~30 Dwelling Units Per Acre

(~~c~~b) Gross area of dwelling unit as follows:

Minimum Apartment Unit Size	Minimum Area (sq. ft.)
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

(~~d~~c) Building coverage~~, including all above grade structures (maximum percent of land)~~ exclusive of parking facilities ~~20~~25%

(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).~~

(~~b~~a) 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

Formatted: Indent: Left: 0", Hanging: 1"

Formatted: Indent: Left: 0", Hanging: 1", Tab stops: -1", Left + 4.5", Left + Not at -0.83" + 4.63"

Formatted: Indent: Left: 0", Hanging: 1"

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.)~~

(~~d~~b) 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.

Formatted: Indent: Left: 0", Hanging: 1"

~~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.~~
~~1120.02 Approval by Commission.~~
~~1120.03 Reports by other boards and offices.~~
~~1120.04 Performance deposit.~~
~~1120.05 Building permits.~~
~~1120.06 Changes to plans.~~
1120.~~07~~01 ~~Use regulations~~Permitted Uses.
1120.~~08~~02 Definition of area and height regulations.
1120.~~09~~03 Schedule of area and height regulations.
1120.~~10~~04 Land planning.
~~1120.11 Variances. (Repealed)~~

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.

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~~Multifamily 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.)

1120.08 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

planning development provisions.

(c) 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.)

1120.09 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.)~~ ~~2,000~~22 Dwelling Units per Acre

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

~~Minimum Apartment Unit Size — Minimum Area (sq. ft.)~~
~~1 bedroom unit (there shall be not more than fifty percent of the units in this category) — 600~~
~~2 bedroom unit — 875~~
~~3 bedroom unit — 1,050~~
~~4 bedroom unit — 1,375~~

~~Efficiency and alcove units are prohibited~~
~~Rest home and long-term care private room — 250~~
~~Rest home and long-term care double room — 350~~
~~(there shall be not more than one rest home or long-term care room for each four senior citizen apartment units)~~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.)~~

1120.10 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).

Formatted: Indent: Left: 0", Hanging: 1"

Formatted: Indent: Left: 0", Hanging: 1", Tab stops: Not at 4"

Formatted: Indent: Left: 0", Hanging: 1"

(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:

		Ft.
(1)	Building setbacks:	
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)	Parking setbacks:	
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.~~

(~~e~~d) 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~~

Formatted: Indent: Hanging: 1"

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.
1121.02 Permitted uses.
1121.03 Area, yard and height regulations.
1121.04 Off-street parking and loading facilities.
~~1121.05 Off-street loading facilities.~~
1121.~~0~~605 Development plans.
~~1121.07 Occupancy.~~
~~1121.08 Variances. (Repealed)~~
~~1121.09 Single-lane driveways.~~

Formatted: Indent: Left: 0", Hanging: 0.75"

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 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 Off-Street Loading Spaces

Use	Gross Floor Area (in sq. ft.)	Required Minimum 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 Commissionand 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.
1123.02 Permitted uses.
1123.03 Area, yard and height regulations.
1123.04 Off-street parking.
~~1123.05 Signs.~~
1123.~~06~~05 Development plans.
~~1123.07 Occupancy.~~
1123.~~08~~05 Illumination.
1123.~~09~~06 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 opague. 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 identifications 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 Commissionand reviewed in accordance with the provisions of Chapter 1108by 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.
1124.02 Permitted uses.
1124.03 Lot dimensions.
1124.04 Area, yard and height regulations.
1124.05 Landscaping and screening.
~~1124.06 Site access~~
1124.~~07~~ 06
1124.~~08~~ 07 Site lighting.
1124.~~09~~ 08 Wireless telecommunications facilities.
1124.~~10~~ 09 Development plans.
~~1124.11 Occupancy.~~
~~1124.12 Variances. (Repealed)~~
1124.13 Rezoning.
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 accessability for emergency vehicles as determined by the Fire Chief.
(Ord. 1997-112. Passed 1-6-98.)

1124.07 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 approva1 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.)

1124.13 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.
1127.02 Permitted uses.
1127.03 Area, yard and height regulations.
1127.04 Parking facilities.
1127.05 Development plans.
~~1127.06 Occupancy.~~
~~1127.07 Variances. (Repealed)~~
~~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 Commissionin 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.
1129.02 Permitted uses.
1129.03 Area, yard and height regulations.
1129.04 Special redevelopment overlay provisions.
1129.05 Access and parking.
~~1129.06 Loading facilities.~~
1129.~~07~~06 Site lighting.
1129.~~08~~07Performance standards.
1129.~~09~~08Site 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 ofthe 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 andjor 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.
1130.02 Permitted uses.
1130.03 Area, yard and height regulations.
1130.04 Parking facilities.
1130.05 Design and performance standards.
1130.06 Development plans.
~~1130.07 Variances. (Repealed)~~
~~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.

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) Satellite dish antennas subject to Chapter 1153.

(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.

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

1130.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) The ground area occupied by the buildings shall not exceed the following percentages of the total area of the lot: fifteen percent for a three-story building; twenty-five percent for any building with less than three stories but more than one story; and thirty-five percent for a one-story building.

(b) All buildings shall be set back from any public street or highway at least 100 feet. However, all buildings with frontage on Richmond Road shall be set back at least 200 feet.

(c) Side and rear yards, where adjoining a residential district with no street intervening, shall be at least 100 feet; otherwise, side and rear yards shall be at least thirty-five feet. An evergreen hedge or other planting or fence may be required by the Planning and Zoning Commission along property or street lines. (Ord. 1977-13. Passed 12-5-77.)

(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) The minimum lot area for any development under the U-8A District shall be two acres with a minimum frontage on a public street of 200 feet in width.

(f) Not less than ten percent of the total land area and all required yards in which no off-street parking is permitted shall be developed as lawn or planted area or maintained in an orderly wooded state.

(g) In U-8A developments, portions of the front, side or rear yards may be used for parking according to the following schedule:

Type and Location of Yard	Setback (ft.)
Front, side or rear yard along Richmond Road	100
Front, side or rear yard along other streets	35
Side or rear yard abutting nonresidential	10
Side or rear yard abutting residential	50

1130.04 PARKING FACILITIES.

~~(a) Parking areas shall be planned and developed in such a manner as to interfere as little as possible with the use and enjoyment of adjacent properties and with pedestrian and vehicular traffic on adjacent streets. No driveway shall be constructed in side and rear yard parking setbacks.~~

~~(b) All parking areas and driveways shall be concrete or approved asphalt and with adequate drainage so that injury will not be caused to adjacent properties and so that water will neither stand nor drain across public walks or streets.~~

~~(c) Curbs or bumper guards shall be provided to define the limits of parking areas.~~

~~(d) At least ten percent of the area within the boundaries of a parking area designed for more than fifty automobiles shall be developed as planted islands with a minimum dimension of ten feet and distributed so as to interrupt the expanse of paved area.~~

~~(f) The required space for parking facilities in connection with any use or development in a Class U-8A District shall be determined by the Planning and Zoning Commission and such determination shall be based upon the nature and capacity of the proposed use or development and the anticipated number of employees, customers or users. (Ord. 1977-13. Passed 12-5-77.)~~

~~(g) 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 1130.04(g)(2). (Ord. 2000-187. Passed 2-20-01.)~~

~~(2) Other office buildings shall provide one space for each 200 square feet of gross floor area.~~

~~(3) Research facilities, laboratories, and manufacturing facilities shall provide one space for each 400 square feet of gross floor area.~~

~~(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; provided however that parking for outdoor seating areas shall be provided at 1 space for each four (4) seats.~~

~~(8) Showrooms shall provide one space for each 200 square feet of gross floor area.~~

~~Gross floor area of a building shall be the total area of all floors, including basements, 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 (10%) of the total floor area may be deducted as allowance for stairwells, elevators, restrooms, mechanical rooms, and other similar spaces.~~
~~(Ord. 2016-21. Passed 5-2-16.)~~

~~(h) Each parking space shall be not less than 180 square feet (nine by twenty feet) exclusive of drives and turning space. (Ord. 1977-13. Passed 12-5-77.)~~

~~(i) 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.)~~Parking and loading facilities shall be provided in conformance with the provisions of Chapter 1144.

1130.05 DESIGN AND PERFORMANCE STANDARDS.

(a) Driveways to buildings or parking areas shall be located at least 200 feet from a street intersection.

(b) All permitted uses shall be performed wholly within enclosed buildings. All goods, raw materials, equipment and waste materials shall be used or stored within buildings.

(c) Areas bordering upon buildings shall be planted with ground cover, trees, shrubs or hedges and maintained to produce a park-like effect. Parking setbacks and other undeveloped areas of the property shall be graded, seeded and maintained as a lawn or wooded in an orderly natural state and shall be included in a landscape plan.

(d) The premises shall be maintained in an orderly, neat, clean and sanitary condition. Lawns shall be kept mowed and trimmed and planting and trees shall be maintained and trimmed according to reasonable landscaping principles.

(e) Where a U-8A zoning classification or use is contiguous to or across the street from any residential zone or use, the Planning and Zoning Commission shall require special landscaping, buffering or mounding as is necessary for appropriate separation and screening.

(f) Operations, experiments, manufacturing and other uses shall be regulated so as to comply with the following performance standards at the nearest street or property lines:

(1) Noxious, toxic or corrosive fumes or gases shall not be emitted which would be injurious or detrimental to persons, property or vegetation or be discernible to the sense of smell.

(2) No deleterious, corrosive, toxic or explosive wastes or other similar materials shall be discharged into any sanitary or storm sewer or natural watercourse or onto the ground.

(3) Glare or brightness caused by the operations or illumination of buildings or grounds shall be shielded so as not to be objectionable or hazardous to owners or users of adjacent property or public streets.

(4) Electrical disturbance shall not be created that would adversely affect the operation of sound, radio or television equipment in any building in the vicinity.

(5) Noise or vibrations created shall not interfere with the life, health, safety and welfare of persons or property in any building in the vicinity.
(Ord. 1977-13. Passed 12-5-77.)

1130.06 DEVELOPMENT PLANS.

~~(a) Submission of Plans.~~ A site plan shall be prepared for all types of proposals for

developments in a Class U-8A District and submitted to the Planning and Zoning Commission ~~Commission~~in accordance with the provisions of Chapter 1108.

~~A final development plan shall be submitted. Unless exempted by the Commission in the case of small developments, plans shall include:~~

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

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

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

~~(4) Utilities. Storm and sanitary sewer and other utility installations and connections, shown on a detailed plan, including demand and capacity of storm and sanitary sewer usage, which plan must be approved by the City Engineer before acceptance;~~

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

~~(6) Landscaping plan. The design and location of open spaces, landscaping and required buffering, including the size and taxonomic names of all planting material; and~~

~~(7) Miscellaneous. Other site development, including grading and drainage, building elevations or rendering and other data as required by the Planning and Zoning Commission.~~

~~(b) Approval of Plans. If the Planning and Zoning Commission finds the final site development 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 plan within one year after approval by the Commission shall void the plan as approved unless an extension of time is approved. (Ord. 1977-13. Passed 12-5-77.)~~

~~1130.07 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1130.07 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

~~1130.08 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 1131
U-9 Motor Service District

1131.01 Intent.
1131.02 Permitted uses.
1131.03 Height regulations.
1131.04 Area regulations.
1131.05 Yard regulations.
1131.06 Off-street parking.
~~1131.07 Off-street loading.~~
~~1131.08 Site access.~~
~~1131.09 Site lighting.~~
1131.~~10~~07 Landscaping and screening.
1131.~~11~~08 Development plans.
~~1131.12 Occupancy.~~
~~1131.13 Variances. (Repealed)~~

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Building lines - see P. & Z. 1145.02
Nonconforming uses - see P. & Z. Ch. 1147
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1131.01 INTENT.

It is the intent of this chapter (Class U-9 Districts) to provide for Motor Service Districts on major roads in the immediate vicinity of freeway interchanges to serve the needs of through and local motorists. Motor Service Districts are intended to accommodate a mixture of office and travel oriented uses. (Ord. 1999-165. Passed 4-3-00.)

1131.02 PERMITTED USES.

Buildings and land in a Class U-9 District shall be designed, created, altered or intended only for the uses specifically designated as Class U-9 uses in Section 1111.02 and for the accessory uses set forth below 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, and/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.~~:~~

(a) Accessory Uses.
(1) Off-street parking.
(2) Service stations may sell sundry items and snack food.
(3) Motel and hotel swimming pools and recreation facilities.
(4) Signs. (Ord. 1999-165. Passed 4-3-00.)
(5) Temporary special event sales held at a hotel provided that:
A. Such special event sales shall be conducted solely in the common areas and meeting facilities of the hotel;
B. No displays or sales associated with such special events shall take place in individual bedroom units; and
C. A special event sale permit is obtained from the Safety Director and Building Commissioner prior to the event.
(6) Industrial and/or retail trade shows or events held at a hotel which may include displays, presentations, and related activities provided that:
A. Such events shall be conducted solely in the common areas and meeting facilities of the hotel;
B. No displays, presentations, or other related activities shall take place in individual bedroom units; and

C. A special event permit is obtained from the Safety Director and Building Commissioner prior to the event.
(Ord. 2014-22. Passed 7-21-14.)

(7) Charitable events with the approval of the Mayor.

(8) 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.

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.

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.

(9) Satellite dish antennas subject to Chapter 1153.
(Ord. 1999-165. Passed 4-3-00.)

(10) Automobile agencies with new and used vehicle sales and service may display vehicles for sale within the front setback in accordance with the following provisions:

A. Vehicles displayed within the front setback shall be placed on permanent vehicle display pads or structures designed and landscaped for that purpose and approved by the Planning and Zoning Commission.

B. The number of vehicles displayed within the front setback shall be as authorized and approved by the Planning and Zoning Commission, but in no case shall exceed a maximum of four (4)

vehicles.

C. Vehicle display pads and/or structures shall be located not less than ten (10) feet from the street right-of-way line and the placement of vehicles shall not obstruct clear sight distance for motorists on the public right-of-way as determined by the Police Chief.

D. Displayed vehicles may be illuminated with permanent lighting as approved by the Building Commissioner provided such lighting is shielded from the public right-of-way and does not exceed a total of 150 watts per vehicle display.

E. The maximum height of any vehicle display pad or structure shall not exceed three (3) feet.

(Ord. 2004-132. Passed 1-18-04.)

1131.03 HEIGHT REGULATIONS.

Buildings in Class U-9 Districts shall have a height of not more than sixty feet, exclusive of towers, cornices or similar features.
(Ord. 1999-165. Passed 4-3-00.)

1131.04 AREA REGULATIONS.

(a) Every lot occupied by a main building or use shall comply with the lot area, lot width, percentage of lot coverage by the building and the landscaped areas as follows:

Main Use	Min. Lot Area (in acres)	Min. Lot Width (in feet)
Service station	3/4	150
Hotel or motel, with or without eating, assembly, recreation	3	200
Restaurant, if separate building	1-1/2	200
Auto agencies (with used car sales permitted as an accessory)	3	500
Banks	0	100
Office buildings	0	100

(b) Each lot shall have landscaped areas which shall be part of any lot which is not covered by buildings, accessory uses, drives and parking lots. The landscaped areas shall be developed and maintained as lawns, along with trees and shrubs, or maintained in a natural state.

(c) The lot area occupied by a motel or hotel shall not be less than set forth in the above schedule, or not less than 1,300 square feet for each lodging unit, whichever is greater. Each lodging unit shall be comprised of at least 250 square feet of floor area and shall not contain more than two sleeping rooms. Kitchen and/or cooking facilities are prohibited unless the site development plan for the building demonstrates the location of such kitchens and/or cooking facilities, and the Planning and Zoning Commission accepts the proposed plan, specifically approving the size and location of the kitchen and cooking facilities as an accessory use, prior to the construction of the building. There shall be no kitchens or cooking facilities as an accessory use to any hotel or motel not designed and approved in accordance with these Codified Ordinances. (Ord. 1999-165. Passed 4-3-00.)

1131.05 YARD REGULATIONS.

(a) Front, side and rear yards shall be provided on every lot in a Class U-9 District in accordance with the following schedule:

	Front Yard	Side and Rear Yards	
	(feet to right of way)	Adjacent to Residential District (in feet)	Adjacent to Nonresidence District (in feet)
Service station building	75	100	35

Service station pumps	20	100	35
Motel, hotel, restaurant	100	100	35
Parking	35	30	10

	Front Yard (in feet)	Side Yard (in feet)	Rear Yard (in feet)
Auto agencies (with used car sales)	75	100 (adjacent to a residential district), otherwise two side yards shall be required, each equal to the height of building.	Where adjoining a residential district, the rear yards shall not be less than 100. In all other locations, the rear yard shall be not less than 25 or the height of the building, whichever is greater.
Banks	75	100 (adjacent to a residential district), otherwise two side yards shall be required, each equal to the height of the building.	Where adjoining a residential district, the rear yard shall not be less than 100. In all other locations, the rear yard shall be not less than 25 or the height of the building, whichever is greater.
Office buildings	75	100 (adjacent to a residential district), otherwise two side yards shall be required, each equal to the height of the building.	Where adjoining a residential district, the rear yard shall not be less than 100. In all other locations, the rear yard shall be not less than 25 or the height of the building, whichever is greater.

(b) Any accessory parking or service area shall be physically separated from the street by a curb and planting strip or other suitable barrier to prohibit unchanneled motor vehicle access, except onto accessways as hereinafter set forth.

(c) Every required yard in which no off-street parking or loading spaces are permitted and any additional required landscaped open areas as required in Section 1131.04 shall be developed as lawn or planted areas or maintained in a natural state. 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 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. (Ord. 1999-165. Passed 4-3-00.)

1131.06 OFF-STREET PARKING.

~~(a) Parking. The minimum off-street parking places required shall be:~~

~~Building Use~~	~~Required Minimum Parking Spaces~~
~~Gasoline service station~~	~~1 space per each 100 square feet of retail sales and storage area, plus 1 space per grease rack, plus 1 space for the restroom, provided that a minimum of five (5) spaces shall be provided. Fueling areas at pump islands shall not be considered parking~~

spaces.

Motels or hotels	1 space per lodging unit, plus 1 space per each 2 employees.
Meeting hall	1 space per 3 seats.
Restaurant	1 space per 2 seats at maximum occupancy permitted under applicable State laws; provided however that parking for outdoor seating areas shall be provided at 1 space for each four (4) seats.
Auto agencies	1 space for each 400 sq. ft. of gross floor area in the building shall be provided for customer and employee off street parking only. In addition, provision shall be made and shown on the site plan of areas to be used for outdoor used car sales and storage. The lighting of areas used for the outdoor display of motor vehicles shall be placed behind the setback building line and not over fourteen feet above grade. Such lighting shall be of the prefocused or focusable type and shall be directed downward and away from adjoining property and public streets. The use of so-called "naked" bulbs for display areas or signs is prohibited. No illumination used on any such sign or in any other sign authorized by this Zoning Code shall be so designed, arranged or used as to be directed or reflected into any residential area or to cause annoying glare in any area. No signs shall be illuminated by flashing or moving lights and no signs shall revolve, oscillate or otherwise move.

Building Use	Required Minimum Parking Spaces
Banks	1 space for each 150 square feet of gross floor area.
Office Buildings	1 space for each 200 square feet of gross floor area.
Professional Medical Offices	1 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 at 1 space for each 200 square feet of gross floor area.
Licensed Health Care Facilities	1 space for each 100 square feet of gross floor area.
Adult Day Care Facilities	per Section 1155.03.
Child Day Care Facilities	per Section 1155.02

(Ord. 2016-21. Passed 5-2-16.)

(b) Required off-street parking facilities shall be located on the same lot as the main building or use served.

(c) Where the computation of required parking spaces results in a fractional unit, one additional parking space shall be provided.

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

(e) 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. For the purpose of computing required off street parking for office and professional medical office buildings, gross floor area shall not include atriums not used for office space and ten percent (10%) of the total floor area may be deducted as allowance for stairwells, elevators, restrooms, mechanical rooms, and other similar spaces.

(f) 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.

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

(h) 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.

(i) Adequate bumper guards shall be provided to establish the limits of the parking area except at exits and entrances. Such guards shall restrain the vehicles so that no part of a parked vehicle shall project into that portion of a required yard in which off street parking is prohibited. All such guards shall be constructed of concrete or high density plastic.
(Ord. 1999-165. Passed 4-3-00.)

1131.07 OFF-STREET LOADING.
(a) Off-street loading facilities shall not be located in the required front, side and rear yards, and the loading space shall not be used for repairing or servicing of motor vehicles.

(b) A space or spaces shall be provided within the structure of such dimensions as to accommodate the trucks employed for loading or unloading goods for the particular use. Each space shall have a vertical clearance of at least fourteen feet.
(Ord. 1999-165. Passed 4-3-00.)

1131.08 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 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.

(b) Entrances and exits shall be limited to a maximum of 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~~

~~(c) The location and width of entrance and exit driveways to parking facilities shall be planned, whenever possible, so that the centerline of the access driveways on the frontage street of a corner lot shall be at least forty feet from the right-of-way line of the nearest intersecting 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. 1999-165. Passed 4-3-00.)~~

~~1131.09 SITE LIGHTING.~~
~~Parking areas and walkways 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. (Ord. 2004-56. Passed 6-21-04.)~~Off-street parking and loading facilities shall be provided in conformance with the provisions of Chapter 1144.

1131.~~10~~ 07 LANDSCAPING AND SCREENING.

(a) Whenever a U-9 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, and such facilities shall not be located in required setbacks.

(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.

(e) At least ten percent (10%) 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.

(f) Not less than five percent (5%) of the total land area, exclusive of the side yards and parking islands, shall be developed as lawn or planted areas, or be maintained in a natural 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 a natural state.
(Ord. 1999-165. Passed 4-3-00.)

1131.~~11~~ 08 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 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.

(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 (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. 1999-165. Passed 4-3-00.)

1131.12 OCCUPANCY.

No use or occupancy shall be permitted until the 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. 1999-165. Passed 4-3-00.)

1131.13 VARIANCES. (REPEALED)

(EDITOR'S NOTE: Former Section 1131.13 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)

CHAPTER 1132
U-10 Planned Mixed-Use Development District

1132.01 Intent.
1132.02 Permitted uses.
1132.03 Area, yard and height regulations.
1132.04 Parking ~~facilities;~~ ~~driveways~~Setbacks.
1132.05 Design and performance standards.
1132.06 Landscaping.
1132.07 ~~Contents of site~~ Site plans.
~~1132.08 Site plan approval.~~
1132.~~09~~ 08 Miscellaneous regulations.
~~1132.10 Variances; exceptions.~~
~~(Repealed)~~

Formatted: Indent: Left: 0", Hanging: 0.75"

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Building lines - see P. & Z. 1145.02
Nonconforming uses - see P. & Z. Ch. 1147
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1132.01 INTENT.

This chapter (Class U-10 District) is established, among other purposes, to create jobs, to create taxable land for the benefit of the City, the School District, the County and other taxing districts and to encourage the comprehensive design and integrated development of large tracts of land suitable for a variety of mutually supported commercial, industrial and retail uses.

The general purposes of this Planned Unit District (PUD) are served by the following basic principles:

(a) Comprehensive planning of large tracts of land promotes the creation of jobs, providing opportunities for the integration of various development projects and clearly identifiable growth centers in a region.

(b) Comprehensive planning and different types of uses can be successfully integrated and provide functional convenience and efficiency in the provision of public services and infrastructure.

(c) Comprehensive planning and integrated design with higher densities of development than are otherwise permitted in this Zoning Code can be accommodated in a PUD without loss of environmental or other quality. The general benefits of higher density include greater productivity of land, more efficient utilization of transportation and utilities, more convenient access between different developments, the potential for higher development returns that can be channeled towards provision of higher level pedestrian and open space amenities, and a concentration within a limited area of the critical mass of people necessary to support varied uses.

(d) Comprehensive planning and integrated design of large tract of land allow for better detailed definition and administration of architectural and landscape design controls.

The advantages of comprehensively planned and designed mixed-use development cannot be achieved by the standard application of existing zoning laws for individual type uses. The Class U-10 District, therefore, is a combination zoning classification, providing for a variety of development types under special developmental standards that are only applicable to the uses in this District.
(Ord. 1989-139. Passed 11-20-89.)

1132.02 PERMITTED USES.

(a) ~~The land in a Planned Unit District (PUD) shall be not less than 375 contiguous acres in the City. As used in this section, "contiguous" shall include land on both sides of public streets.~~ Buildings and land in the Class U-10 District shall be used and buildings shall be

designed, erected, altered or intended only for the uses specifically designated as Class U-10 uses in this section or in Section 1111.02, except that other uses determined to be similar, harmonious and compatible may be authorized by the Planning and Zoning Commission with the concurrence of City Council. The Planning and Zoning Commission and City Council may attach such conditions, stipulations or requirements to the approval of such similar uses as deemed necessary to insure their compatibility, to control potential impacts, and to otherwise carry out the intent of this Code. (Ord. 2002-31. Passed 4-15-02.)

(b) Permitted uses in this District shall include the following uses with the standards set forth in this chapter or incorporated by reference:

(1)	Class P-1 (U 4A Retail).	Not more than the greater of eleven acres of land or 120,000 square feet of gross leasable area shall be permitted in the PUD, excluding accessory space in office buildings.
(2)	Class P-2 (U-7A Office Building).	
(3)	Class P-3 (U-8A "Flex" Space).	Not more than twenty percent of the PUD District shall be Class U-8A. A U-8A use shall be occupied by not less than ten percent of office use for each building.
(4)	Class P-4 (U-9) (hotel, gas station or restaurant).	Hotel (not less than four stories and forty feet in height)
(5)	Class P-5.	Municipal and public utility service uses.
(6)	Class P-6.	Park land. Prior to designation of use P-1 through P-5 District by the owner and approved by the Planning and Zoning Commission, per Section 1132.08, all land shall be designated as park land.

(Ord. 1989-139. Passed 11-20-89.)

(c) The following accessory uses shall be permitted provided they are incidental and subordinate to a principal permitted use and that they are planned and developed in conjunction with a main building:

(1) Parking as provided in Section 1132.04.

(2) Signs as provided in Section 1132.07(c).

(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 (2) inches in diameter, and support structures mounted directly on the roof shall not extend higher than twenty (20) feet above the roof and shall be set back from the parapet or roof edge a minimum of one (1) foot for each one (1) foot in elevation above the top of the parapet. Dipole antennas which are two (2) 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 (3) 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 (90) 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.

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 1329.03M.3.

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) Satellite dish antennas subject to Chapter 1153.

(5) Other accessory uses as specifically authorized by the Planning and Zoning Commission provided such accessory uses are planned and developed integrally with the main building and that the total floor area of all accessory uses does not exceed twenty percent (20%) of the gross floor area of the main building. (Ord. 2002-31. Passed 4-15-02.)

1132.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Ground Area. The minimum lot size shall be three acres, except for a restaurant or gasoline station which shall be one acre.

(b) Schedule.

(1) Ground coverage of buildings.

Class P-1 (U 4A)	25 percent
Class P-2 (U-7A)	20 percent
Class P-3 (U-8A)	30 percent (2-story, not to exceed 30 feet)
Class P-3 (U-8A)	40 percent (1 story)
Class P-4 (U-9)	25 percent (free standing restaurant, gasoline station or hotel)

(2) Parking garage. From five feet to ten feet above ground shall be counted as five percent ground coverage. Less than five feet above ground shall not be counted. Above ten feet, the ground area of the structure shall not be calculated as building coverage, provided that an area equal to the ground area of the parking structure is maintained as landscaping in addition to other required landscaping.

(c) Setbacks. All buildings shall be set back from a public street or highway as follows:

Street	Building Setback From Right-of-Way Line
Harvard Avenue	75 feet
Richmond Road	75 feet
Green Road	75 feet
Other public streets	1/2 the height of the building and a minimum of 50 feet

(d) Side and Rear Yards. Side and rear yards shall be one half the height of the building and a minimum of five feet. Where adjoining a residential district, where a house exists, the yard shall be 200 feet from the R-10 building to the closest part of the residential lot. Where there is no house existing, such yard shall be a minimum of 100 feet. No parking or driveway shall be permitted in one-half of such yard adjoining a residential district. The Planning and Zoning Commission shall determine the landscaping, mounding, screening or fencing necessary to separate the districts for the protection of the residential district.
(Ord. 1989-139. Passed 11-20-89.)

(e) Front Yards. Buildings shall be set back from each public right-of-way a minimum distance of fifty (50) feet plus one (1) foot for each foot of building height in excess of fifty feet.
(Ord. 2002-31. Passed 4-15-02.)

(f) Height of Buildings. Building height shall not exceed 150 feet exclusive of towers, cornices or other features which may be approved by the Commission.
(Ord. 1989-139. Passed 11-20-89.)

1132.04 PARKING ~~FACILITIES; DRIVEWAYS.~~ SETBACKS

~~(a) Parking facilities shall be planned and developed so as not to interfere with the use and enjoyment of adjacent properties and with pedestrian and vehicular traffic on adjacent streets. No driveway shall be constructed in side and rear parking setbacks, except for two or more buildings which share street and/or service access or fire lanes as permitted by the Planning and Zoning Commission.~~

~~(b) All parking areas and driveways shall be concrete or approved asphalt with adequate drainage to prevent water from standing or draining across public walks or streets.~~

~~(c) Curbs shall be of concrete or other material approved by the City Engineer.~~

~~(d) The area within the boundaries of the parking area shall be developed as planted islands or landscaped areas and distributed so as to interrupt the expanse of paved area, subject to the approval of the Commission.~~

~~(e)~~ Parking setbacks shall be as follows:

Street	Parking Setback From Right-of-Way Line (ft.)
Harvard Avenue	35
Richmond Road	35
Green Road	35
Other public streets	15
Abutting property	10

~~(Ord. 2000-187. Passed 2-20-01.)~~

~~(f) Parking spaces shall be provided as set forth in this subsection. In a mixed use building, the area for each use shall be separately computed and totaled to achieve these standards:~~

~~(1) Office buildings: One parking space for every 250 square feet of gross floor space.~~
~~(2) Retail: One parking space for each 200 square feet of gross leasable space. (what the tenant pays rent on, to be defined).~~
~~(3) Hotels: One parking space per suite.~~
~~(4) Restaurants: One parking space per four seats at a maximum usage under the Ohio Basic Building Code; provided however that parking for outdoor seating areas shall be provided at 1 space for each four (4)~~

~~seats.~~

~~(5) Hotel meeting rooms: One parking space per six seats at maximum usage under the Ohio Basic Building Code.~~

~~(6) Research, manufacturing or warehouse space: One parking place per 400 square feet of gross building space.~~

~~(7) Licensed health care facilities: One parking space for each 100 square feet of gross floor area.~~

~~(Ord. 2016-21. Passed 5-2-16.)~~

~~(g) A parking space shall not be less than nine feet by eighteen feet, exclusive of drives and turning space. Drive aisles shall be twenty-four feet wide (per attached exhibits). Assigned and designated employee small car parking space may be eight feet by eighteen feet, but such space shall not exceed twenty percent of the total parking area and locations of the same shall be approved by the Commission. (Ord. 1989-139. Passed 11-20-89.)~~

~~(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.)~~

1132.05 DESIGN AND PERFORMANCE STANDARDS.

(a) Driveway curb cuts to a public street shall be located at least 300 feet apart and not less than 200 feet from a street intersection. The Planning and Zoning Commission shall approve curb cuts, wherever possible, to require two or more lots to use a common curb cut. The Commission may require that an entrance and exitway into a street be in one direction only. Fire lanes shall be a minimum of eighteen feet where required and approved by the Commission.

(b) All permitted uses shall be contained wholly within an enclosed building. All goods, raw materials, equipment and waste materials shall be used or stored within buildings. The Commission shall permit an accessory structure on the lot to contain waste material awaiting pick up. Such structure must be approved by the Commission, including design, materials and screening.

(c) All uses shall be regulated to comply with the following performance standards at the nearest street or property line:

(1) Noxious, toxic or corrosive fumes or gases shall not be emitted which would be injurious or detrimental to persons, property or vegetation or which would be discernible to the sense of smell.

(2) No deleterious, corrosive, toxic, explosive or other environmentally hazardous material or waste shall be discharged into any sanitary or storm sewer or natural watercourse, or into the air or ground.

(3) Electrical disturbances shall not be created that would adversely affect the operation of sound, radio, television or computer equipment in any way.

(4) Noise or vibrations which are incidental to the use in any building shall not interfere with the life, health, safety and welfare of persons or property.

(Ord. 1989-139. Passed 11-20-89.)

1132.06 LANDSCAPING.

(a) Not less than twenty percent of the total land area of a lot and all required yards on which no off-street parking is permitted shall be developed as lawn or landscaped areas or maintained in a naturally wooded state.

(b) Not less than ten feet of area bordering buildings, except for entrance ways, shall be planted with ground cover, trees, shrubs, hedges or other landscaping to maintain a park-like effect. In a retail P-1 Use, the Planning and Zoning Commission may reduce this standard.

Parking setbacks and other undeveloped areas of the park shall be graded and maintained as a lawn or wooded area in an orderly natural state and shall be included in the landscape plan.

(c) Landscaping, driveways and other permitted uses shall at all times be maintained in an orderly, neat, clean, sanitary and structurally sound condition, and all buildings, driveways or other structures shall be repaired in order to maintain substantially their original appearance and condition to prevent blight and unsightliness. Lawns and other landscaping shall be maintained in accordance with acceptable landscaping principles.

(d) Where a Class U-10 District or use is contiguous to or across the street from a residential zone or use, the Commission may require special landscaping, buffering, mounding or fences as the Commission finds necessary for appropriate separation, screening and protection. (Ord. 1989-139. Passed 11-20-89.)

1132.07 ~~CONTENTS OF~~ SITE PLANS.

A site plan shall be prepared for all types of proposals of developments in a Class U-10 District. Such plan shall designate which uses are requested and shall be submitted to the Planning and Zoning Commission for its approval ~~Commission~~in accordance with the provisions of Chapter 1108. ~~Unless exempt by the Commission, plans shall include:~~

~~(a) Exterior Design. Each building will be reviewed for its use of color, materials and proportion, and its relationship to potential and adjacent buildings.~~

~~(b) Landscape and Lighting Design. A uniform color of outdoor lighting and standardized fixtures will be required for all office buildings. The selection and arrangement of appropriate landscape materials will be evaluated and shall be a major design feature. Prior to construction of the first building, the developer shall request approval of common lighting and landscaping standards from the Commission.~~

~~(c) Signs. A uniform color, design and location is required for all signs. Prior to construction of the first building, the developer shall request approval of common sign standards in this District from the Commission, with the location to be approved by the Commission.~~

~~(d) Exterior Materials. The following exterior materials are prohibited:~~

~~(1) Concrete block and concrete/split face masonry units, but pre cast panels are an approved material. Other concrete masonry products shall not be used unless the Commission finds that such products are of a design, appearance and material so as not to be inconsistent with the spirit and intent of this Zoning Code or impair property values.~~

~~(2) Stucco plaster or synthetic acrylic plaster systems;~~

~~(3) Metal siding;~~

~~(4) Residential wood products; and~~

~~(5) Other materials found by the Commission to be unsuitable for the District in order to maintain reasonable uniformity and high quality construction.~~

~~(e) Fences. Fences shall be compatible with the building as approved by the Commission.~~

~~(f) A Survey. A survey of the property and topography, showing the land owned and proposed for development, the natural grade and the proposed finished grade shall be included.~~

~~(g) Buildings. The location, size, height and use of all main and accessory buildings and their general design, color and exterior building material shall be included~~

~~(h) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks details for connections to public streets, locations of all curb cuts, types of pavement, estimates of traffic volumes and traffic studies, when required, shall be included.~~

~~(i) Sidewalks. All walkways and sidewalks not in the right of way shall be approved by the Commission to maintain a substantial level of uniformity in material and design.~~

~~(j) Utilities. The plans for all utility installations and connections shall be included.~~

~~(k) Parking Areas. A layout and estimate of the number of spaces, design features and~~

~~type of pavement shall be included.~~

~~(l) Landscaping Plan. Pattern designs of landscaping, identification of planting area and locations of principal trees and plants shall be included.~~

~~(m) Lighting Plan. All site lighting shall be unobtrusive and without glare to persons in passing motor vehicles or residential or other buildings and to pedestrians, and designed to interfere as little as possible with surrounding development.~~

~~(n) Miscellaneous. Other site development requirements, including grading, drainage and other standards in this Zoning Code or State law, where applicable, and locations of signs, shall be included.~~

~~(Ord. 1989-139. Passed 11-20-89.)~~

~~1132.08 SITE PLAN APPROVAL.~~

~~(a) No building permit shall be issued for a new building or an addition to an existing building until the building owner files an application with the Planning and Zoning Commission for site plan approval. The Commission shall review each application and approve applications which meet or exceed all applicable City codes, but the Commission may recommend variances or findings to Council, at the request of the property owner or his or her agent, to either increase or reduce any of the standards in this Zoning Code.~~

~~(b) An application for site plan approval may be preliminary and/or final. Preliminary approval shall not necessarily be binding upon either the property owner or the City but shall be a statement of the intent of either party and shall at all times be subject to final approval.~~

~~(c) The Commission shall exercise its discretion, where permitted, to approve or reject all or part of any plan which is inconsistent with the spirit and intent of this Zoning Code. The Commission shall determine that the plan is in accordance with this Zoning Code and other ordinances of the City. The plan may be modified by the same procedure.~~
~~(Ord. 1989-139. Passed 11-20-89.)~~

1132.~~09~~ 08 MISCELLANEOUS REGULATIONS.

(a) A building shall not be closer than one-half the height of the taller building adjoining it in any direction. Where the Commission permits, buildings may have common walls under separate ownership. There shall be a minimum distance of twenty feet between buildings when developed as a complex, with the approval of the Commission.

(b) Office buildings are permitted to have a restaurant or lunchroom as part of the retail space. Each office building may have not more than twenty percent of the gross leasable space used for retail, food service or other permitted accessory uses.

(c) Not more than two gasoline stations shall be permitted in a PUD District. They shall be developed architecturally compatible with other buildings. Body work and major engine repair shall not be permitted. No outdoor storage of vehicles shall be permitted unless actually being serviced, and in no event shall such outdoor storage be longer than five days.

(d) Day care centers for children are permitted.

(e) Uses listed in Class U-6 are prohibited.

(Ord. 1989-139. Passed 11-20-89.)

~~1132.10 VARIANCES; EXCEPTIONS. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1132.10 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

TITLE FIVE - General Provisions

Chap. 1141. Signs.
Chap. 1143. Lots.
Chap. 1144. Off Street Parking Facilities
Chap. 1145. Yards and Lines.
Chap. 1146. Fences, Landscaping and Driveways.
Chap. 1147. Nonconforming Uses.
~~Chap. 1149. Rights of Way.~~
Chap. 1151. Trees.
Chap. 1153. Dished Satellite Antennas.
Chap. 1154. Alternative Energy Facilities.
Chap. 1155. Special and Conditional Uses.
Chap. 1157. Riparian and Wetland Setbacks.
Chap. 1159. Determinations and Variances.

CHAPTER 1141
Signs

1141.01 Purpose and intent.
1141.02 Exemptions.
1141.03 Definitions.
1141.04 Compliance and sign permit required.
1141.05 Sign permit applications.
1141.06 Review and approval of sign permits.
1141.07 Permit exceptions.
1141.08 Measurement standards.
1141.09 Illumination of signs.
1141.10 Location of signs.
1141.11 Prohibited signs.
1141.12 Removal of signs.
1141.13 Signs in Residential Districts (U-1, U-2, U-2A, U-3, and U-3A).
1141.14 Signs in public and institutional districts (U-5).
1141.15 Signs in ~~commercial~~ Integrated Business ~~districts~~ Districts (U-4A, ~~U-4B~~).
1141.16 Signs in Shopping Center Districts (U-4B)
1141.~~16~~17 Signs in office building and industrial districts (U-7A, U-8, U-8A).
1141.~~17~~18 Signs in motor services districts (U-9).
1141.~~18~~19 Signs in Planned Mixed-Use Development districts (U-10).
~~1141.19 Variances. (Repealed)~~
1141.20 Nonconforming signs.

Formatted: Indent: Left: 0", Hanging: 1"

CROSS REFERENCES

Power to regulate - see Ohio R. C. 715.27
Signs and signals resembling traffic control devices - see TRAF. 414.07
Signs for commercial structures and multiple-family dwellings - see BLDG. 1375.17

1141.01 PURPOSE AND INTENT.

Sign regulations, including provisions to control the type, design, size, location, illumination, and maintenance thereof, are hereby established in order to achieve, among others, the following purposes:

(a) To promote and maintain attractive and high value residential districts;

(b) To provide for reasonable and appropriate methods and conditions for advertising

goods sold or services rendered in business districts;

(c) To provide for appropriate and harmonious identification of uses and services within office, industrial, and institutional districts;

(d) To protect property values;

(e) To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstruction; and

(f) To protect and preserve the aesthetic quality and physical appearance of the City. (Ord. 2007-108. Passed 4-7-08.)

1141.02 EXEMPTIONS.

The provisions of this Chapter shall not amend or in any way interfere with other rules or regulations governing traffic or public safety signs. These regulations shall not be applicable to any signs erected by the City of Beachwood for public purposes.
(Ord. 2007-108. Passed 4-7-08.)

1141.03 DEFINITIONS.

(a) "Sign": A structure or part thereof, or any device attached to land, buildings or any object of any nature, which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification, or expression or to direct attention to a person, institution, organization, activity, place, object, product or business.

(b) Signs are herein classified and defined according to the following:

(1) Directional: A sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

(2) Marquee: A sign attached to the underside, topside or face of a marquee roof over a walk or permanent awning.

(3) Monument: A sign erected on a free-standing wall or monument not attached to a building with a solid continuous foundation.

(4) Pole: A sign with not more than two faces which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic thereunder.

(5) Projecting: A sign erected on or attached to the outside wall of a building and which projects out at an angle therefrom.

(6) Temporary: A sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and intended or designed for a limited period of display.

(7) Wall: A sign erected on, attached to, painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.

(8) Wayfinding: A sign used to direct motorists or pedestrians to a specific location or uses.

(9) Window: A sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.

(10) Changeable Copy Sign. A sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays. (Ord. 2012-29. Passed 5-21-12.)

1141.04 COMPLIANCE AND SIGN PERMIT REQUIRED.

Signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved or maintained, in whole or in part, only in

accordance with the provisions set forth in this Chapter. A Sign Permit issued by the Building Commissioner shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including temporary signs, except as otherwise specifically exempted in Section 1141.06 hereof. (Ord. 2007-108. Passed 4-7-08.)

1141.05 SIGN PERMIT APPLICATIONS.

All applications for Sign Permits shall be submitted to the Building Commissioner on forms furnished by the City, shall be signed by the owner or lessee of the property on which the sign is proposed, shall be accompanied by such fee as may be established by City Council, and each application shall be accompanied by drawings to scale, showing:

(a) The design and layout proposed including the total area of the sign, the size, materials, character and color of the letters, lines and surface symbols;
(b) The method of illumination, if any;
(c) The exact location of the sign in relation to the building, property lines, and rights-of-way;
(d) Construction details and specifications as required by the Building Code;
(e) And such additional information as the Building Commissioner may require in order to determine compliance with this Chapter.

(Ord. 2007-108. Passed 4-7-08.)

1141.06 REVIEW AND APPROVAL OF SIGN PERMITS.

Each application for a Sign Permit shall be referred to the Architectural Board of Review for consideration. No Sign Permit shall be issued without the approval of the Architectural Board of Review. (Ord. 2007-108. Passed 4-7-08.)

1141.07 PERMIT EXCEPTIONS.

No Sign Permit shall be required for:

(a) Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure.
(b) Changing the lettering, graphic, or information on a sign specifically approved as a changeable copy sign, whether automatic or manual.
(c) Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or utility.
(d) Traffic control signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas.
(e) Wall signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties.
(f) Temporary signs not exceeding four (4) square feet in area and four (4) feet in height, provided that not more than four (4) such signs shall be located on any lot or parcel, that such signs shall not be displayed for longer than thirty (30) days, and that such signs shall not be located less than ten (10) feet from the right-of-way of any street or any side lot line.
(g) Automobile agencies with new and used vehicles sales and service may place informational stick-on signs on the windshields of vehicles for sale provided that all such signs displayed are of a consistent design, are placed in the upper right hand corner of the windshield, and do not cover more than one (1) square foot of area of the windshield.
(h) Two (2) permanent, non-illuminated signs not exceeding one (1) square foot in area shall be permitted for each single-family or two-family dwelling, provided that such signs shall be located not less than ten (10) feet from any side lot line of the premises and not less than two (2) feet from the paved roadway on the tree lawn.

(Ord. 2007-108. Passed 4-7-08.)

1141.08 MEASUREMENT STANDARDS.

The following provisions shall apply to all signs:

(a) The total area of all signs permitted on a lot in accordance with regulations set

forth in the following sections shall include the area of all of the sign faces visible from a public right-of-way, including the area of signs placed upon the surface of windows or doors, but shall not include signs which are less than two (2) square feet in area directing and guiding traffic and parking on private property, or any signs which cannot be seen from a public street, right-of-way, or adjacent properties.

(b) The area of a sign shall be measured within a continuous perimeter enclosing the extreme limits of such sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such sign and not forming an integral part of the display shall not be included as sign area.

(c) Monument signs shall be limited to a maximum of two (2) faces. Where the two faces of a monument sign are oriented 180 degrees, or back to back, to one another the total sign area of such sign shall be measured as if the sign had a single face.

(d) The height of a monument sign shall be measured from the finished grade at the base of the sign to the highest point or element of the sign.

(e) For the purposes of calculating permitted sign area, the frontage of a building shall be the number of linear feet of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner.

(Ord. 2007-108. Passed 4-7-08.)

1141.09 ILLUMINATION OF SIGNS.

(a) Signs in residential districts shall not be illuminated, except as specifically provided herein.

(b) Signs in business, industrial, office, and institutional districts may be illuminated. Where illuminated signs are permitted, they shall conform to the following requirements:

(1) All illuminated signs shall comply with the requirements of the National Electric Code.

(2) Electrical wiring serving any sign shall be installed underground or on or within the structure to which the sign is attached.

(3) Illumination shall not be of excessive brightness and shall be shielded so as to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded so as to prevent view of the light source from any adjoining residence or residential district and/or vehicles approaching on a public right-of-way from any direction.

(4) Flashing, moving or intermittent illumination other than changeable copy shall not be permitted.

(5) The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.

(c) Changeable Copy Signs. Multiple message and variable message signs which are changed electronically shall conform to the following standards:

(1) Each message or copy shall remain fixed for at least thirty (30) seconds. Messages shall not flash, include moving video displays or animation, or emit intermittent light.

(2) Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.

(3) Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions.

(4) No such sign shall be of such intensity as to create a distraction or nuisance for motorists.

(5) Displays shall not emulate traffic control devices.

(6) Such signs shall contain a default design that will freeze the sign in one position or cause it to go dark if a malfunction occurs.
(7) The entire message shall change at once, without scrolling, animation, flashing, blinking or other movement or noise.
(8) The changeable copy portion of any free-standing Monument or Pole Sign shall not exceed eighty percent (80%) of the total area of the sign.
(9) Any such sign located within five hundred (500) feet of a residentially zoned district shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.
(Ord. 2012-29. Passed 5-21-12.)

1141.10 LOCATION OF SIGNS.

All signs shall be located in conformance with the following criteria:

(a) No signs shall be attached to utility poles, street signs, or traffic control poles, except in accordance with Section 1141.14(f).
(b) No signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification signs at intersections, except in accordance with Section 1141.14(f).
(c) No sign shall be located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.
(d) No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that the light or ventilation is reduced below minimum standards required by any applicable law or building code. (Ord. 2010-29. Passed 6-7-10.)

1141.11 PROHIBITED SIGNS.

Signs shall be permitted in each use district and regulated as to type, size and location as provided in this Chapter. Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:

(a) Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
(b) Mobile, portable, or wheeled signs;
(c) Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
(d) Signs placed, inscribed or supported upon a roof or upon any structure which extends above the roof line of any building;
(e) Inflatable images;
(f) Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices provided however, that changeable copy signs shall be permitted;
(g) Signs which employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
(h) Beacons or searchlights;
(i) High intensity strobe lights;
(j) Signs which hang less than eight and one-half (8.5) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path; and
(k) Window signs except as specifically authorized herein.
(Ord. 2007-108. Passed 4-7-08.)

1141.12 REMOVAL OF SIGNS.

(a) Any owner, part owner, tenant or lessee who suffers a sign to remain on his property shall be deemed to have knowledge of the erection and nature of the sign. All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the

public or property, the Building Commissioner or his designated agent shall order the sign to be made safe or removed. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon receipt of written notice from the Building Commissioner or his designated agent, forthwith in the case of immediate danger and in any case within forty-eight (48) hours, secure, repair or remove said sign or structure in a manner approved by the Building Commissioner. If said person or firm fails to comply with such order within forty-eight (48) hours, the Building Commissioner may remove the sign at the expense of the owner or lessee.

(b) The Building Commissioner shall order the removal or modification of any sign erected without a permit or found to be in violation of these regulations. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Building Commissioner or his designated agent, within five (5) days, remove or modify the sign or structure in a manner approved by the Building Commissioner or his designated agent. If such sign is not removed or brought into compliance as directed in the notice of violation within five (5) days, the Building Commissioner or his designated agent may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.
(Ord. 2007-108. Passed 4-7-08.)

1141.13 SIGNS IN RESIDENTIAL DISTRICTS (U-1, U-2, U-2A, U-3, and U-3A).

(a) Permanent Signs.

(1) Each subdivision development, multiple family development, and/or apartment development shall be permitted one (1) monument sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Developments which have frontage on two or more streets may be permitted a second monument sign provided that the second monument sign is located on a different street and does not exceed forty (40) square feet in area nor eight (8) feet in height. Monument signs shall be located a minimum of fifteen (15) feet from the right-of-way line of any street and from any property line, and thirty-five (35) feet from any occupied dwelling unit. Each monument sign shall be so designed and constructed of such materials as to be compatible with the character of the residential neighborhood. The base and foundation of each monument sign shall be landscaped with plant material as approved by the Building Commissioner.

(2) Signs in U-3A Districts. The following signs are permitted only in U-3A Districts:

A. Residential Monument Sign or Wall Sign. Each residential building in a U-3A District shall be permitted one (1) sign, which may be either a wall or monument sign. Such sign shall not exceed twenty (20) square feet in area nor five (5) feet in height. Each such sign shall be located within twenty (20) feet of the entrance to the residential building.

B. Commercial Monument Sign or Wall Sign. One (1) sign, which may be either a wall or monument sign, shall be permitted at the entrance to the central commercial building in a U-3A District. Such sign shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each sign shall be located within twenty (20) feet of the entrance to the central commercial building.

C. Entrance Monument Sign. Each development in a U-3A District shall be permitted one (1) monument sign at the entrance to the U-3A District in addition to the one permitted in Section 1141.12(a)(2)(B) above provided such additional sign shall not exceed twenty-five (25) square feet in area nor five (5) feet in height. Each such sign shall be located a minimum of ten (10) feet from the right-of-way line of any street or any side lot line.

(3) Signs in U-3C Districts. Signs in the Planned Multi-Family Residential District shall be reviewed and approved by the Planning and Zoning Commission as part of the Final Development Plan approval pursuant to Sections 1118.05(d) and 1118.05(e).
(Ord. 2011-170. Passed 3-19-12.)

(b) Temporary Signs.

(1) One temporary, free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of ten (10) feet from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of issuance of an occupancy permit by the Building Commissioner.~~(EDITOR'S NOTE: Former subsection (b)(1) hereof was repealed by Ordinance 2009-37, passed May 18, 2009.)~~

(2) One temporary free-standing sign not exceeding four (4) square feet in area and four (4) feet in height may be erected on a site indicating the availability of said site for sale or lease. No permit shall be required for such signs. (Ord. 2007-108. Passed 4-7-08.)

1141.14 SIGNS IN PUBLIC AND INSTITUTIONAL DISTRICTS (U-5).

(a) Area of Signs. The total area of all permanent signs for each use, parcel, building or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner.

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total sign area for permanent signs as calculated herein by fifty percent (50%).

(c) Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the sign's total height be extended above the top of the wall.

(2) Marquee Signs. Marquee signs may extend above the face or topside, but the vertical dimension of such sign, including the exposed portion of the face, shall not exceed four (4) feet.

(3) Monument Signs. Each use, parcel, building or land under common ownership or control shall be permitted one (1) monument sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Parcels which have frontage on two or more streets may have a second monument provided that the second monument sign is located on a different street and does not exceed forty (40) square feet in area nor eight (8) feet in height. Monument signs shall be located a minimum of ten (10) feet from all property boundary lines and the right-of-way line of any street, and shall be located a minimum of twenty-five (25) feet from any residential zoning district line. Each monument sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each monument sign shall be landscaped with plant material as approved by the Building Commissioner.

(d) Wayfinding Signs. Buildings, lots and parcels with multiple tenants and/or uses may 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 subsections (a) and (b) 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 thirty (30) square feet in area or eight (8) feet in height.

(e) Temporary Signs.

(1) One sign, which may be either a wall or free-standing sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing signs shall not exceed six (6) feet in height nor shall such signs be located less than ten (10) feet from the public right-of-way line of any street or any side lot line.

(2) One temporary, free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of ten (10) feet from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of issuance of an occupancy permit by the Building Commissioner.

(3) One temporary free-standing sign not exceeding six (6) square feet in area and six (6) feet in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such sign, however, said signs shall not require the approval of the Architectural Review Board.

(f) Temporary, Vertical Banners. Temporary, vertical banners on street poles within the City's right-of-way shall be permitted only in accordance with the following standards:

(1) A permit issued by the Building Department shall be required prior to the installation of any street pole banner. Applications for street pole banner permits shall be submitted to the Building Department on forms provided by the Building Department. The application for a permit must include the written consent of the property owner and pole owner.

(2) Only vertical banners mounted to a single street pole shall be permitted. Horizontal banners extending between two poles shall not be permitted.

(3) Banners are temporary and shall be permitted for a maximum total period of six (6) months during any calendar year. Applicants must re-apply for a new permit for each calendar year, which will require a new permit to be issued by the Building Department.

(4) Applicants must have a facility, operation or function located on the site for which a banner is requested. Banners shall be permitted only along the street frontage of the applicant.

(5) Banners shall be canvas or vinyl and shall not exceed thirty (30) inches in width nor eighty-four (84) inches in height. Temporary, vertical banners shall be placed at a minimum height of fifteen feet six inches (15'6") above grade.

(6) Banners shall be attached to poles using a flexible support system that provides wind-load relief. The support system must be of a type approved by the owner of the street pole. If banners are removed for a period of more than six (6) months, the mounting system must be removed.

(7) Installation of banners shall be performed by a qualified contractor authorized by both the City and the pole owner to perform such work. Installations shall be performed during non-peak traffic times as authorized by the City.

(8) The Architectural Board of Review reserves the right to approve the message and image content of all banners proposed to be placed within the public right-of-way. Banners may provide information and identification

regarding the approved institutional use and community and/or civic events. No commercial advertising shall be permitted on any street pole banner. Identification of sponsors may be permitted, but such identification shall not exceed a maximum of twenty percent (20%) of the total area of the banner.

(9) Applicants shall be responsible for the continued maintenance of banners. The City may, at any time, order banners that are damaged or is disrepair to be replaced or removed. The City may remove banners that are unsightly or are determined to be hazardous.

(10) A maximum of one (1) banner shall be permitted on any street pole.

(11) City approval of banners is separate from approval by the pole owner. (Ord. 2010-29. Passed 6-7-10.)

1141.15 SIGNS IN ~~COMMERCIAL~~ INTEGRATED BUSINESS DISTRICTS (U-4A, ~~U-4B~~).

(a) Area of Signs. The total area of all permanent signs for each use, parcel, building, or land under common ownership or control shall not exceed three (3) square feet for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner up to eighty (80) lineal feet and one (1) square foot of each additional lineal foot of building wall or facade in excess of eighty (80) feet.

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total sign area for permanent signs as calculated herein by fifty percent (50%).

(c) Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the sign's total height be extended above the top of the wall.

(2) Marquee Signs. Marquee signs may extend above the face or topside, but the vertical dimension of such sign, including the exposed portion of the face, shall not exceed four (4) feet.

(3) Monument Signs. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) monument sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Parcels which have frontage on two or more streets may have a second monument provided that the second monument sign is located on a different street and does not exceed forty (40) square feet in area nor eight (8) feet in height.
Monument signs shall be located a minimum of ten (10) feet from all property boundary lines and the public right-of-way, and shall be located a minimum of twenty-five (25) feet from any residential zoning district line. Each monument sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each monument sign shall be landscaped with plant material as approved by the Building Commissioner.

(4) 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.

(d) Wayfinding Signs. Buildings, lots, and parcels with multiple tenants and/or uses may 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 Subsections (a) and (b) 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 thirty (30) square feet in area or eight (8) feet in height.

(e) Temporary Signs.

(1) One sign, which may be either a wall or free-standing sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing signs shall not exceed six (6) feet in height nor shall such signs be located less than ten (10) feet from the public right-of-way line of any street or any side lot line.

(2) One temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of ten (10) feet from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of completion of construction or issuance of an occupancy permit by the Building Commissioner.

(3) One temporary free-standing sign not exceeding six (6) square feet in area and six (6) feet in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such sign, however, said signs shall not require the approval of the Architectural Review Board
(Ord. 2007-108. Passed 4-7-08.)

1141.16 SIGNS IN SHOPPING CENTER DISTRICTS (U-4B).

(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 opague. 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~~ with exterior entrances 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 identifications 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. The Wayfinding Sign Plan may include monument identification signs for freestanding tenants, provided that such signs are located adjacent to the use and do not exceed twenty-four (24) square feet in area nor eight (8) feet in height. 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.

1141.~~16~~ 17 SIGNS IN OFFICE BUILDING AND INDUSTRIAL DISTRICTS (U-7A, U-8, U-8A).

(a) Area of Signs. The total area of all permanent signs for each use, parcel, building, or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner.

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total sign area for permanent signs as calculated herein by fifty percent (50%).

(c) Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the sign's total height be extended above the top of the wall.

(2) Projecting Signs. Projecting signs shall be limited to one (1) sign for each establishment or store front and shall not exceed a maximum of eight (8) square feet in area. Any face of a projecting sign shall be not less than five (5) feet from a side lot line or party wall of another store unit. The amount of projection from the wall surface shall be as determined by the Building Commissioner. Projecting signs shall not extend above the roof line of the building to which they are affixed.

(3) Marquee Signs. Marquee signs may extend above the face or topside, but the vertical dimension of such sign, including the exposed portion of the

face, shall not exceed four (4) feet.

(4) Monument Signs. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) monument sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Parcels which have frontage on two or more streets may have a second monument provided that the second monument sign is located on a different street and does not exceed forty (40) square feet in area nor eight (8) feet in height.

Monument signs shall be located a minimum of ten (10) feet from the right-of-way line of any street and all property boundary lines, and shall be located a minimum of twenty-five (25) feet from any residential zoning district line. Each monument sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each monument sign shall be landscaped with plant material as approved by the Building Commissioner.

(5) 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.

(d) Wayfinding Signs. Buildings, lots, and parcels with multiple tenants and/or uses may 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 subsections (a) and (b) 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 thirty (30) square feet in area or eight (8) feet in height.

(e) Temporary Signs.

(1) One sign, which may be either a wall or free-standing sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing signs shall not exceed six (6) feet in height nor shall such signs be located less than ten (10) feet from the right-of-way line of any street or any side lot line.

(2) One temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of ten (10) feet from the right-of-way line of any street or any property line and shall be removed within five (5) days of issuance of an occupancy permit by the Building Commissioner.

(3) One temporary free-standing sign not exceeding six (6) square feet in area and six (6) feet in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such sign, however, said signs shall not require the approval of the Architectural Review Board.

(Ord. 2007-108. Passed 4-7-08.)

1141.~~17~~ 18 SIGNS IN MOTOR SERVICE DISTRICTS (U-9).

(a) Area of Signs. The total area of all permanent signs for each use, parcel, building, or land under common ownership or control shall not exceed three (3) square feet for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner up to eighty (80) lineal feet and one (1) square foot of each additional lineal foot of building wall or facade in excess of eighty (80) feet.

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total sign area for permanent signs as calculated herein by twenty-five percent (25%).

(c) Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the sign's total height be extended above the top of the wall.

(2) Marquee Signs. Marquee signs may extend above the face or topside, but the vertical dimension of such sign, including the exposed portion of the face, shall not exceed four (4) feet.

(3) Monument Signs. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) monument sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Parcels which have frontage on two or more streets may have a second monument provided that the second monument sign is located on a different street and does not exceed forty (40) square feet in area nor eight (8) feet in height. Monument signs shall be located a minimum of ten (10) feet from all property boundary lines and the public right-of-way, and shall be located a minimum of twenty-five (25) feet from any residential zoning district line. Each monument sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each monument sign shall be landscaped with plant material as approved by the Building Commissioner.

(4) 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.

(5) Pole Signs. One (1) pole sign shall be permitted on a parcel which contains a permitted U-9 use and which directly abuts the freeway right-of-way. Pole signs shall not exceed fifty (50) feet in height or three hundred (300) square feet in area per sign face. The maximum number of faces on any pole sign shall be two (2). Pole signs shall be setback a minimum of twenty (20) feet from any property line and must be located a minimum of two hundred (200) feet from any other pole sign. Such pole signs shall only be used to identify or advertise U-9 uses. Pole signs shall not be calculated as part of the maximum area of permitted signage under Section 1141.16(a).

(6) Changeable Copy Signs. Automobile agencies with new and used vehicle sales and service shall be permitted one (1) permanent monument changeable copy sign with a maximum of two (2) faces which shall not exceed forty (40) square feet in area per face and which shall not exceed a maximum of eight (8) feet in total height. Said sign shall be in addition to such other signage as may be authorized herein, and shall not be included in the calculation of maximum sign area. Such sign shall be placed on a permanent foundation and may be illuminated.

(d) Temporary Signs.

(1) One sign, which may be either a wall or free-standing sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing signs shall not exceed six (6) feet in height nor shall such signs be located less than ten (10) feet from the public right-of-way line of any street or any side lot line.

(2) One temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building

permit has been obtained. Such sign shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of ten (10) feet from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of issuance of an occupancy permit by the Building Commissioner.

(3) One temporary free-standing sign not exceeding six (6) square feet in area and six (6) feet in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such sign, however, said signs shall not require the approval of the Architectural Review Board

(e) Wayfinding Signs. Buildings, lots, and parcels with multiple tenants and/or uses may 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 subsections (a) and (b) 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 thirty (30) square feet in area or eight (8) feet in height.
(Ord. 2013-17. Passed 5-20-13.)

1141.~~18~~ 19 SIGNS IN PLANNED MIXED-USE DEVELOPMENT DISTRICTS (U-10).

Signs in the Planned Mixed Use Development District shall be reviewed and approved by the Planning and Zoning Commission as part of site plan approval pursuant to Section 1132.07(c).
(Ord. 2007-108. Passed 4-7-08.)

~~1141.19 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1141.19 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

1141.20 NONCONFORMING SIGNS.

Signs which were legally in existence prior to the effective date of this Chapter, but which do not conform with the provisions hereof, may be maintained as a matter of right provided that such signs comply with the provisions of Part Thirteen of the Building Code regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a nonconforming sign or any alteration in the size or structure of such sign, shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance with this Chapter. (Ord. 2007-108. Passed 4-7-08.)

CHAPTER 1143
Lots

1143.01 Lot area per family.
1143.02 Width of lot in residence districts.
1143.03 Depth of lot.
1143.04 Building permits.
~~1143.05 Variances. (Repealed)~~

CROSS REFERENCES
Lot defined - see P. & Z. 1101.04
Area districts established - see P. & Z. 1111.01
Building permits, fees and deposits - see BLDG. Ch. 1329

1143.01 LOT AREA PER FAMILY.

(a) In a Class A-1 Area District, no dwelling house shall be erected or altered to accommodate or make provision for more than one ~~family~~ dwelling unit for each one acre of area of lot, except that one single-family dwelling may be erected on any lot containing 18,000 square feet of area or more ~~when such lot is served by a sanitary sewer, and~~ except further that one single-family dwelling may be erected on any lot separately owned at the time of the passage of this section (Ordinance 1953-27, passed May 18, 1953), or on any numbered lot in a recorded subdivision that was on record in the office of the County Recorder at the time of the passage of this section, a dedication of the streets of which subdivision was accepted for public use by Council.

(b) In a Class A-2 Area District, no dwelling house shall be erected or altered to accommodate or make provision for more than one family for each 9,000 square feet of area of the lot, provided that one single-family dwelling may be erected on any lot separately owned at the time of the passage of this section, or on any numbered lot in a recorded subdivision that was on record in the office of the County Recorder at the time of the passage of this section, a dedication of the streets of which subdivision was accepted for public use by Council.
(Ord. 1953-27. Passed 5-18-53.)

1143.02 WIDTH OF LOT IN RESIDENCE DISTRICTS.

In a Class A-1 Area District, no dwelling house shall be erected on a lot having an average width of less then 125 feet, except that when such lot is serviced by a sanitary sewer, no dwelling shall be erected on a lot having an average width of less than 100 feet. In a Class A-2 Area District, no dwelling house shall be erected on a lot having an average width of less than sixty feet, unless such lot was separately owned at the time of the passage of this section (Ordinance 1953-27, passed May 18, 1953), or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was made for public use and accepted by Council. (Ord. 1953-27. Passed 5-18-53.)

1143.03 DEPTH OF LOT.

In a Class A-1 Area District, no dwelling house shall be erected on a lot having an average depth of less than 300 feet, accept that when such lot is serviced by a sanitary sewer, no dwelling house shall be erected unless the average depth of such lot is not less than 180 feet, and, when the lot is serviced by a septic tank, the area of such lot shall be not less than 125 by 300 feet (37,500 square feet or 0.860 acre. In Class A-1 and in Class A-2 Area Districts, no dwelling house shall be erected on a lot having an average depth of more than three and one-half times the average width. These provisions shall not apply if such lot was separately owned at the time of the passage of this section (Ordinance 1953-27, passed May 18, 1953), or if such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was

made for public use and accepted by Council. (Ord. 1953-27. Passed 5-18-53.)

1143.04 BUILDING PERMITS.

No permit shall be issued for a building or a use on a lot unless such lot has a frontage upon a public highway or upon a public street which has been duly dedicated and accepted for public use and which meets minimum City standards of improvement so as to insure adequate and satisfactory access to such lots, according to specifications approved by Council. (Ord. 1951-41. Passed 6-25-51.)

~~1143.05 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1143.05 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

CHAPTER 1144
OFF-STREET PARKING FACILITIES

1144.01 Purpose and Intent.
1144.02 Location of Parking Facilities.
1144.03 Site Access and Driveways.
1144.04 Accessiblity.
1144.05 Minimum Parking Lot Design Standards.
1144.06 Off-Street Loading Facilities.
1144.07 Required Off-Street Parking.

1144.01 PURPOSE AND INTENT.

The following requirements are provided so that 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 properties and with pedestrian and vehicular traffic within public rights-of-way.

1144.02 LOCATION OF PARKING FACILITIES.

Parking facilities shall be located on the same lot as the main building or use served, provided however, that the Planning and Zoning 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. The Commission may also authorize the Special Redevelopment Overlay provisions in U-8 Districts.

1144.03 SITE ACCESS AND DRIVEWAYS.

(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 and Zoning Commission which may require recommendations from the City Engineer and/or the Police Department. 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.

(b) Entrances and exits shall be limited to a maximum of 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

(c) The location and width of entrance and exit driveways to parking facilities shall be planned, whenever possible, so that the centerline of the access driveways on the frontage street of a corner lot shall be at least forty feet from the right-of-way line of the nearest intersecting street.

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

(e) All parking lots shall be screened from adjacent residentially zoned properties in a manner approved by the Planning and Zoning Commission.

1144.04 ACCESSIBILITY.

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

1144.05 MINIMUM PARKING LOT DESIGN STANDARDS.

(a) A parking space shall be not less than 180 square feet (minimum of nine feet by twenty feet) exclusive of drives and turning spaces.

(b) 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.

(c) 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.

(d) Drive aisles providing direct access to parking spaces shall be a minimum of twenty-four (24) feet in width. On-site drive aisles that do not provide access to individual parking spaces shall be a minimum of twenty (20) feet in width.

(e) 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.

(f) 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 foot candles and shall be installed in conformance with a lighting plan approved by the Planning and Zoning Commission.

1144.06 OFF-STREET LOADING FACILITIES.

(a) Loading facilities shall be located on the same lot as the main building or use served and shall be located so that no 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 1144.05.

(c) Off-street loading facilities shall not be located in the required front, side and rear yards, and the loading space shall not be used for repairing or servicing of motor vehicles. Space required and allocated for off-street loading shall not be allocated or used to satisfy the space requirements for off-street parking.

(d) A space or spaces shall be provided within the structure of such dimensions as to accommodate the trucks employed for loading or unloading goods for the particular use. Each space shall have a vertical clearance of at least fourteen feet.

(e) Loading spaces and service areas shall be screened from view from public rights-of-way to the greatest extent possible with screen walls, landscaping, or other approved methods.

(f) Loading areas shall be designed to provide adequate maneuvering area for service vehicles.

1144.07 REQUIRED OFF-STREET PARKING.

(a) Off-street parking spaces shall be provided in accordance with the following schedule:

SCHEDULE OF REQUIRED OFF-STREET PARKING	
USE	**MINIMUM PARKING SPACES**
RESIDENTIAL	
Single Family Detached Dwellings	1 Enclosed Garage Space plus 1 driveway space per Dwelling Unit (See Section 1144.07(f))
Single Family Attached Dwellings	2 Enclosed Garage Spaces plus 1 driveway parking space per Dwelling Unit
Multifamily Dwellings	2 Spaces per Dwelling Unit

Formatted: Font: Not Italic, Font color: Auto

Formatted: Font: Not Bold

Formatted: Font: Not Italic, Font color: Auto

Formatted: Font: Not Italic, Font color: Auto

Formatted: Font: Not Italic, Font color: Auto

Formatted: Font: Not Bold, Not Italic, Font color: Auto

Formatted: Font: Not Bold, Not Italic, Font color: Auto

Formatted: Font: Not Bold

INSTITUTIONAL	
Government Facilities	1 Space for each 300 Square Feet of Gross Floor Area
Recreation Facilities and Community Centers	1 Space for each 400 Square Feet of Gross Floor Area
Primary Schools	2 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Secondary Schools	6 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Colleges	10 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Nursing Homes	1 Space per Bed
Assisted Living Facilities	1 Space for each 1.5 Living Units
Places of Worship	1 Space for each 300 Square Feet of Gross Floor Area
Libraries	1 Space for each 300 Square Feet of Gross Floor Area
Museums	1 Space for each 400 Square Feet of Gross Floor Area
Child Day Care Centers	Per Section 1155.02
Adult Day Care Centers	Per Section 1155.03
Licensed Health Care Facilities	1 Space for each 150 Square Feet of Gross Floor Area
Postal and Package Delivery Facilities	1 Space for each 250 Square Feet of Gross Floor Area
Public Utility Facilities	As determined by the Planning and Zoning Commission

Formatted: Font: Not Italic, Font color: Auto
Formatted: Font: Not Bold,

RETAIL AND OFFICE	
Retail Stores	1 Space for each 200 Square Feet of Gross Floor Area
Restaurants	1 Space for each 2 Seats at maximum permissible occupancy, provided however that parking for outdoor seating areas shall be provided at 1 space for each 4 Seats.
Personal and Business Services	1 Space for each 250 Square Feet of Gross Floor Area
Banks and Financial Institutions	1 Space for each 200 Square Feet of Gross Floor Area
Regional Fashion Shopping Center	4 Spaces per 1,000 Square Feet of Gross Leasable Area. (See Section 1144.07(e))
Indoor Recreation Facilities	1 Space for each 200 Square Feet of Gross Floor Area
Specialty Schools, Private Schools, and Training Facilities	1 Space for each 200 Square Feet of Gross Floor Area
Dance Studios	1 Space for each 200 Square Feet of Gross Floor Area
Athletic Facilities, Fitness Centers, and Health Spas	1 Space for each 250 Square Feet of Gross Floor Area
Automobile Agencies	1 Space for each 400 Square Feet of Gross Floor Area
Gasoline Service Stations	1 Space for each 200 Square Feet of Gross Floor Area exclusive of service bays. Fueling areas shall not be considered parking spaces.
Hotels and Motels	1 Space per Lodging Unit plus 1 Space per Employee.
Meeting and Conference Facilities	1 Space for each 3 Seats at maximum permitted capacity.
Offices other than Medical Offices	1 Space for each 250 Square Feet of Gross Floor Area
Professional Medical Offices	1 Space for each 150 Square Feet of Gross Floor Area, provided however, that where Medical Offices constitute less than 25% of the gross floor area of a building parking shall be

Formatted: Font: Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Blue
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted ...
Formatted ...
Formatted ...
Formatted ...
Formatted ...
Formatted ...
Formatted ...
Formatted ...
Formatted ...

	provided at 1 Space for each 200 Square Feet of Gross Floor Area.
Photographic Studios.	1 Space for each 300 Square Feet of Gross Floor Area.
Interior Decorating and Design Services.	1 Space for each 400 Square Feet of Gross Floor Area.
Recording and Broadcasting Studios.	1 Space for each 300 Square Feet of Gross Floor Area.
Art Studios and Galleries.	1 Space for each 300 Square Feet of Gross Floor Area.
WAREHOUSE AND MANUFACTURING.	
Research and Development Laboratories and Testing Facilities.	1 Space for each 400 Square Feet of Gross Floor Area.
Wholesale Businesses and Showrooms.	1 Space for each 400 Square Feet of Gross Floor Area, provided that Retail Sales areas associated with Wholesale Business shall provide 1 Space for each 250 Square Feet of dedicated retail space.
Storage and Distribution Facilities.	1 Space for each 400 Square Feet of Gross Floor Area.
Manufacturing, Fabrication and Assembly Operations.	1 Space for each 400 Square Feet of Gross Floor Area.
Printing, Publishing, and Engraving.	1 Space for each 400 Square Feet of Gross Floor Area.
Copy, Blueprinting, and Reproduction Services.	1 Space for each 300 Square Feet of Gross Floor Area.

(b) 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 retail or 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 similar spaces. Where the computation of required parking spaces results in a fractional unit, one additional parking space shall be provided.

(c) 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

Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold
Formatted: Font: Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold, Not Italic, Font color: Auto
Formatted: Font: Not Bold

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.

(d) Where a specific use is not identified in the table in Subsection 1144.07(a), the required number of parking spaces shall be determined by the Planning and Zoning Commission and such determination shall be based upon the nature and capacity of the proposed use or development and the anticipated number of employees, customers, and/or users.

(e) Gross leasable area of a Regional Fashion Shopping Center 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, nor does it include hotel rooms or residential dwelling units. Parking for hotel rooms and residential dwellings shall be provided at the rates shown in Section 1144.07(a) for such uses.

(f) Single Family dwellings designed and constructed as part of a Cluster Development Alternative shall provide a minimum of two (2) enclosed garage parking spaces and one (1) driveway parking space per dwelling unit.

CHAPTER 1145
Yards and Lines

1145.01 Side yards.
1145.02 Front yards; building lines.
1145.03 Utility plan; location of utilities and transformers.
1145.035 Utilities in subdivisions of more than five sublots.
1145.04 Aboveground telephone cubicles.
~~1145.05 Variances. (Repealed)~~

CROSS REFERENCES
Yard definitions - see P. & Z. 1101.03
Single-Family House District (Class U-1) rear yards - see P. & Z. 1113.03
Multiple-Family District (Class U-2) yards - see P. & Z. 1115.01
Apartment House District (Class U-3) yards - see P. & Z. 1117.01
Integrated Business District (Class U-4A) yards - see P. & Z. 1121.03(b)
Shopping Center District (Class U-4B) yards - see P. & Z. 1123.02(d)
General Office Building District (Class U-7A) yards - see P. & Z. 1127.03(b)
Limited Storage and Manufacturing District (Class U-8) yards - see P. & Z. 1129.03(b)
Motor Service District (Class U-9) yards - see P. & Z. 1131.05

1145.01 SIDE YARDS.
For each building erected, there shall be a side yard along each lot line other than a front or rear line. The least dimension of the side yard provided for herein shall not be less than three feet on one side and not less than eight feet on the remaining side, and at least twenty-five percent of the lot width at the setback line shall be devoted to the side yard, but not more than twenty-five feet of such width need be so devoted. (Ord. 1951-87. Passed 12-3-51.)

1145.02 FRONT YARDS; BUILDING LINES.
Between the building line and the street line no building or portion of a building extending above the established grade may be erected. On a corner lot between the building line and the street line, and within the triangular space included between the street line, for a distance of twenty-five feet from their point of intersection, no fence or other structure more than three feet in height above the plane of the established grade shall hereafter be erected, and no shrubs or foliage shall be maintained that, in the judgment of the Building Commissioner, will materially obstruct the view of a driver of a vehicle approaching the intersection and within seventy-five feet of the center of such intersection, of approaching cross traffic which is within seventy-five feet of the center of such intersection. Amend the City of Beachwood Zoning Map by eliminating all front setback lines shown and amending the legend box by eliminating the front setback designations for U-1, A-1 and U-1, A-2 Districts.
(Ord. 2008-100. Passed 11-17-08.)

~~1145.03 UTILITY PLAN; LOCATION OF UTILITIES AND TRANSFORMERS.~~
~~(a) In all new subdivisions, the developer shall submit a utility plan to the City for its approval showing the location of all utilities. No subdivision plan shall be approved by the City until the utility plan is also approved. All electric utilities shall be underground except as is hereinafter set forth.~~

~~(b) The Planning 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 sublot, but not closer than one foot from a rear yard line or three feet from a sidewalk line in the front yard. Transformers shall be located on the side yard line and not closer than thirty feet from a dwelling~~

unit or accessory building.

(c) Transformers may be constructed on above ground pads when approved by the Planning Commission. Transformers shall be screened on all sides by evergreen shrubs of sufficient density to reasonably shield the view of such transformers. Such evergreen shrubs shall be of a variety approved by the Service Director. No occupancy permit for a new dwelling 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 and principal occupant of each home 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 and principal occupant from the duty to maintain and/or replace such shrubs if they die or are otherwise damaged. (Ord. 1995118. Passed 9-18-95.)

1145.035 UTILITIES IN SUBDIVISIONS OF MORE THAN FIVE SUBLOTS.

In all subdivisions of more than five 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 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; and

(4) Underground gas lines.

(d) The Planning and Zoning Commission may authorize a variance from this section when undue hardship may result from strict compliance. In granting any variance the Commission shall prescribe only conditions that it deems necessary or desirable for the public interest and when it finds that there are special circumstances or conditions affecting the property such that the strict application of the provisions of this section would deprive the applicant of the reasonable use of his or her land. (Ord. 1968-106. Passed 11-4-68.)

1145.04 ABOVEGROUND TELEPHONE CUBICLES.

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

(a) Cleveland Electric Illuminating Company thirty-two inches high; thirty-six inches wide; forty-two inches long.

(b) Ohio Bell Telephone Company ten inches square; forty-eight inches high, sixteen inches below ground and thirty-two inches above ground (standard is only six inches square by forty-eight inches high). (Ord. 1976-29. Passed 3-15-76.)

1145.05 VARIANCES.

(EDITOR'S NOTE: Former Section 1145.05 was repealed by Ordinance 2009-55,

~~passed September 8, 2009. See Chapter 1159 for current regulations.)~~

CHAPTER 1146
Fences, Landscaping and Driveways

1146.01 Definitions.
1146.02 Fences.
1146.03 Landscaping.
1146.04 Driveways in Class U-1 Districts.
1146.99 Violations and penalties.

CROSS REFERENCES
Electric and barbed wire fences - see GEN. OFF. 660.12
Swimming pool enclosures - see BLDG. 1335.13

1146.01 DEFINITIONS.
Terms as used in this chapter shall have the following meanings:

~~(a) "Closed Fence" means a fence with an aggregate opening of less than twenty five percent (25%) over the surface area of the fence and/or a fence with all openings not equally distributed.~~

(~~b~~a) "Decorative or Ornamental Fence" means any type of free-standing open fence, except chain-link and wire fences.

(~~c~~b) "Fence" means an elevated partition or barrier separating one lot from another lot or parts of the same lot and includes the material used for the fence, its support members and all related parts.

(~~d~~c) "Fence Height" shall be measured from the existing predominant and prevailing ground grade level to the top of the fence. No berm, mound or base shall be created or constructed for the purpose of erecting a fence thereon so as to increase the permitted height of the fence from the level of the then existing natural grade.

(~~e~~d) "Free-standing Fence" means a fence which is not connected at any point to the main building on the property.

(~~f~~e) "Growing Landscaping" means grass, trees, bushes and other living plants.

(~~g~~f) "Hardscape" means patios, walkways, fountains, decks, and other improved surfaces.

~~(h) "Open Fence" means a fence with at least a twenty five percent (25%) aggregate opening over the surface area of the fence, with all openings equally distributed.~~

(~~i~~g) "Snow Fence" means a flexible temporary wood and wire barrier which has an aggregate opening of fifty percent (50%) over the surface area of the fence and is designed and used for the sole purpose of limiting snow from drifting.

~~(Ord. 2011-127. Passed 12-19-11.)~~

1146.02 FENCES.

(a) Permitted Materials: Fences shall be constructed of wood, steel, aluminum, or PVC (polyvinyl chloride), formulated to resist impact and approved for ultraviolet stabilization, meeting requirements of ASTM D638. All fencing shall be structurally able to withstand weather conditions.

(b) Fences Permitted In U-1, U-2, U-2A, U-3, U-3A, and U-3B Use Districts: Fences are permitted on property zoned Class U-1, U-2, U-2A, U-3, U-3A, and U-3B according to the following regulations:

(1) Along side and rear lot lines, but not greater than six (6) feet in height where abutting land is zoned Class U-1, U-2, U-2A, U-3, U-3A, or U-3B.

(2) Along side and rear lot lines, but not greater than eight (8) feet in height where the abutting land is zoned in any non-residential use district.

(3) Within the rear yard, but not greater than six (6) feet in height.

(4) Ornamental fences within front yards provided that:

A. An ornamental fence by itself, or with other structures, shall not completely enclose any area of a required front yard.

B. An ornamental fence shall not be located closer to any side lot line

than the foundation wall on that side of the house.

C. No ornamental fence shall be erected closer than twenty feet from the front property line.

D. The total of all ornamental fencing within the required front yard setback shall be less than fifty percent (50%) of the width of the lot.

(c) Fences Permitted in Non-Residential Use Districts:

(1) Along side and rear lot lines, but not greater than eight (8) feet in height.

(2) Within the rear yard, but not greater than eight (8) feet in height.

(3) Within front yard setbacks only as specifically authorized by the Planning and Zoning Commission.

(d) Prohibited Fences: The following fences are prohibited in the City:

~~(1) Closed and stockade fences except as authorized by the Planning and Zoning Commission in non-residential districts for the purpose of screening or buffering.~~

(~~2~~1) Wire fences constructed of material less than #11 AWG.

(~~3~~2) Barbed wire fences.

(~~4~~3) Fences charged with electricity.

(~~5~~4) Fences forward of the required front yard setback, except for ornamental fences as regulated in subsection (b)(4) hereof or within non-residential districts as provided in subsection (c)(3) hereof.

(~~6~~5) Snow fences greater than four (4) feet in height or used during the months of April through and including October.

(~~7~~6) Fences located less than fifteen feet from any driveway where the driveway is closer than fifteen feet from a side lot line.

(~~8~~7) Fences not specifically permitted by this Chapter.

(~~9~~8) Fences not having a uniform color, material and design except as authorized by the Planning and Zoning Commission.

(e) Construction Or Replacement; Permit Required: Before constructing or replacing any fence, except snow fences, the owner shall apply for and be issued a permit by the Building Commissioner. Fences for land zoned other than Class U-1 Single-Family District shall also require the approval of the Planning and Zoning Commission.

(f) Maintenance Of Fences: Fences shall be maintained with the same standards required of new fences, and the owner shall:

(1) Replace or repair any part that is rusted or rotted.

(2) Re-paint or re-stain any part where the paint or stain is faded, cracked or peeling.

(3) Repair or replace any part that is loose, bent, bowed or leaning.

(g) Nonconforming Fences: A nonconforming fence is defined as a fence which was constructed prior to the enactment of legislation regulating fences. Nonconforming fences shall be repaired and maintained, and shall be replaced with conforming fences if more than fifty percent (50%) of any such fence requires replacement, is destroyed or removed.
(Ord. 2011-127. Passed 12-19-11.)

1146.03 LANDSCAPING.

(a) Height Of Hedges And Shrubbery: Shrubs, hedges or bushes adjacent to side yard lines in front of the building line and shrubs, hedges or bushes adjacent to and parallel with the public sidewalk for a distance of fifteen feet from any driveway shall be planted and maintained so as not to exceed a height of two feet. Prior to any prosecution for the violation of this section, the property owner shall be given ten (10) days written notice by the Chief of Police or his duly authorized representative.

(b) Shade Tree Planting: Any owner or builder of a house or other building which is

constructed and erected within the City shall deposit seventy-five dollars ($75.00) with the Service Department to cover all expenses for the planting of shade trees on the tree lawn abutting such house or other building. One shade tree shall be planted for each multiple of thirty feet to fifty feet of frontage, depending on the tree lawn and type of tree to be planted, as determined by the Service Director. Comer lots require trees on both streets. A minimum of one shade tree shall be planted for each house or other building, regardless of the frontage of the lot. The Building Commissioner shall not issue a building permit to any person engaged in the construction of houses or buildings for resale until such person has complied with this section.

(c) Landscaping of Residential Lots Required: Growing and/or non-growing landscaping is required on the entire lot, except for such portions as are occupied by the house, garage, driveway or other permitted improvements. Council hereby finds and determines that the required landscaping is necessary for the public peace, health, safety and welfare, to protect pedestrians, to prevent deterioration of property values and to prevent the wash-down of mud and other debris across sidewalks and into catch basins. Not more than fifteen percent (I5%) of the total lot area~~, exclusive of those areas occupied by the buildings,~~ shall consist of hardscape, parking areas, and driveways.

(d) Tree Lawns: Tree lawn areas shall only be planted with grass and/or City authorized street trees. No other improvements or landscaping shall be permitted within the tree lawn. No retaining walls, landscape timbers, or other landscape features shall be placed within twelve inches (12") of a public sidewalk. Damage to landscape features located within twelve inches of a public sidewalk from snow plowing or sidewalk maintenance shall be the responsibility of the homeowner.

(e) Completion of Landscaping: Landscaping shall be completed within 120 days following issuance of a certificate of occupancy unless such date occurs after October 1 of a year. In that event, the time for completion shall be extended to June 1 of the following year. However, should a certificate of occupancy not be issued within 240 days of the issuance of a building permit, then the builder or owner shall install the front yard landscaping within ninety additional days unless such date occurs after October 1 of a year. In that event, the time for completion shall be extended to June 1 of the following year.

(f) Emergency Improvements: The City may, as a condition of any building permit, enter upon single-family lots and make temporary emergency improvements required for the protection of the building, land or neighboring property. The City shall give reasonable notice to the person issued the building permit or others. The City may suspend the building permit until the cost for such emergency improvements if reimbursed to the City and/or it may assess such costs against the property.

(g) Maintenance of Landscaping in Single Family Residential Districts: The person who applies for and is issued required building permits or certificates of occupancy shall cause the landscaping required by this section to be installed as set forth in this section, and the continuing owners of the property shall maintain the lot in compliance with this Building Code. After it is installed as required, the original landscaping may be altered by the owner without an additional permit, provided that such alteration meets the standards of this Building Code. Owners of single-family homes shall install and maintain landscaping by planting, replanting or installing all of the growing things and maintaining other permitted landscaping features in good maintenance and repair, with the grass cut to a height not to exceed eight inches.

(h) Notice of Violations: The Building Commissioner shall give written notice to the owner, owner-tenant or person in charge of a single-family home found in violation of this Building Code. Such notice shall direct the installation and/or maintenance of landscaping and landscaping features as required by this section to be completed within five days from the date the notice is to be delivered. If the owner, owner-tenant or person in charge cannot be located, the notice shall be delivered to the house occupying such lot and posted thereon, which delivery shall constitute sufficient notice under this subsection. A separate offense under this subsection shall be deemed committed each day a violation continues, but no additional notice, after the first

notice, shall be required.
(Ord. 2011-127. Passed 12-19-11.)

1146.04 DRIVEWAYS IN CLASS U-1 DISTRICTS.

Excluding the tree lawn, not more than ~~thirty~~ forty percent (~~30~~40%) of the required front yard area may be improved with driveways, parking areas, sidewalks, and other hardscape surfaces.
~~(Ord. 2011-127. Passed 12-19-11.)~~

1146.99 VIOLATIONS AND PENALTIES.

Any person who fails to comply with any provision of the Chapter shall be guilty of a misdemeanor of the first degree and upon conviction thereof shall be subject to the penalties set forth in Section 101.99 of these Codified Ordinances.
(Ord. 2011-127. Passed 12-19-11.)

CHAPTER 1147
Nonconforming Uses, Structures, and Lots

1147.01 Purpose
1147.02 ~~Existing~~ Nonconforming Uses; Extensions And Changes.
1147.03 Nonconforming Lots.
1147.04 Nonconforming Structures.
1147.05 Completion Of Construction
1147.~~02~~06 Temporary And Conditional Uses.
~~1147.03 Class U-5 Uses In Class U-1 Districts. (Repealed)~~

CROSS REFERENCES
Nonconforming uses, retroactive measures - see Ohio R.C. 713.15
Nonconforming use defined - see P. & Z. 1101.11
Completion and restoration of existing buildings - see P. & Z. 1105.02
Zoning status of annexed areas - see P. & Z. 1107.02
Nonconforming signs - see P. & Z. 1141.18

1147.01 PURPOSE

The purpose of this Chapter is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Code and amendments hereto but which do not conform to the existing provisions hereof. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Zoning Code which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Chapter to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

1147.~~01~~ 02 EXISTING USES; EXTENSIONS AND CHANGES.

A nonconforming use existing at the time of the passage of this chapter (Ordinance 1944-40, passed January 25, 1945) may be continued. A nonconforming use shall not be extended except ~~by the consent of Council~~with the approval of the Planning and Zoning Commission, ~~evidenced by resolution,~~ except that the extension of the use to any portion of the building, which portion was arranged or designed for such nonconforming use at the time of the passage of this chapter, shall not be deemed an extension of a nonconforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use. Whenever a nonconforming use has been discontinued for a period of six (6) months or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the six (6) months period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Zoning Resolution.
~~(Ord. 1944-40. Passed 1-25-45.)~~

1147.03 NONCONFORMING LOTS

When a nonconforming lot can be used in conformity with all applicable provisions of this Zoning Code, except that the either the area or the width of the lot is nonconforming, then the lot

Formatted: Tab stops: 5.88", Left
Formatted: Font: CG Times, Not Bold
Formatted: Font: CG Times
Formatted: Indent: First line: 0.5"
Formatted: Font: CG Times
Formatted: Font: CG Times
Formatted: Font: CG Times
Formatted: Font: CG Times
Formatted: Font: CG Times
Formatted: Tab stops: Not at 0" + 0"
Formatted: Indent: Left: 0", Tab stops: 0", Left
Formatted: Font: Not Bold
Formatted: Tab stops: Not at 0" + 0"
Formatted: Font: Times New Roman
Formatted: Font: Times New Roman, Not Bold
Formatted: Font: Times New Roman, Not Bold
Formatted: Font: Times New Roman, Not Bold
Formatted: Font: Times New Roman, Not Bold
Formatted: Font: Times New Roman, Not Bold
Formatted: Indent: First line: 0.5"

may be used as if its area were conforming. When conforming use of a nonconforming lot cannot reasonably be established due to the setback requirements of the district in which it is located, the Planning and Zoning Commission may grant variances to setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Zoning Code.

1147.04 NONCONFORMING STRUCTURES

(a) Alterations or Enlargements: A nonconforming structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the original existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located.

(b) Restoration of Damaged Structure; Nothing in this Chapter shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Zoning Code, provided that not more than fifty percent (50%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity, and further provided that such replacement or repair occurs within one (1) year of the date of damage. When more than fifty percent (50%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except either in a manner conforming with this Zoning Code or with the special approval of the Planning and Zoning Commission.

(c) Repairs and Maintenance: Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

1147.05 COMPLETION OF APPROVED CONSTRUCTION

Nothing in this Chapter shall prohibit the completion or construction and use of a nonconforming structure for which a Building Permit has been issued prior to the effective date of this Zoning Code or amendment thereto, and provided that construction is commenced within ninety (90) days and provided that the entire structure and the establishment of the use shall have been completed within one (1) year after issuance of the Building Permit.

1147.06~~2~~ TEMPORARY AND CONDITIONAL USES.

The Planning and Zoning Commission, in specific cases, by and with the consent of Council, may grant in undeveloped territory of the City temporary and conditional permits for not more than two-year periods for structures and uses which do not conform to the regulations herein prescribed for the use and area districts in which they are to be located.
(Ord. 1944-40. Passed 1-25-45.)

~~1147.03 CLASS U-5 USES IN CLASS U-1 DISTRICTS. (REPEALED)~~

~~(EDITOR'S NOTE: Section 1147.03 was repealed by Ordinance 1988-160, passed March 20, 1989.)~~

Formatted: Font: Not Bold
Formatted: Indent: First line: 0.5", Space After: 0 pt
Formatted: Font: Not Bold
Formatted: Body Text Indent 2, Indent: Left: 0"
Formatted: Font: +Body (Cambria), 11 pt, Bold
Formatted: Indent: Left: 0", First line: 0.5"
Formatted: Font: Not Bold
Formatted: Font: Bold
Formatted: Font: Not Bold
Formatted: Font: Not Bold
Formatted: Indent: First line: 0.5"
Formatted: Font: Not Bold

CHAPTER 1149
Rights of Way

1149.01 Interference with mass transportation uses.

CROSS REFERENCES
Building permits, fees and deposits - see BLDG. Ch. 1329

1149.01 INTERFERENCE WITH MASS TRANSPORTATION USES.

No building permit shall be issued for the erection of a permanent structure or building upon any lot or property which has been laid out for or which is uniquely appropriate for mass transportation uses and which may be used for the development of a mass transportation system in the near future with any reasonable certainty or necessity. The determination of such facts shall be made in the interest of the public welfare, health and safety by the Building Commissioner, with the approval of Council. (Ord. 1952-64. Passed 9-18-52.)

Note: Moved to Chapter 935

CHAPTER 1151
Trees

1151.01 Intent.
1151.02 Removal or destruction of trees on vacant lots.
1151.03 Construction sites.
1151.04 Fastening materials to trees.
1151.05 Injury to trees.
1151.06 Utility wires.
1151.07 Nuisance; notice; correction or removal; payment of costs.
1151.08 Work by public utilities.
1151.09 Interference with enforcement.
1151.10 Trees for new construction.
1151.11 Appeal. (Repealed)

CROSS REFERENCES

Injury and destruction of trees - see GEN. OFF. 642.06
Landscapers removing trees - see BUS. REG. 735.03
Trees generally - see S. & P.S. Ch. 923

1151.01 INTENT.

It is the intent of this chapter to protect property values, prevent soil erosion, provide a buffer between various uses within the City and to maintain and improve the environmental living conditions within the City by removal of trees. (Ord. 1977-94. Passed 11-6-78.)

1151.02 REMOVAL OR DESTRUCTION OF TREES ON VACANT LOTS.

No tree with a trunk more than thirteen inches in circumference measured at a point thirty-six inches above ground level shall be removed or destroyed on any lot or land within the City not containing a building, unless the tree is either diseased or injured in such a manner as to constitute a nuisance. (Ord. 1977-94. Passed 11-6-78.)

1151.03 CONSTRUCTION SITES.

(a) A developer of an unimproved lot may remove all trees within the area of actual construction. In a U1-A1 or U1-A2 District, the developer shall submit a photograph of the lot to be developed taken from the street and such other photographs or drawings as may be required to display the trees on the site. A site plan submitted with the building plans shall locate each of the trees referred to in Section 1151.02. The Architectural Board of Review may approve the removal of all trees within the area of actual construction but shall attempt, where possible, to preserve trees and may require the submitted plans to be adjusted for that purpose.

(b) All final site development plans for developments within districts other than U1-A1 and U1-A2 shall include an aerial photograph or drawing displaying the existing trees on the development site. All trees referred to in Section 1151.02 shall be located on the site plan and the applicant shall indicate those trees which the applicant requests permission to remove. The Planning and Zoning Commission may require an adjustment to the site development plan to prevent the unnecessary destruction of trees. No such tree may be removed during construction or thereafter outside of the area of actual construction, unless the tree constitutes a nuisance by reason of disease or injury, without the permission of the Planning and Zoning Commission. (Ord. 1977-94. Passed 11-6-78.)

1151.04 FASTENING MATERIALS TO TREES.

No person shall fasten or attach any sign, wire, rope or other material to or around, or run any wire, cable or rope through, any tree in the public right-of-way or in public parks without the written consent of the Service Director. (Ord. 1977-94. Passed 11-6-78.)

1151.05 INJURY TO TREES.

No person shall intentionally break, injure, mutilate, kill or destroy any tree, or set fire or permit any fire to burn where such fire or the heat thereof may injure any portion of any tree in the public right of way or in any park or public place. No person shall willingly permit any leak to exist in any gas pipe or main within the root zone of any such tree. No person shall fail to prevent any toxic chemical, either solid or liquid, from seeping or draining on or about any such tree or empty any such chemical on or about any such tree. No person shall knowingly permit any wire designed to carry current to come in contact with any such tree unless protected by approved methods. No person shall attach any electrical insulation to any tree or excavate any ditch, tunnel or trench or lay any drive within a radius of four feet from any tree in the public right of way without first obtaining a written permit therefor from the Service Director.
(Ord. 1977-94. Passed 11-6-78.)

1151.06 UTILITY WIRES.

Whenever the Service Director determines that it is necessary, in order to protect the safety of his employees as well as to temporarily protect the wires of any public utility, to trim or remove trees in any public right of way, park or public place, he shall serve a written notice to the utility which owns the wires, to either trim or top the trees below their wires, as the case may be, or to remove their wires so that trim or removal work can proceed without hindrance. The public utility shall comply with such an order within twenty four hours after the service of such notice.
(Ord. 1977-94. Passed 11-6-78.)

1151.07 NUISANCE; NOTICE; CORRECTION OR REMOVAL; PAYMENT OF COSTS.

Any tree or part thereof growing upon private property but overhanging or interfering with the use of any public right of way, park or public place, which tree or part thereof, in the opinion of the Service Director, endangers life, health, safety or property, shall be declared a public nuisance. The owner of such property shall trim the branches so that they do not obstruct the light from any street lamp or the view of any street intersection.

The owner shall remove all dead, diseased or dangerous trees and broken or decayed limbs which are a nuisance to the safety of the public.

The owner may be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected or removed within the time allotted, the Director shall cause the nuisance to be corrected or removed and the cost shall be assessed as provided by law.

The City may require the owner of any property within the City limits to remove or destroy diseased trees growing or which have grown and died upon property owned or occupied by him and which are a fire hazard or menace to the public health, safety and welfare.
(Ord. 1977-94. Passed 11-6-78.)

1151.08 WORK BY PUBLIC UTILITIES.

All permits issued for the installation of public utilities shall be certified by the Service Director. When a permit is given by the Director to a telephone, telegraph, electric power, gas or other public service corporation or utility to trim trees, cut roots or remove trees, or to perform other work affecting public operations, the work shall be limited by the actual necessities of the service of the company and shall be done in a neat and workmanlike manner and according to specifications outlined by the Director. The Director may assign an inspector to supervise the provisions of the permit and the cost of such service shall be charged to the public corporation or utility at cost. (Ord. 1977-94. Passed 11-6-78.)

1151.09 INTERFERENCE WITH ENFORCEMENT.

No person shall prevent, delay or interfere with the Service Director or any of his designated agents in the execution or enforcement of the provisions of this chapter.
(Ord. 1977-94. Passed 11-6-78.)

1151.10 TREES FOR NEW CONSTRUCTION.

Whenever permits are issued for new construction of structures, the promoter or builder of the development shall include the planting of trees in tree lawns as prescribed by the Service

~~Director and/or the Planning and Zoning Commission.~~
~~(Ord. 1977-94. Passed 11-6-78.)~~

~~1151.11 APPEAL. (REPEALED)~~
~~(EDITOR'S NOTE: Former Section 1151.11 was repealed by Ordinance 2009-55, passed September 8, 2009. See Section 1159.08 for current regulations.)~~

CHAPTER 1153
Dished Satellite Antennas

1153.01 Building permit requirements; conformity; exception.
1153.02 Linkage to receivers or transmitters.
1153.03 Application for plan review and permit; fees.
~~1153.04 Notice in residential districts.~~
1153.~~05~~04 Location.
1153.~~06~~05 Height restrictions.
1153.~~07~~06 Screening.
1153.~~08~~07 Maintenance.
1153.~~09~~08 Requirements for small dishes.
~~1153.10 Variances. (Repealed)~~

CROSS REFERENCES
Architectural Board of Review - see ADM. Ch. 153
Excepted from prohibited uses - see P. & Z. 1111.02(i)(17)
Defined - see P. & Z. 1101.15
Building permits, fees and deposits - see BLDG. Ch. 1329

1153.01 BUILDING PERMIT REQUIREMENTS; CONFORMITY; EXCEPTION.

Notwithstanding Sections 1116.03 and 1129.02, no person shall erect or maintain a dished satellite antenna larger than thirty-nine inches in diameter in the City without first obtaining a building permit therefor and without conforming to the provisions of this chapter, except as otherwise permitted by Council. Such dished satellite antenna shall conform to the criteria set forth in Sections 1153.02 through 1153.08.
(Ord. 1998-276. Passed 3-1-99.)

1153.02 LINKAGE TO RECEIVERS OR TRANSMITTERS.

Dished satellite antennas shall not be linked to receivers or transmitters which are not located on the same lot as the antenna.
(Ord. 1998-276. Passed 3-1-99.)

1153.03 APPLICATION FOR PLAN REVIEW AND PERMIT; FEES.

Application for plan review of the location of a satellite dish antenna shall be made to the Architectural Board of Review. Such application shall include plans and specifications for the installation and shall be accompanied by the payment of a fee to cover the cost of such examination and review. Plans shall indicate antenna specifications, materials, complete dimensions, support structure details, proposed location in relation to surrounding buildings, lot lines, utility wires and screening and that the antenna is an accessory use only to a permitted use located in the main building on the same lot as the antenna. Upon approval of such plans by the Board, an application for a building permit may be made to the Building Commissioner. The Board shall disapprove any plan not in conformance with the standards set forth herein or upon a finding that any installation is contrary to accepted architectural and/or engineering standards.

The Board shall require each applicant to provide such engineering documentation as the Board requires, demonstrating compliance with engineering and building standards, and evidence that the antenna shall be designed to withstand winds ~~of ninety miles per hour~~as required by the Building Code.
(Ord. 1998-276. Passed 3-1-99.)

~~1153.04 NOTICE IN RESIDENTIAL DISTRICTS.~~

~~The Building Commissioner shall give not less than ten days written notice of an application for a satellite antenna in Class U1-A1, U1-A2 and U-2A Districts, or in other districts abutting residential districts, to residents on either side of or to the rear of the applicant's property, giving the date and time that the application will be reviewed by the Architectural Board of Review. The Board shall consider the information offered by the abutting resident when determining screening. In Class U-2A District, notice shall be given to any unit owner within 200 feet of the unit requesting the antenna and to the manager of the~~

~~Homeowner/Condominium Association. (Ord. 1998-276. Passed 3-1-99.)~~

1153.~~05~~ 04 LOCATION.

(a) Residential U1-A1, U1-A2 and U-2A Zoning Districts. Satellite dish antennas and required support structures in excess of thirty-nine inches in diameter shall not be affixed to any main or accessory building. Antennas placed on the ground shall be located in the rear yard area, as defined in Section 1101.42(b). No part of any ground antenna, however turned or otherwise used, shall be located within five feet of any building nor ten feet from any lot line.

(b) Districts Other Than U1-A1, U1-A2 and U-2A. Antennas shall be an accessory use to the principal use of tenants or occupants who lease not less than ~~400~~ 1,000 square feet in the same building.

(1) Rooftop installations. The antenna and required support structure shall not be closer than twenty feet from the coping wall or exterior facing and shall be designed to withstand winds ~~of ninety miles per hour~~as required by the Building Code, and shall not create undue loading or stress on building components. An antenna shall not be closer than reasonably necessary to another antenna, a distance to be determined by the Architectural Board of Review using accepted engineering standards.

(2) Other than rooftop installations. Antennas shall be accessory to the main use of the building and located on the same plot of land as the building, in the rear yard, as defined in Section 1101.42(b). No part of any antenna, however turned or otherwise used, shall be located within twenty feet of any building or lot line. Each freestanding installation shall have an adequate base in conformance with the manufacturer's specifications and the ~~Ohio Basic~~ Building Code.

(Ord. 1998-276. Passed 3-1-99.)

1153.~~06~~ 05 HEIGHT RESTRICTIONS.

The height of a satellite dish antenna, when turned perpendicular to the ground or roof, including its supporting structure, shall not exceed fifteen feet above the concrete pad, natural grade or roof deck. The maximum diameter of any satellite dish antenna shall be twelve feet.
(Ord. 1998-276. Passed 3-1-99.)

1153.~~07~~ 06 SCREENING.

Satellite dish antennas shall be adequately screened from view from all public streets and adjoining property, to the extent that the Architectural Board of Review determines to be reasonable, depending on the zoning classification of abutting properties and other applicable factors. Each dish shall, to the extent possible, be harmonious in color with the building surface to which it is attached. The Board shall direct the applicant to provide adequate landscaping, if a ground application is approved, or other screening if another location is approved. The Board shall have continuing jurisdiction and authority to require adjustments or relocation of any antenna and to require additional screening and/or landscaping, as it shall determine. Prior to any order of the Board directing an adjustment, antenna relocation or change in the screening and/or landscaping, the Board shall provide the owner with reasonable notice and an opportunity to be heard. The antenna and all required landscaping or screening shall be maintained to meet the minimum standards approved by the Board.
(Ord. 1998-276. Passed 3-1-99.)

1153.~~08~~ 07 MAINTENANCE.

Dished satellite antennas and support structures shall be maintained in good repair and structurally sound to ensure that the antenna and structure will not be damaged due to winds or structural failure. All surfaces shall be maintained in good condition, free of rust, peeling paint or corrosion. (Ord. 1998-276. Passed 3-1-99.)

1153.~~09~~ 08 REQUIREMENTS FOR SMALL DISHES.

Dished satellite antennas smaller than thirty-nine inches in diameter shall be permitted in all districts provided such dish structures comply with the following criteria, which are hereby

established to protect the health and safety of residents and motorists, by providing for safe installations of dish structures which do not constitute hazards to persons or properties, which do not obstruct vehicular sight lines, and which are consistent with and preserve the established aesthetic character of the City:

(a) All freestanding installations shall be located in compliance with the front setback regulations for the zoning district in which such installations are located. On corner lots, dishes shall also comply with the setback requirements from the side street;

(b) Freestanding installations shall have an adequate base in accordance with the manufacturer's specifications for installation;

(c) All wiring for satellite dish antennas shall meet the requirements of the National Electrical Code and manufacturer's specifications to minimize the safety hazards associated with exposed wiring.

No building permit is required for dished satellite antennas which are less than thirty-nine inches in diameter. (Ord. 1998-276. Passed 3-1-99.)

~~1153.10 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1153.10 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

CHAPTER 1154
Alternative Energy Facilities

1154.01 Purpose and intent.
1154.02 Definitions.
1154.03 Compliance and permit required.
1154.04 Use to be accessory.
1154.05 Roof mounted solar arrays.
1154.06 Free-standing or ground mounted solar arrays.
1154.07 Roof mounted wind energy facilities.
1154.08 Free-standing or ground mounted wind energy facilities.

1154.01 PURPOSE AND INTENT.

The purpose of this chapter is to provide for the construction and operation of Alternative Energy Facilities as accessory uses in various Use Districts within the City, to provide standards for the placement, design, and operation of such facilities in order to protect the public health, safety, and general welfare, and to minimize the adverse impacts of Alternative Energy Facilities on adjacent properties and on the aesthetic quality of the City.
(Ord. 2010-112. Passed 5-16-11.)

1154.02 DEFINITIONS.

The words and terms used in this Chapter shall have the following meanings:

(a) Alternative Energy Facility means a Solar Array or Wind Energy Facility intended to provide electrical power primarily for consumption on-site.

(b) Solar Array means any collection of Solar Panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power.

(c) Solar Panel means any device used for collecting solar energy and converting it to electrical power.

(d) Wind Energy Facility means any combination of equipment, machinery, and structures used to convert kinetic wind energy into electrical power.
(Ord. 2010-112. Passed 5-16-11.)

1154.03 COMPLIANCE AND PERMIT REQUIRED.

Alternative Energy Facilities shall be designed, erected, installed, operated, and/or maintained only in accordance with the provisions set forth in this Chapter. A Building Permit and Electrical Permit issued by the Building Commissioner shall be required prior to the erection, installation, connection, or operation of any Alternative Energy Facility. Applicants shall provide written evidence that the power company has been informed of the intent to install an Alternative Energy Facility at the subject site.
(Ord. 2010-112. Passed 5-16-11.)

1154.04 USE TO BE ACCESSORY.

Alternative Energy Facilities shall only be permitted as accessory to a principal use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to provide electrical power to be primarily consumed by the principal use or building to which they are accessory. Cooperative facilities, electrical storage, and distribution of power are prohibited.
(Ord. 2010-112. Passed 5-16-11.)

1154.05 ROOF MOUNTED SOLAR ARRAYS.

Roof mounted Solar Arrays shall be located in conformance with the following criteria and standards:

(a) Roof Mounted Solar Arrays in Residential U-L, U-2, U-2A, and U-3 Districts. Roof mounted Solar Arrays shall be permitted in U-I, U-2, U-2A, and U-3 Districts provided that Solar Panels do not extend more than thirty-six (36) inches above either the plane of the roof or the ridge line of the dwelling and that all accessory components are located within the building or behind the principal

building and within the side and rear building setback lines.

(b) Roof Mounted Solar Arrays in Residential U-3A and U-3B Districts. Roof mounted Solar Arrays shall be permitted in U-3A and U-3B Districts provided that Solar Panels do not extend more than thirty-six (36) inches above the plane of the roof of pitched roofs nor more than forty-two (42) inches above the roof line or parapet wall of a flat roof and further provided that all accessory components are located either within the building, behind the principal building and within the side and rear building setback lines, or hidden from view behind the parapet wall of buildings with flat roofs.

(c) Roof Mounted Solar Arrays in U-4A, U-4B, and U-5 Districts. Roof mounted Solar Arrays shall be permitted in U-4A, U-4B, and U-5 Districts provided that Solar Panels do not extend more than thirty-six (36) inches above the plane of the roof of pitched roofs or more than forty-two (42) inches above the roof or parapet wall of a flat roof and further provided that all accessory components are located either within the building, or within a screened enclosure behind the principal building, or are hidden from view behind the parapet wall of buildings with flat roofs.

(d) Roof Mounted Solar Arrays in U-7A, U-8, V-8A, U-9, and U-10 Districts. Roof mounted Solar Arrays shall be permitted in U-7A, U-8, U-8A, U-9, and U-10 Districts provided that Solar Panels do not extend more than thirty-six (36) inches above the plane of the roof of pitched roofs or more than forty-eight (48) inches above the roof or parapet wall of a flat roof and further provided that all accessory components are located either within the building, or within a screened enclosure behind the principal building, or are hidden from view behind the parapet wall of buildings with flat roofs.

(e) Roof Mounted Solar Arrays in All Use Districts. Roof mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand winds of ninety (90) miles per hour.

(Ord. 2010-112. Passed 5-16-11.)

1154.06 FREE-STANDING OR GROUND MOUNTED SOLAR ARRAYS.

Free-standing or ground mounted Solar Arrays shall be permitted in all Use Districts in conformance with the following criteria and standards:

(a) Maximum Height. Free-standing or ground mounted Solar Arrays shall not exceed a maximum height of fifteen (15) feet measured to the highest projection of any Solar Panel in final configuration and orientation.

(b) Minimum Setback. Free-standing or ground mounted Solar Arrays shall be setback from all side and rear property lines a distance equal to the height of the Solar Array, but in no case less than ten (10) feet.

(c) Location. Free-standing or ground mounted Solar Arrays shall be located behind the setback line of the principal building to which such facility is accessory.

(d) Structural Support and Wind Load. Free-standing or ground mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand winds of ninety (90) miles per hour.

(e) Accessory Components. All accessory components shall be located either within the principal building or behind the principal building and within the side and rear building setback lines. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

(f) Wiring. All electrical connections between free-standing or ground mounted Solar Arrays and the principal building shall be located underground.

(Ord. 2010-112. Passed 5-16-11.)

1154.07 ROOF MOUNTED WIND ENERGY FACILITIES.

Roof mounted wind energy facilities may be located on buildings with flat roofs located in the U-3A, U-4A, U-4B, U-5, U-7A, U-8, U-8A, U-9, and U-10 Districts in conformance with the following criteria and standards:

(a) Structural Design. Roof mounted wind energy facilities shall have appropriate

structural support.

(b) Accessory Components. All accessory components shall be located either within the principal building or behind the principal building and within the side and rear building setback lines. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

(c) Maximum Sound Level. The maximum sound produced by a Wind Energy Facility during operation shall not exceed 60 dbA measured at the nearest property line.

(d) Brakes. All Wind Energy Facilities shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that the design limits of the system are not exceeded.

(e) Appearance. Lighting of Wind Energy Facilities shall be prohibited. Towers, turbines and blades shall be white, black, or gray. No signage or advertising shall be permitted on any Wind Energy Facility.

(f) Maintenance Required. Wind Energy Facilities shall be properly maintained at all times in compliance with all manufacturers specifications. The immediate grounds around the base of the facility shall be maintained in good condition at all times.

(g) Engineering Report Required. Each application for a Wind Energy Facility shall be accompanied by a report from a licensed engineer documenting that the proposed system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the roof support system has been properly designed, and that it has appropriate over-speed controls.

(h) Maximum Height. Roof mounted Wind Energy Facilities shall not extend more than twenty (20) feet above the maximum building height of the Use District in which they are located nor more than thirty (30) feet above the roof level of the building on which the facility is mounted.

(Ord. 2010-112. Passed 5-16-11.)

1154.08 FREE-STANDING OR GROUND MOUNTED WIND ENERGY FACILITIES.

Free-standing or ground mounted Wind Energy Facilities shall comply with the following criteria and standards:

(a) Clear Fall Zone. In order to provide for a safe clear fall zone in the event of structural failure, the minimum setback from any property line, electrical transmission line, public right-of-way or easement, or gas well shall be 1.1 times the height of the Wind Energy Facility measured to its highest point.

(b) Minimum Ground Clearance. No moving part of any Wind Energy Facility shall extend to within fifteen (15) feet of the ground.

(c) Maximum Sound Level. The maximum sound produced by a Wind Energy Facility during operation shall not exceed 60 dbA measured at the nearest property line.

(d) Brakes. All Wind Energy Facilities shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that the design limits of the system are not exceeded.

(e) Wiring. All electrical connections between free-standing or ground mounted Wind Energy Facilities and the principal building shall be located underground. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(f) Appearance. Lighting of Wind Energy Facilities shall be prohibited. Towers, turbines and blades shall be white, black, or gray. Only monopole towers shall be permitted. No signage or advertising shall be permitted on any Wind Energy Facility, provided however, that each such facility shall have a visible mounted emergency placard eighteen (18) inches by eighteen (18) inches containing the name and emergency contact information of the owner and individual or firm

responsible for service and the date of installation of the facility.

(g) Maintenance Required. Wind Energy Facilities shall be properly maintained at all times in compliance with all manufacturers specifications. The immediate grounds around the base of the facility shall be maintained in good condition at all times.

(h) Engineering Report Required . Each-application for a Wind Energy Facility shall be accompanied by a report from a licensed engineer documenting that the proposed system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone requirement, and that it has appropriate over-speed controls.

(i) Anti-Climb Devices Required. Wind Energy Facilities shall be fenced or fitted with anti-climb devices.

(j) Removal. Any Wind Energy Facility which is not operated or ceases to function for a period of six (6) consecutive months or longer shall be deemed abandoned and shall be removed.

(Ord. 2010-112. Passed 5-16-11.)

CHAPTER 1155
Special and Conditional Uses

1155.01 Intent.
1155.02 Child Day Care Centers.
1155.03 Adult Day Care Centers.
1155.04 Farmers markets.
1155.05 Restaurants with Drive-Thru Facilities
1155.065 Keeping of ~~domestic farm animals and fowl.~~Chickens.
1155.07 Accessory Drive-thru and Drive-up Facilities
1155.08 Food Trucks

Formatted: Indent: Left: 0", Hanging: 0.75"

Formatted: Font color: Blue

CROSS REFERENCES
Board of Zoning Appeals - see ADM. Ch. 150
Class U-5 Special Permit- see P. & Z. Ch. 1124
Temporary and conditional uses - see P. & Z. 1147.02
Certificates of occupancy; occupancy permits - see BLDG. Ch. 1313
Building permits, fees and deposits - see BLDG. Ch. 1329

1155.01 INTENT.

This chapter is intended to provide for special and conditional uses not ordinarily found in permitted districts which, because of the nature of each use or its effect upon persons or property, requires consideration and approval under special or conditional circumstances and only when specific findings are made that a special or conditional use has met the conditions set forth in this chapter and this Zoning Code.
(Ord. 1992-26. Passed 3-16-92.)

1155.02 CHILD DAY CARE CENTERS.

(a) Permitted Uses; Compliance with Zoning Code and Building Code. A child day care center shall be permitted in Class U-5, U-7A, U-8, U-8A and U-9 Districts, provided that it is in compliance with the following regulations, in addition to all other applicable requirements of this Zoning Code and the Building Code.

(b) Definitions. The definitions provided in Ohio R.C. 5104.01, as now adopted or as amended, are incorporated by reference herein.

(c) Submission of Applications; Transfer of Ownership.

(1) Application for approval to locate a child day care center shall be made to the Planning and Zoning Commission by the owner of the building where the proposed use will be located, or such owner's agent. This application may request preliminary approval subject to approval of the location by a State agency within one year. If preliminary approval is granted, an application for final approval will be considered after the final approval by a State agency. Such application shall be in the form of a letter with a site plan and a drawing locating the applicant and all other tenants in the same building as the proposed child day care center, with the name of each use and its type of business. The Clerk of the Planning and Zoning Commission shall send a letter to each tenant in the same building as the proposed day care center, informing such tenants of the application and the date when such application will be first heard before the Planning and Zoning Commission.

(2) Approval, when granted, is not transferable to another entity. It shall be issued to a person, not a corporation.

(3) If a child day care center is sold or transferred, the new owner must apply for new approval. The new owner may operate the child day care center for up to ninety days while the new permit application is pending. A new

owner shall be approved if such person meets all requirements of this Zoning Code and these Codified Ordinances.

(d) Hearings. The Planning and Zoning Commission will permit interested persons to comment on the proposed child care location and use, including tenants in the building, before approval. If the Planning and Zoning Commission finds that the use is in accordance with all applicable laws and will not create an unreasonable risk to the children or substantially interfere with other tenants of the building, the approval shall be granted.

(e) State Approval and Licensing.

(1) The child day care center shall have and continue to have a valid license from an agency of the State of Ohio to operate at such location, and it shall operate at all times in compliance with all applicable laws of the City, the State, the United States and any regulatory agencies of both the State and Federal Governments.

(2) The owner shall file with the Planning and Zoning Commission copies of documents showing State approval and licensing, and any notice of inspection, findings of violations and plans for correction sent by the State agency and responded to by the child day care center shall be made available to any City inspector upon request.

(f) Building Requirements.

(1) The use shall be located only in a one story building with at least two exits from the child day care center directly to the outside of such building.

(2) The building must contain a sprinkler system approved by the Fire Department.

(3) Male and female rest rooms shall be provided within and for the exclusive use of the child day care center, with sufficient facilities as determined by the Planning and Zoning Commission.

(g) Site Plans. The site plan shall show:

(1) Any outdoor playground, with fences, curbs and locations for child playground equipment.

(2) Drop-off and pick-up areas for the children, with room provided for standing, loading and unloading automobiles.

(3) Off-street parking, which shall be one space per required staff employee, plus one space for every twenty children, measured at maximum occupancy under State law.

(h) Prohibited Employees. No person shall be employed in a child day care center who is prohibited from employment in a day care center or home as provided for in Ohio R.C. 5104.09.

(i) Operation.

(1) A child day care center must be operated in such a manner as to restrain loud noise, yelling or other conduct that will affect other tenants in the same or a neighboring building, and to protect the children.

(2) The outdoor area must be protected from vehicles, noise, smoke, vibration, odor, toxic or noxious fumes or other hazards which threaten the health, safety and general welfare of the children. The Planning and Zoning Commission may request assistance in this regard from the City doctor or others.

(3) Any incident or circumstance which threatens the health, safety and general welfare of the children shall be immediately reported to the City Building Department.
(Ord. 1992-26. Passed 3-16-92.)

(4) No child day care center shall permit any person to smoke in any indoor or outdoor space that is part of the center. This prohibition shall be posted in

a conspicuous place at the main entrance of the center.
(Ord. 1996-197. Passed 1-27-97.)

1155.03 ADULT DAY CARE CENTERS.

(a) Definitions.

(1) "Adult day care center" means a building or portion of a building in which an adult day care program is conducted for any part of a day and the program that is conducted in that building or portion of a building.

(2) "Adult day care program" means a program designed to provide personal care and/or skilled nursing care services to two or more adults for a fee by persons other than their guardians, custodians or relatives by blood or marriage, for any part of but less than 24 hours a day in a place other than the adult's own home.

(3) "Personal care services" means services, other than skilled nursing care, to assist in the daily care of the participant, including but not limited to a variety of health, social and related support services.

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses, and that are commonly employed in providing for the physical, mental and emotional needs of the elderly, ill, functionally impaired, or otherwise incapacitated adult.

(b) Permitted Uses; Compliance with Zoning Code and Building Code. An adult day care center shall be permitted in Class U-3B, U-5, U-7A, U-8, U-8A and U-9 Districts, provided that it is in compliance with the following regulations, in addition to all other applicable requirements of this Zoning Code and the Building Code. However where a nursing home is already on site, any related adult day care center shall be considered a compatible and accessory use without reference to the standards herein.

(c) Submission of Applications; Transfer of Ownership.

(1) Application for approval to locate an adult day care center shall be made to the Planning and Zoning Commission by the owner of the building where the proposed use will be located, or such owner's agent. Such application shall be in the form of a letter with a site plan and a drawing locating the applicant and all other tenants in the same building as the proposed adult day care center, with the name of each use and its type of business. The Clerk of the Planning and Zoning Commission shall send a letter to each tenant in the same building as the proposed adult day care center, informing such tenants of the application and the date when such application will first be heard before the Planning and Zoning Commission.

(2) Approval for an occupancy permit shall be issued to the person who is the owner/operator of the adult day care center and not to a corporation. Such approval, when granted, is not transferable.

(3) If an adult day center is sold or transferred, the new owner/operator must apply for new approval. The new owner/operator may operate the adult day care center for up to ninety days while the new permit application is pending. A new owner/operator will be approved only if such person meets all requirements of this Zoning Code and these Codified Ordinances.

(d) Hearings. The Planning and Zoning Commission will permit interested persons, including tenants in the building, to comment on the proposed adult day care location and use before approval. If the Planning and Zoning Commission finds that the use is in accordance with all applicable laws and will not create an unreasonable risk to the participants or substantially interfere with other tenants of the building, the approval shall be granted.

(e) Compliance With Laws.

(1) The adult day care center shall operate at all times in compliance with all applicable laws of the City, the State, the United States and any applicable regulatory agencies of both the State and Federal Governments.

(2) The owner/operator of the adult day care center shall file with the Planning and Zoning Commission copies of documents showing any notice of inspection, findings of violations or plans for correction sent by any governmental agency and responded to by the adult day care center, which shall be made available to any City inspector upon request.

(3) The adult day care center shall conform to all State rules, regulations, standards and laws governing or applying to such institutions, which are incorporated by reference herein.

(f) Building and Facility Requirements.

(1) The use shall be located in a one-story building or on the first floor of a multi-story building, and in either instance shall contain at least two exits from the adult day care center directly to the outside of such building. There shall be no ingress or egress to or from the lobby area of the building.

(2) The building must contain a fire sprinkler system installed in accordance with 4101:2-9 OBBC, approved by the Fire and Building Departments.

(3) Male and female rest rooms shall be provided within and for the exclusive use of the adult day care center, with sufficient facilities as determined by the Planning and Zoning Commission. Each rest room will meet handicap requirements as defined in the OBBC.

Toilet rooms shall conform to the following:

A. Separate toilet facilities are required for each sex.

B. One water closet for every eight persons with a minimum of two water closets in every toilet room.

C. A minimum of one urinal shall be provided for each male toilet room; thereafter, urinals may be substituted for one-half of the required number of water closets.

D. One lavatory shall be provided for each two sanitary fixtures (water closet or urinal), but a minimum of one lavatory shall be provided in each toilet room.

E. Twenty-four inches of wash sink or eighteen inches of circular basin shall be considered as one lavatory.

(4) One drinking fountain shall be provided for each fifty persons or less.

(5) The facility shall be accessible to people with disabilities and shall meet all applicable State and Federal guidelines regarding same.

(6) Sound transmission shall be controlled and appropriate sound-proof walls shall be inserted between the facility and facilities containing other tenants in the building. Walls, partitions and floor/ceiling assemblies separating the adult day care center from other tenants in the building or from public or service areas shall have a sound transmission class (STC) of not less than forty-five for air-borne noise when tested in accordance with ASTM E90 listed in Chapter 35.

(7) A covering to protect participants from inclement weather shall be provided over one outside entrance.

(8) Sufficient kitchen and dining areas shall be provided for the facility's specified requirements and programs.

(9) There shall be a fire alarm protective signaling system and automatic fire detection system serving the adult day care center, to be approved by the City's Building and Fire Departments. In addition there shall be an approved security alarm internally on all exit doors to notify staff of someone leaving the facility.

(10) There shall be slip resistant surfaces on all stairs and ramps.

(g) Site Plans. The site plan shall show:

(1) Drop-off and pick-up areas for the participants, with sufficient space provided for standing, loading and unloading automobiles and accommodations for wheelchairs.

(2) Off-street parking, which shall consist of one parking space for every 200 square feet of space in the adult day care center, but in any event there shall be a minimum of ten parking spaces.

(h) Prohibited Employees. No person shall be employed in an adult day care center who would be prohibited from employment in a day care center or home as provided for in the requirements of Ohio R.C. 5104.09 which applies to child day care centers.

(i) Operation.

(1) An adult day care center must be operated in such a manner as to restrain loud noise, yelling or other conduct that will affect other tenants in the same or a neighboring building, and to protect the participants.

(2) Any outdoor area specifically affiliated with or utilized by the adult day care center must be protected from vehicles (other than routine drop-off and pickup), noise, smoke, vibration, odor, toxic or noxious fumes or other hazards which threaten the health, safety and general welfare of the participants. The Planning and Zoning Commission may request assistance in this regard from the City Doctor or others.

(3) Any incident or circumstance which threatens the health, safety or general welfare of the participants shall be immediately reported to the Safety Director of the City.

(4) At least one registered or licensed nurse shall be on staff and present in the center at all times.

(5) There shall be a minimum of direct care staff to participant ratio of one to eight or better, depending upon the degree of impairment of the participants.

(6) Every adult day care center shall require criminal records checks of its applicants for employment to be conducted through the Beachwood Police Department, in the same manner provided for child day care centers under the Ohio Revised Code Section 5104.012. The cost of such checks shall be reimbursed to the City by the adult day care center. The results shall be governed by subsection (h) hereof.

(7) No adult day care center shall permit any person to smoke in any indoor space that is part of the center; provided, however that smoking by visitors, employees and participants may be permitted in a designated, enclosed area which is separately ventilated to the outside. This prohibition shall be posted in a conspicuous place at the main entrance of the center.

(Ord. 1996-196. Passed 1-27-97.)

1155.04 FARMERS MARKETS.

(a) Definitions.

(1) "Farmers Market" means an outdoor market open to the public where at least seventy-five percent (75%) of the displayed inventory of the product sold in each Farmers Market is Farm Products or Value-Added Farm Products.

(2) "Farm Product" means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

(3) "Value-Added Farm Product" means any product processed from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flour, coffee, smoked or canned meats or fish, sausages or prepared foods.

(b) Special Permitted Use. Farmers Markets may be established in the City of Beachwood in any nonresidential district with the approval of the Safety Director and a permit issued by the Building Commissioner. Such a permit shall be issued only when the Safety Director and the Building Commissioner find that the proposed use is a Farmers Market, as defined in subsection (a)(l) hereof, and complies with all the requirements and standards of this section. Wherever feasible, Farmer's Markets are to locate on sites that have convenient pedestrian, bike and public transit access and sufficient off-street parking.

(c) Requirements and Standards. Farmers Markets shall only be permitted subject to the following requirements and standards:

(1) Farmers Markets shall not be operated more than once a week at one location and shall be limited to the months of May through October.
(2) Hours of operation shall be limited to 9:00 a.m. to 2:00 p.m.
(3) There will be no cooking on premises.
(4) Farmers Markets and their vendors shall obtain all required operating and health permits and said permits (or copies) shall be in the possession of the Farmers Market operator or the vendor as applicable, on the site of the Farmers Market during all hours of operation.
(5) Farmers Markets shall be registered with the Ohio Department of Agriculture, Division of Food Safety, and present proof of such registration to the Building Commissioner.
(6) Farmers Markets must have a representative of the operator authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.
(7) The host property must provide waste removal and/or recycling facilities and services, in accordance with applicable codes and as approved by the City, for all Farmers Market operations, including vendors and patrons.
(8) Sanitary facilities for vendors of the Farmers Market must be provided by the host property.
(9) During the hours of operation, dedicated and exclusive parking for the Farmers Market shall be provided at the rate of a minimum of one (1) parking space per booth or vendor.
(10) For the purpose of a Farmers Market only, required on-site parking spaces of the host property may apply towards meeting the number of required parking spaces required for the Farmers Market provided such arrangement does not render the host property deficient in its parking requirement. There shall be a written agreement signed by both the property owner and the Farmers Market Manager establishing that there will be no parking demand associated with the use of the host property for the same parking space(s) during the hours of the Farmers Market operation.
(11) One temporary free-standing sign not to exceed ten (10) square feet in area and six (6) feet in height may be permitted for the Farmers Market provided that a temporary sign permit is obtained from the Building Department and that the location of the sign is approved by the Building Commissioner and the Police Chief. The temporary sign authorized by this subsection shall be installed no sooner than the day before the Farmers Market and shall be removed by the end of the day of the Farmers Market. (Ord. 2012-79. Passed 4-16-12.)

1155.05 RESTAURANTS WITH DRIVE-THRU FACILITIES.

(a) Permitted Use. A restaurant with a drive-thru facility may only be permitted as a Conditional Use in a U-4A Integrated Business District provided that it is in compliance with the following regulations, in addition to all other applicable requirements of this Zoning Code and the Building Code.

Formatted: Indent: First line: 0.5"

(b) Requirements and Standards.

(1) Drive-thru aisles shall be a minimum of 12 feet in width.

(2) There shall be a minimum of 200 feet of stacking space from the service window or remote ordering point to the entry point of the into the drive-thru lane to provide storage for at least ten (10) vehicles.

(3) Drive-thru restaurants shall be designed and sited so that vehicles do not back into entry drives or public rights-of-way.

(4) Entrance to the drive-thru aisle and the direction of traffic flow shall be clearly marked with signage and pavement markings.

(5) Each drive-thru aisle shall be separated from the circulation routes necessary for ingress or egress from the property and the access aisles to parking spaces.

(6) Drive-thru aisles shall be designed to minimize conflict with pedestrian walkways.

(7) Drive-thru speaker systems shall emit no more than fifty (50) decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the property lines of the site.

(8) The provision of a drive-thru service facility shall not justify a reduction in the number of required off-street parking spaces

(9) Drive-thru restaurants shall be screened and buffered from adjacent residential districts to adequately contain impacts from vehicle headlights, vehicle noise, and speaker noise.

(10) Drive-thru facilities that abut residential districts shall not operate between the hours of midnight and 6 AM.

(11) Drive-thru restaurants shall only be located on sites of at least one acre.

~~1155.05 KEEPING OF DOMESTIC FARM ANIMALS AND FOWL.~~

~~(a) Definitions.~~

~~(1) "Domestic farm animal" or "domestic farm animals" means one or two goats or one sheep. Any other animal is not a domestic farm animal for purposes of this section.~~

~~(2) "Fowl" includes geese, turkeys, ducks, chickens, and any other similar type of animal. Fowl does not include roosters.~~

~~(b) Purpose. The purpose of this section is to permit the keeping of domestic farm animals and fowl in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe. Domestic farm animals may be kept only when specific findings are made by the Planning and Zoning Commission that the domestic farm animal use meets the conditions set forth in this section and the Zoning Code.~~

~~(c) Special Permitted Use Keeping of Domestic Farm Animal. In addition to fowl, domestic farm animals, upon approval of a domestic farm animal application by the Planning and Zoning Commission and issuance of a permit by the Building Commissioner, are permitted on a residential parcel in excess of 1.1 acres. The keeping of domestic farm animals is limited to a maximum of two (2) goats or one (1) sheep per residential parcel in excess of 1.1 acres. A permit shall be issued only if the Planning and Zoning Commission and the Building Commissioner find that all requirements and standards of this section are met. Domestic farm animals are not permitted in any non residential district. A Domestic Farm Animals Special Use Permit is valid for an indefinite period of time provided that there is no material change from the information provided in the Domestic Farm Animals Special Use Permit Application and the keeping of the domestic farm animal or animals is in accordance with the requirements of this~~

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Indent: First line: 0.5"

Formatted: Indent: Left: 0.94", Hanging: 0.56", Tab stops: Not at 0.63"

Formatted: Indent: Left: 0.94", Hanging: 0.56"

Formatted: Indent: Left: 0.94", Hanging: 0.56", Tab stops: Not at 0.63"

Formatted: Indent: Left: 0.94", Hanging: 0.56"

Formatted: Indent: Left: 0.94", Hanging: 0.56", Tab stops: Not at 0.63"

section.

(d) Domestic Farm Animal Special Use Permit Application. A Domestic Farm Animal Special Use Permit application shall be provided by the Building Commissioner and shall require an applicant to provide the following:
(1) The address of the property where the applicant proposes to keep a domestic farm animal and the name and address of the applicant and the property owner, if different than the applicant;
(2) A survey, prepared by professional surveyor, indicating the total acreage of the property;
(3) The type of proposed domestic farm animal or domestic farm animals;
(4) A statement regarding whether or not fowl are currently kept on the property;
(5) A description of the structure where the domestic farm animal or domestic farm animals will be kept and a drawing depicting the location of such structure on the property in relation to other structures on the property, the property lines; and neighboring structures;
(6) A description of the area where the domestic farm animal or domestic farm animals will be permitted to graze, roam, or otherwise occupy and a drawing depicting such area in relation to other structures on the property, the property lines, and neighboring structures;
(7) A statement regarding any existing and proposed fence structures on the property;
(8) A statement indicating the noise and odor control measures, including the disposal of domestic farm animal waste, that the applicant will utilize in order to limit public nuisance complaints;
(9) A statement indicating that the applicant, if a permit is granted, will take the necessary measures to ensure that the domestic farm animal or domestic farm animals receive proper medical treatment and vaccinations and that, upon request of the Building Commissioner, documentation of such medical treatment and vaccinations will be provided to the Building Commissioner;
(10) A statement granting the Building Commissioner or the Building Commissioner's designee authority to access the property to determine compliance with this section and any other applicable Codified Ordinances;
(11) A statement acknowledging that, if a permit is granted, and such permit is revoked the immediate removal of the domestic farm animal or domestic farm animals is required;
(12) A statement indicating that the applicant, if a permit is granted, will update the information provided on the application, including information relating to the keeping of fowl and changes to fences structures, as may be necessary to ensure that the City has current and accurate information relating to the keeping of the authorized domestic farm animal or domestic farm animals on file; and
(13) Any other information that the Building Commissioner may deem relevant to determine compliance with this section.

(e) Notification to Neighboring Property Owners and Review by the Planning and Zoning Commission. The Building Commissioner, upon receipt of a domestic farm animals application, shall send written notice of the filing of such application to each property owner within five hundred (500) feet of the applicant's proposed domestic farm animal location. Such notice shall state the date and time the application will be reviewed before the Planning and Zoning Commission and shall be sent at least twenty (20) calendar days before the Planning and Zoning Commission's review of the application. The Planning and Zoning Commission shall hear public comments regarding the proposed Domestic Farm Animal Special Use Permit application from any interested person. Such comments shall be heard in accordance with any rules and procedures adopted by the Planning and Zoning Commission. The Planning and Zoning Commission shall approve a domestic farm animal application only if it finds that the domestic farm animal use meets the conditions set forth in this section and the Zoning Code.

(f) Requirements and Standards. Domestic farm animals shall only be permitted in a residential district if the following requirements and standards are met and a permit may be revoked for failure to adhere to the following requirements and standards:
(1) Domestic farm animals are kept on property is in excess of 1.1 acres;
(2) Domestic farm animals are kept in a structure designed to house the domestic farm animals and the structure is maintained in sanitary condition and in good repair;
(3) The domestic farm animal structure conforms to all Code requirements and is located not

~~less than twenty (20) feet from the rear or side yard line and not less than two hundred (200) feet from any existing residence on an adjacent property;~~
~~(4) Any domestic farm animal pasture or other area where the domestic farm animal will graze, roam, or otherwise occupy is located not less than ten (10) feet from the rear or side yard line and not less than two hundred (200) feet from any existing residence on an adjacent property;~~
~~(5) The domestic farm animals are kept in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby properties and not to cause health hazards;~~
~~(6) The domestic farm animals are kept in a manner that is not injurious or unhealthful to the animal and receives necessary medical treatment and vaccinations;~~
~~(7) The domestic farm animals are kept in a manner that complies with all provisions of the Codified Ordinances, including Section 618.12.;~~

~~(g) Inspection and Permit Revocation. The Building Commissioner or the Building Commissioner's designee has the authority to inspect any property where domestic farm animals or fowl are kept to determine compliance with the regulations of this section. The Building Commissioner, upon inspection and determination that a violation this section exists and permit revocation is necessary to ensure compliance with this section, shall send written notice of such violation and permit revocation to the keeper of the domestic farm animal and the property owner, if different than the keeper of the domestic farm animal. The notice shall state the violation and that the keeper of the domestic farm animal or the property owner has the right to appeal such permit revocation determination within ten (10) calendar days of receipt of the notice to the Safety Director. All appeals shall be filed in writing with the Safety Director. The Safety Director shall hear the appeal within ten (10) calendar days and the determination of the Safety Director shall be final.~~

~~(h) Prohibition Against Keeping of Domestic Farm Animals When a Permit is Revoked. Any person, including the keeper of domestic farm animals and any property owner where domestic farm animals are kept, that has a Domestic Farm Animals Special Use Permit revoked is prohibited from obtaining a future Domestic Farm Animals Special Use Permit.~~

~~(i) Keeping of Fowl. A permit is not required for the keeping of fowl. However, fowl must be restrained at all times in a structure designed to house fowl. Such structure shall be no larger than four feet by four feet by four feet, enclosed on all sides and on top, and maintained in sanitary condition and in good repair. The structure shall conform to all Code requirements and shall be located not less than twenty (20) feet from the rear or side yard line and not less than two hundred (200) feet from any existing residence on an adjacent property.~~

~~(j) Roosters Prohibited. No person shall keep a rooster in the City.~~

~~(k) Penalty. No person shall keep any farm animal or fowl in violation of this section.~~
~~(Ord. 2012-18. Passed 5-7-12.)~~

1155.06 KEEPING OF CHICKENS

A permit is not required for the keeping of chickens; however, the maximum number of chickens kept on any property shall be four (4) and they must be restrained at all times in a structure designed to house chickens. Such structure shall be no larger than four feet by four feet by four feet, enclosed on all sides and on top, and maintained in sanitary condition and in good repair. The structure shall conform to all Code requirements, shall be located behind the dwelling and not less than twenty (20) feet from any rear or side property lines.

1155.07 ACCESSORY DRIVE-THRU, DRIVE-UP, AND PICKUP FACILITIES

Banks, drug stores, grocery stores, and similar retail and service facilities may be permitted accessory drive-thru, drive-up, or pickup arrangements and facilities provided they first obtain a Conditional Use Permit from the Planning and Zoning Commission for such accessory facilities. Restaurants located in U-7A, U-8, U-9, and U-10 Districts may be permitted curbside pickup provided that they first obtain a Conditional Use Permit from the Planning and Zoning Commission. The number of spaces dedicated for pickup shall be determined by the Planning and Zoning Commission as part of the Conditional Use Permit.

1155.08 FOOD TRUCKS.

(a) Definitions.
"Food Truck" means any mobile food preparation vehicle, whether self propelled or attached as a trailer in which food is processed, prepared, stored, or dispensed to the paying consumer.

(b) Special Permitted Use. Food Trucks may be permitted on private property in the City of Beachwood with the written approval of the property owner in any U-4A Integrated Business District, U-5 Public and Institutional District, U-8 Industrial and Office Mixed-Use District, or U-7A General Office Building District with the approval of the Safety Director and a permit issued by the Building Commissioner. Such a permit shall be issued only when the Safety Director and the Building Commissioner find that the proposed use complies with all the requirements and standards of this section. Food Trucks shall locate only on sites that have convenient pedestrian, bike and vehicular access and sufficient off-street parking. Violation of any of the requirements and standards of this Section shall result in immediate revocation of the special permit.

(c) Requirements and Standards. Food Trucks shall only be permitted subject to the following requirements and standards:

(1) Food Trucks shall not conduct vending more than once a week at any one property, other than at active construction sites as authorized by the Building Commissioner.
(2) Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m.
(3) Food Trucks shall maintain a minimum separation of ten (10) feet between vehicles and/or equipment and shall not be parked or operated within twenty (20) feet of a building.
(4) Sanitary facilities for vendors must be provided by the host property.
(5) Food Trucks may not be parked overnight, and must be removed from the property.
(6) Food trucks must be self-contained when vending, except for the required trash and/or recycling receptacles, which shall be placed in close proximity to the food truck and shall not impede the free movement of automobiles or pedestrians.
(7) Food Truck vendors or the host property owner shall remove all waste and trash at the close of business.

(8) Food Trucks must be specifically designed and constructed to sell the food offered and be approved by the Cuyahoga County Board of Health.
(9) Food Trucks shall serve pedestrian customers only. No Drive-through or drive-in service.
(10) Each Food Truck shall display its Health Department Certificate in a prominent location.
(11) Food Truck vendors must have a valid State of Ohio drivers license and vehicle registration.
(12) Food Trucks shall be located so as to minimize the impact on available parking, and shall not block fire hydrants, fire lanes, or means of egress from buildings.
(13) Food Trucks shall comply at all times with the City's noise regulations.
(14) Food Truck vendors may only conduct business when their vehicles are parked and stationary.
(15) Food Trucks shall comply with the provisions of Section 711.01.
(16) Food Trucks operators shall register with the City and shall be subject to inspection by the Fire Prevention Bureau during operation.
(17) Fueling of Food Trucks or associated generators shall not be permitted at the vending site.
(18) Each Food Truck shall have an exterior emergency shut off for flow from propane and/or natural gas tanks and said shut off shall be clearly marked.
(19) All Food Trucks shall have a minimum 10 lb. ABC fire extinguisher. Food Trucks that produce grease laden vapors shall have a "K" class fire extinguisher.
(20) Generators not permanently attached to Food Trucks shall be located a minimum of twenty (20) feet from any building, vehicle, or other equipment.
(21) There shall be no alcoholic beverage service associated with Food Truck vending.

CHAPTER 1157
Riparian and Wetland Setbacks

1157.01 Purpose and intent.
1157.02 Applicability and compliance.
1157.03 Establishment of designated watercourses.
1157.04 Establishment of riparian setbacks.
1157.05 Exceptions.
1157.06 Establishment of wetland setbacks.
1157.07 Use of setbacks.
1157.08 Non-conforming uses and/or structures.
1157.09 Variances. (Repealed)

CROSS REFERENCES
Storm water management - see P. & Z. Ch. 1177

1157.01 PURPOSE AND INTENT.

This Chapter is intended to:

(a) Protect the physical, chemical, and biological characteristics of receiving streams and to maintain stream functions;

(b) Maintain storm water quantity and quality controls to minimize damage to public and private property and to protect the health, safety, and welfare of the residents of Beachwood;

(c) Preserve natural drainage characteristics and minimize the degradation of water resources;

(d) Prevent unnecessary stripping of vegetation and loss of soil; and

(e) Reduce the costs for maintenance and repairs resulting from inadequate storm water control due to the loss of riparian and wetland areas.

(Ord. 2008-70. Passed 7-21-08.)

1157.02 APPLICABILITY AND COMPLIANCE.

These regulations shall apply to all lands within the City of Beachwood regardless of Use District or Area District classification. No land shall be developed or altered, no building permits shall be issued, and no soil disturbing activity shall be commenced except in compliance with these regulations. (Ord. 2008-70. Passed 7-21-08.)

1157.03 ESTABLISHMENT OF DESIGNATED WATERCOURSES.

A designated watercourse shall include any watercourse that meets any of the following criteria:

(a) All watercourses draining an area equal to or greater than one-half (0.5) square mile, or

(b) All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined by the City Engineer.

(Ord. 2008-70. Passed 7-21-08.)

1157.04 ESTABLISHMENT OF RIPARIAN SETBACKS.

(a) In addition to such other setbacks and yards as may be required elsewhere in this Planning and Zoning Code, no buildings, structures, or parking areas shall be located closer than:

(1) Seventy-five (75) feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile, or

(2) Twenty-five (25) feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.

(b) Riparian setbacks shall be measured in a perpendicular and horizontal direction outward from the ordinary high watermark of each designated watercourse.

(c) Riparian setbacks shall be established and marked in the field prior to the commencement of any soil disturbing or land clearing activity.

(d) Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain.

(e) Applicants for permits shall be responsible for delineating designated watercourses and riparian setbacks and submitting such delineation to the City Engineer, who shall make the final determination regarding required riparian setbacks.
(Ord. 2008-70. Passed 7-21-08.)

1157.05 EXCEPTIONS.

These riparian setback regulations shall not apply to watercourses where the ~~Staff Engineer~~City Engineer makes a determination that the watercourse has been previously channeled, enclosed, or otherwise altered in such a manner and to such an extent that it is no longer considered to be a natural stream but part of an improved storm water system.
(Ord. 2008-70. Passed 7-21-08.)

1157.06 ESTABLISHMENT OF WETLAND SETBACKS.

(a) No buildings, structures, or parking areas shall be located closer than:
(1) Fifty (50) feet from the outermost boundary of a category 3 wetland, or
(2) Thirty (30) feet from the outermost boundary of a category 2 wetland.

(b) Where a wetland is wider than the minimum required riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category.

(c) Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional using delineation protocols accepted by the U.S. Army Corps of Engineers and Ohio EPA at the time an application is made. (Ord. 2008-70. Passed 7-21-08.)

1157.07 USE OF SETBACKS.

Riparian and wetland setbacks shall be preserved in their natural state. There shall be no land disturbing or earth moving activities conducted within riparian and/or wetland setbacks except as specifically permitted by the City Engineer. There shall be no disturbance of the natural vegetation except for conservation maintenance necessary to control noxious weeds. There shall be no filling, dredging, or dumping of any materials except for non-commercial composting of uncontaminated natural materials. (Ord. 2008-70. Passed 7-21-08.)

1157.08 NON-CONFORMING USES AND/OR STRUCTURES.

(a) Any non-conforming use located within a riparian and/or wetland setback at the time of adoption of these regulations may be continued, however, such use shall not be changed or enlarged except in such manner as to make it more compliant with these regulations.

(b) Non-conforming structures located within riparian and/or wetland setbacks at the time of adoption of these regulations may be continued, however, the existing building or structure shall not be expanded or enlarged in such a manner as would place the building or structure closer to the designated stream or wetland. (Ord. 2008-70. Passed 7-21-08.)

~~1157.09 VARIANCES. (REPEALED)~~

~~(EDITOR'S NOTE: Former Section 1157.09 was repealed by Ordinance 2009-55, passed September 8, 2009. See Chapter 1159 for current regulations.)~~

CHAPTER 1159
Determinations and Variances

1159.01 Determinations.
1159.02 Variance authority.
1159.03 Variance applications.
1159.04 Area variances.
1159.05 Use variances.
1159.06 Action by Planning and Zoning Commission.
1159.07 Action by City Council.
1159.08 Appeals.

1159.01 DETERMINATIONS.

Where specifically authorized by the provisions of this Zoning Code, the Planning and Zoning Commission may, with the consent and approval of City Council, make a determination that a requested use which is not expressly listed as a permitted use within a particular use district is a similar, harmonious, and compatible use within said district where the approval of said use will not adversely affect other properties and is consistent with the spirit and intent of both the use district and this Zoning Code. Where a use is determined by the Planning and Zoning Commission and City Council to be similar, harmonious, and compatible to the listed permitted uses in a district, it shall thereafter be treated as a permitted use within the identified use district. Such determinations by the Planning and Zoning Commission and City Council shall be considered interpretations of this Zoning Code and not use variances.
(Ord. 2009-55. Passed 9-8-09.)

1159.02 VARIANCE AUTHORITY.

(a) The Planning and Zoning Commission may authorize, upon appeal, in specific cases, such area variances from the terms of Chapters 1113, 1114, 1141, 1143, 1145, 1151, 1157 of this Zoning Code and Chapter 1319 of the Building Code as will not be contrary to the public interest, where, owing to special conditions or unique circumstances, a literal enforcement of the provisions or requirements this Zoning Code will result in a practical difficulty and so that the spirit of this Zoning Code shall be observed and substantial justice done.

(b) Except as specifically provided in Subsection (a) hereof, the Planning and Zoning Commission may recommend and the City Council may authorize, upon appeal, in specific cases, such variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to special conditions or unique circumstances, a literal enforcement of the provisions or requirements this Zoning Code will result in unnecessary hardship or practical difficulty and so that the spirit of this Zoning Code shall be observed and substantial justice done.
(Ord. 2009-55. Passed 9-8-09.)

1159.03 VARIANCE APPLICATIONS

Each application for a variance shall be accompanied by a statement of justification for the requested variance along with substantiating evidence regarding the required findings of fact as set forth herein. It shall be the responsibility of each applicant to provide sufficient information and clear and convincing evidence to support the requested variance.
(Ord. 2009-55. Passed 9-8-09.)

1159.04 AREA VARIANCES

No appeal for an area variance, that is a variance involving provisions relating to spatial or dimensional requirements, such as yard dimensions, setbacks, height, parking, or similar requirements or provisions of this Zoning Code, shall be recommended or granted by the Planning and Zoning Commission or granted by City Council unless the Commission and/or Council determine by clear and convincing evidence that a practical difficulty exists or will result from the literal enforcement of the Zoning Code. The following standards shall be considered and weighed by the Planning and Zoning Commission and City Council in determining whether the granting of an area variance is warranted to afford relief of a practical

difficulty:

(a) Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.

(b) Whether the variance is substantial.

(c) Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

(d) Whether the variance will adversely affect the delivery of governmental services (i.e. water, sewer, garbage, fire, police, or other).

(e) Whether the property owner purchased the property with knowledge of the zoning restriction.

(f) Whether the property owner's predicament can be obviated through some method other than a variance.

(g) Whether the spirit and intent of the Zoning Code will be observed and substantial justice done by granting the variance.

(h) Whether granting of the variance will be contrary to the general purpose, intent, and objective of the specific use district.

(i) Whether the variance requested arises from a condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.

(j) Whether the practical difficulty is created by the Zoning Code and not by any action or actions of the property owner or the applicant.

(k) Whether the variance desired will adversely affect the public health, safety, or general welfare.

(l) Whether the variance requested is the minimum variance necessary to afford relief to the property owner.

(Ord. 2009-55. Passed 9-8-09.)

1159.05 USE VARIANCES

No appeal for a use variance, that is, a variance for the approval of a use which is not permitted in the district, shall be recommended by the Planning and Zoning Commission or granted by City Council unless the Commission and Council determine by clear and convincing evidence that an unnecessary hardship exists or will result from the literal enforcement of the Zoning Code. The following standards shall be considered and weighed by the Planning and Zoning Commission and City Council in determining whether the granting of a use variance is warranted to afford relief of an unnecessary hardship:

(a) Whether uses permitted in the district may be reasonably established on the property and whether the permitted uses are economically viable on the property in question without the variance.

(b) Whether the variance is the minimum variance necessary to afford relief to the property owner.

(c) Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

(d) Whether the variance requested arises from an exceptional condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.

(e) Whether the hardship condition was created by actions of the applicant.

(f) Whether the spirit and intent of the Zoning Code will be observed and substantial justice done by granting the variance.

(g) Whether the use requested is similar in character to the permitted uses in the subject district.

(h) Whether the subject property is adequate to meet the needs and requirements of the proposed use.

(Ord. 2009-55. Passed 9-8-09.)

1159.06 ACTION BY PLANNING AND ZONING COMMISSION

In granting or recommending approval of a variance, the Planning and Zoning

Commission may prescribe appropriate conditions, stipulations, requirements, and safeguards in conformity with this Zoning Code. Violations of such conditions, stipulations, requirements, and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.
(Ord. 2009-55. Passed 9-8-09.)

1159.07 ACTION BY CITY COUNCIL

City Council shall consider the recommendation of the Planning and Zoning Commission along with the variance application, including any and all conditions, stipulations, requirements, and safeguards recommended by the Commission. Council may include and attach the conditions, stipulations, requirements, and safeguards recommended by the Planning and Zoning Commission, may modify the recommendations of the Commission, and/or may prescribe such additional conditions, stipulations, requirements, and safeguards as it may deem necessary and appropriate as terms and conditions under which the variance is granted. Violations of such conditions, stipulations, requirements, and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.
(Ord. 2009-55. Passed 9-8-09.)

1159.08 APPEALS

(a) Any person, firm, or corporation aggrieved by any final decision of the Planning and Zoning Commission with regard to an application for a variance may appeal such decision to the City Council provided that such appeal shall be filed within thirty (30) days after the date of the Planning and Zoning Commission's action.

(b) Any person, firm, or corporation aggrieved by any decision of the City Council with regard to an application for a variance may appeal such decision to the Court of Common Pleas provided that such appeal shall be filed within thirty (30) days after the date of Council's action. (Ord. 2009-55. Passed 9-8-09.)

TITLE SEVEN - Stormwater Management
Chap. 1173. Illicit Discharge and Illegal Connection Control.
Chap. 1177. Storm Water Management.

CHAPTER 1173
Illicit Discharge and Illegal Connection Control

1173.01 Purpose and intent.
1173.02 Applicability.
1173.03 Definitions.
1173.04 Conflicts, severability, nuisances and responsibility.
1173.05 Responsibility and authority.
1173.06 Discharge and connection prohibitions.
1173.07 Monitoring of illicit discharges and illegal connections.
1173.08 Enforcement.

CROSS REFERENCES
Storm water management - see P. & Z. Ch. 1177

1173.01 PURPOSE AND INTENT.

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Beachwood through the regulation of illicit discharges to the municipal storm sewer system. This regulation establishes methods for controlling the introduction of pollutants into the municipal storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA).

It is the intent of this regulation to prohibit illicit discharges and illegal connections to the City's municipal storm sewer system and to establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation. (Ord. 2008-70. Passed 7-21-08.)

1173.02 APPLICABILITY.

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the municipal storm sewer system except discharges generated by exempt activities as set forth in Section 1173.06 hereof.
(Ord. 2008-70. Passed 7-21-08.)

1173.03 DEFINITIONS.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(a) Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) Hazardous Material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(c) Illicit Discharge: means any discharge to a municipal storm sewer system that is not composed entirely of storm water, except for those discharges made pursuant

to an NPDES permit or noted in Section 1173.06 of this regulation.

(d) Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the municipal storm sewer system.

(e) Municipa1 Storm Sewer System: means all of the various facilities and systems used by the City of Beachwood for collecting and/or conveying storm water which includes drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm sewers.

(f) Off-Lot Discharging Home Sewage Treatment System: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(g) Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(h) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
(ORD. 2008-70. Passed 7-21-08.)

1173.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

(b) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.

(c) If any provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(d) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(e) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting there from.
(Ord. 2008-70. Passed 7-21-08.)

1173.05 RESPONSIBILITY AND AUTHORITY.

The City of Beachwood ~~Staff Engineer~~City Engineer shall administer, implement, and enforce the provisions of this regulation. (Ord. 2008-70. Passed 7-21-08.)

1173.06 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the municipal storm sewer system. The commencement, conduct, or continuance of any illicit discharge to the municipal storm sewer system is prohibited except as described below:

(1) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from

crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities.

(2) Discharges authorized in writing by the ~~Staff Engineer~~City Engineer as being necessary to protect public health and safety.

(3) Discharges from off-lot discharging home sewage treatment systems permitted by the Cuyahoga County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02(6). These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Board of Health.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the municipal storm sewer system is prohibited. This prohibition expressly includes, without limitation, illegal connections made prior to the effective date of this regulation, regardless of whether the connection was permissible at the time of connection. A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the municipal storm sewer system, or allows such a connection to continue. (Ord. 2008-70. Passed 7-21-08.)

1173.07 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The ~~Staff Engineer~~City Engineer is hereby authorized to establish a program to detect and eliminate illicit discharges and illegal connections to the municipal storm sewer system. This program shall include the mapping of the municipal storm sewer system, including municipal storm sewer system outfalls and home sewage treatment systems; the periodic inspection of storm water outfalls to the municipal storm sewer system, and the periodic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of such periodic inspections.

(b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The ~~Staff Engineer~~City Engineer, or his designee, shall be permitted to enter and inspect facilities subject to this regulation as may be necessary to determine compliance. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected shall be promptly removed by the facility's owner/operator at the request of the ~~Staff Engineer~~City Engineer.

(2) The ~~Staff Engineer~~City Engineer shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(3) If the City is refused access to any part of the facility from which storm water is discharged, and the ~~Staff Engineer~~City Engineer demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(4) Costs associated with these inspections may be assessed against the facility owner/operator. (Ord. 2008-70. Passed 7-21-08.)

1173.08 ENFORCEMENT.

(a) It shall be unlawful for any owner/operator to violate any provision or fail to

comply with any of the requirements of this regulation. When the ~~Staff Engineer~~City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this regulation, he may order compliance by written Notice of Violation. Such notice shall specify the violation and shall be hand delivered or sent by registered mail, to the owner/operator of the facility.

(b) Such Notice of Violation may require:

(1) The performance of monitoring, analyses, and reporting;
(2) The elimination of illicit discharges or illegal connections;
(3) That violating discharges, practices, or operations cease and desist;
(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and/or
(5) The implementation of source control or treatment BMPs.

(c) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to take the necessary corrective action within the established deadline, a legal action for enforcement may be initiated.

(d) If an owner/operator has violated or continues to violate the provisions of this regulation, the ~~Staff Engineer~~City Engineer may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

(e) Any person receiving a Notice of Violation shall have the right to appeal the determination of the ~~Staff Engineer~~City Engineer by filing a request for an administrative hearing. Any such appeal must be filed in writing with the City of Beachwood Building Commissioner within ten (10) working days of receipt of the Notice of Violation. Upon receipt of an appeal and request for an administrative hearing, the Building Commission shall schedule the matter for the next regularly scheduled meeting of the Planning and Zoning Commission at which time the applicant shall be heard and testimony may be given. Upon the conclusion of the hearing, the Planning and Zoning Commission shall make a determination regarding the existence of a violation and the necessity, type, and time frame of any corrective action required. (Ord. 2008-70. Passed 7-21-08.)

CHAPTER 1177
Storm Water Management

1177.01 Purpose.
1177.02 Definitions.
1177.03 Projects to which this chapter applies.
1177.04 Projects to which this chapter does not apply.
1177.05 Compliance with other applicable laws.
1177.06 Comprehensive Storm Water Management Plans required.
1177.07 Contents of Comprehensive Storm Water Management Plans.
1177.08 Minimum requirements for Storm Water Pollution Prevention Plans.
1177.09 Minimum requirements for storm water control plans.
1177.10 Minimum requirements for storm water quality plans.
1177.11 Construction requirements.
1177.12 Maintenance requirements.
1177.13 Permits and deposits.
1177.99 Penalty.

CROSS REFERENCES
Illicit discharge and illegal connection control - see P. & Z. Ch. 1173

1177.01 PURPOSE.
The purpose of this chapter is to:
(a) Reduce impacts due to soil erosion and sedimentation caused by construction activities.
(b) Reduce damage to the receiving streams and drainage systems caused by increases in sedimentation discharged from development activities.
(c) Reduce deterioration of the quality of the receiving waters.
(d) Reduce downstream flooding by controlling runoff.
(e) Establish a basis for design of storm water management facilities.
(f) Provide for perpetual maintenance of storm water runoff quality and quantity.
(Ord. 2011-90. Passed 7-18-11.)

1177.02 DEFINITIONS.
(a) For the purpose of this chapter:
(1) Words used in the present tense include the future tense, and the singular includes the plural unless the context clearly indicates the contrary.
(2) The term "shall" is always mandatory and not discretionary; the word "may" is permissive;
(3) Any word or term used in these regulations but not defined in this section shall be given the standard or common interpretation.

(b) As used in this chapter:
(1) "Applicant" means the Developer, Owner or Contractor applying for the Building Permit or Occupancy Permit.
(2) "Best Management Practices" (BMP's) means activities, practices and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.
(3) "Building Permit" means the permit to start construction issued by the

Building Commissioner or his assigns in accordance with Chapter 1329 Permits, Fees and Deposits.

(4) "City" means the City of Beachwood.

(5) "Channel" means a natural stream that conveys water or a man-made structure or ditch excavated for the flow of water.

(6) "Concentrated Storm Water Runoff" means surface runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

(7) "Conservation" means the wise use and management of natural resources.

(8) "Cut and Fill Slopes" means a portion of land surface or area from which soil material is excavated and/or filled, forming a slope or embankment.

(9) "Cuyahoga Soil and Water Conservation District" means the local section of Ohio Department of Natural Resources, organized under Ohio R.C. Chapter 1515.

(10) "Denuded Area" means a portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered and which may result in or contribute to erosion and sedimentation.

(11) "Development Area" means any tract, lot or parcel of land where an earth-disturbing activity is to be performed in accordance with a single plan of development.

(12) "Drainage Pattern" means the path of flow of storm water runoff and the methods of collecting the water including sheet flows, ditches, swales, storm sewers, culverts, manholes, catch basins, trench drains, detention and retention basins and ponds.

(13) "Earth-Disturbing Activity" means any clearing, grubbing, grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

(14) "Engineer".

A. "City Engineer" means the person selected by City Council to perform Professional Engineering Services and hired by the City in accordance with the Ordinance passed approving such hiring.

~~B. "Staff Engineer" means the person employed by the City to perform engineering services and coordinate work with the City Engineer.~~

(15) "Erosion" means the process by which the land surface is worn away and relocated by the action of water, wind, ice or gravity.

(16) "Erosion and Sediment Control Practices" means conservation measures used to control wearing away and movement of soils and may include structures, vegetation and management techniques.

(17) "Federal Clean Waters Act" means the Federal Water Pollution Control Act (33 V.S.C. Section 1251 et seq.) and any subsequent amendments thereto and its aim is to control and regulate the discharge of pollutants into all waters.

(18) "Grading" means earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, dumping or any combination thereof.

(19) "Grubbing" means removing, clearing or scalping material such as roots, stumps or sod.

(20) "Landslide" means the rapid mass movement of soil and rock material downhill under the influence of gravity, in which the movement of the soil mass occurs along an interior surface of sliding

(21) "National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits" means general, group and individual storm water discharge permits which regulate facilities defined in Federal NPDES regulations pursuant to the Clean Water Act.

(22) "Notice of Intent (NOI) " means an application form submitted to the Ohio

Environmental Protection Agency (OEPA) whereby the applicant certifies their intent to comply with the general permit requirements of the NPDES permit.

(23) "Occupancy Permit" means the permit issued by the City Building Commissioner as described in Chapter 1313.

(24) "OEPA" means the Ohio Environmental Protection Agency.

(25) "Outfall" means an area where water flows from a structure, such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

(26) "Permit Holder" means the person or entity with a building permit.

(27) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the Federal government or any combination thereof.

(28) "Post Development" means the condition and drainage pattern after an earth disturbing activity has been completed.

(29) "Project Site" means development area.

(30) "Qualified Inspection Personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

(31) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface.

(32) "Sediment Barrier" means a sediment control device such as a geotextile Silt Fence or Filter Strip, usually capable of controlling only small flow rates and as defined in "Rainwater and Land Development", (latest edition) Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection (available from Ohio Department of Natural Resources, Division of Soil and Water Conservation).

(33) "Sediment Settling Facility" means a settling pond, meeting or exceeding the design specifications of a temporary sediment basin as defined in "Rainwater and Land Development", (latest edition) Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection (available from Ohio Department of Natural Resources, Division of Soil and Water Conservation).

(34) "Sediment Control" means the limiting of sediment transport by controlling erosion or detaining sediment-laden water, allowing sediment to settle out and the implementing of Best Management Practices (BMPs).

(35) "Sensitive Area" means an area or water resource (as delineated prior to Storm Water Pollution Prevention Plan approval) that requires special management because of its susceptibility to sediment pollution or because of its importance to the well-being of the surrounding communities, the region or the State and includes:

A. Ponds, wetlands or small lakes with less than five acres of surface area;

B. Small streams with gradients less than ten feet per mile and with average annual flows of less than three and one-half feet per second containing sand or gravel bottoms;

C. Drainage areas of a locally or State designated scenic river; and

D. Slopes in excess of twenty-five percent. (4H:1V)

(36) "Settling Pond" means a storm water runoff detention structure, such as a sediment basin or sediment trap, which detains sediment-laden runoff, allowing sediment to settle out.

(37) "Sheet Flow" means water runoff in a thin, uniform layer, or in rills, which is of small enough quantity to be treated by sediment barriers.

(38) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.
(39) "Soil" means erodible earth material.
(40) "Storm Water Pollution Prevention Plan (SWPPP)" means a plan of the Development Area showing the proposed implementation of Best Management Practices, as defined in paragraph (b)(2) hereof.
(41) "Stream" means a body of water running or flowing on the earth's surface or the channel in which such flow occurs. Flow may be seasonally intermittent.
(42) "Unstable Soil" means a portion of the land surface which is prone to slipping, sloughing or landslides or is identified by Soil Conservation Service, USDA methodology as having a low soil strength.
(43) "Water Resources" means all streams, lakes, ponds, wetlands, water courses, waterways, drainage systems and all other bodies or accumulations of surface water, which are situated wholly or partly within the City except those private waters which do not combine or effect a junction with natural surface waters.
(44) "Wetlands" means those areas of land with sufficient moisture, soil type and supporting vegetation consistent with the definition of the United States Army Corp of Engineers (USACE). Wetlands shall be identified by an ecological resource specialist.
(Ord. 2011-90. Passed 7-18-11.)

1177.03 PROJECTS TO WHICH THIS CHAPTER APPLIES.

This chapter applies to earth disturbing activities involving new, relocated or expanded underground cables, pipelines, residential or commercial subdivisions, industrial, commercial and public areas, and all other land uses not specifically exempted as described in Section 1177.04. This chapter also applies if the earth disturbing activity is only clearing by cutting trees which would change the storm water runoff pattern.
(Ord. 2011-90. Passed 7-18-11.)

1177.04 PROJECTS TO WHICH THIS CHAPTER DOES NOT APPLY.

This chapter does not apply to:
(a) Land disturbing activities related to producing agricultural crops or silvicultural operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules.
(b) Strip mining operations regulated by Ohio R.C. Chapter 1513.
(c) Surface mining operations regulated by Ohio R.C. Chapter 1514.
(d) Earth disturbing activities involving an individual home site or an area less than one acre.
(e) Linear construction projects, such as pipeline or utility installation, which do not result in installation of impervious surface and are independent of other construction projects.
(Ord. 2011-90. Passed 7-18-11.)

1177.05 COMPLIANCE WITH OTHER APPLICABLE LAWS.

Applicants shall comply with all of the following provisions where applicable:
(a) The provisions of the Ohio Department of Natural Resources "Ohio Dam Safety Laws".
(b) The provisions of the National Pollution Discharge Elimination System (NPDES) as administered by the United States and the Ohio Environmental Protection Agencies. If an NPDES permit is required, a Notice of Intent (NOI) must be submitted to the OEPA. A copy of the NPDES permit or an EPA-signed statement saying that the permit is not needed shall be provided to the City. When required, the "SWPPP" shall be submitted to the Cuyahoga Soil and Water Conservation District for review.
(c) The provisions of the U.S. Army Corps of Engineers, Section 404 permits for

Federally protected water resources, including wetlands, streams and lakeshores.

(d) The Federal Clean Waters Act (33 U.S.C. Sec 1251 et seq.).

(Ord. 2011-90. Passed 7-18-11.)

1177.06 COMPREHENSIVE STORM WATER MANAGEMENT PLANS REQUIRED.

Each application for a Building Permit for projects as defined in Section 1177.03 shall include a Comprehensive Storm Water Management Plan which plan shall consist of:

(a) A Storm Water Runoff Control Plan;

(b) A Water Quality Plan; and

(c) A Storm Water Pollution Prevention Plan.

Comprehensive Storm Water Management Plans shall comply with the requirements as set forth herein. (Ord. 2011-90. Passed 7-18-11.)

1177.07 CONTENTS OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) Contents of Plans: The following information shall be included in each of the Storm Water Pollution Prevention, Storm Water Runoff Control, and Water Quality Plans:

(1) A general project description including the nature, type, and purpose of earth-disturbing activity and the larger common plan of development.

(2) A vicinity sketch locating the development area, and all pertinent surrounding features, including water resources, wetlands, riparian buffers, conservation easements and other sensitive natural resources.

(3) A development plan indicating the area of the site that is expected to undergo excavations, filling and grading or clearing.

(4) The location of sensitive areas receiving runoff from the development.

(5) The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

(6) The existing and proposed topography with one-foot contour intervals.

(7) The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area.

(8) Existing and proposed watershed boundary lines, direction of flow and watershed acreage.

(9) The limits of clearing and earth-disturbing activity.

(10) The types of soils within, or affected by, the development as determined by the most current edition of the Cuyahoga County Soil Survey.

(11) The scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.

(12) Surface water locations including springs, wetlands, streams, lakes, ponds, riparian areas, etc., on or within 200 feet of the site.

(13) Existing and planned locations of buildings and utilities that may affect soil erosion and sediment control.

(14) The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs used during the construction and post-construction phases of each development.

(15) Long-term maintenance requirements and schedules of all BMPs used during the construction and post-construction phases of each development.

(16) Long-term maintenance inspection schedules.

(17) The person or entity financially responsible for maintaining the permanent inspection and maintenance of permanent storm water conveyance and storage structures and other conservation practices.

(18) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices.

(19) The location of any riparian and/or wetland setback areas on the property.

(20) The plan must clearly describe for each major construction activity the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and, who will be responsible for implementation.

(21) The plan shall identify the subcontractors engaged in activities that could impact storm water runoff and shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the plan.

(b) Storm Water Pollution Prevention Plans: The Storm Water Pollution Prevention Plan shall also include:

(1) A list of soil erosion and sediment control BMPs and the standards and specifications to be followed by the field contractors during installation.

(2) A map showing the location of the planned BMPs which shall include:

A. The location of each BMP.

B. The BMPs' size, detail drawings, maintenance requirements and design calculations.

C. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used.

D. Settling ponds drawn to scale with basic dimensions and the calculations for size and volume.

E. Detailed drawings of all other structural control BMPs.

F. Proposed utilities, which may affect soil erosion and sediment control BMPs.

G. Any other soil erosion and sediment control related BMPs and items that are required by the City Engineer.

(c) Storm Water Control Plans: Storm Water Control Plans shall include, at a minimum, the following additional information:

(1) A general description of the runoff control method proposed to meet this chapter.

(2) The location and design calculations for all permanent storm water conveyance, detention and retention structures, and other storm water control structures.

(3) Any other storm water control items required by the City Engineer.

(d) Water Quality Plans: The Water Quality Plan shall also include:

(1) A description of the post construction BMPs that will be installed to control construction pollutants in storm water discharges.

(2) A description of the water quality standards and projected treatment levels that will be addressed by the water quality BMPs being installed.

(Ord. 2011-90. Passed 7-18-11.)

1177.08 MINIMUM REQUIREMENTS FOR STORM WATER POLLUTION PREVENTION PLANS.

The minimum standards set forth herein shall not limit the right of the City to impose additional, more stringent requirements or to waive individual requirements. Storm Water Pollution Prevention Plans shall satisfy the minimum standards set forth below and shall meet the specifications in the latest edition of "Rainwater and Land Development". Storm Water Pollution Prevention Plans shall meet following minimum standards:

(a) All soil erosion and sediment control practices shall be functional throughout all phases of earth disturbing activity. Settling facilities, perimeter controls, and other practices intended to trap sediment shall be implemented as the first step of grading and within seven (7) days from the start of grubbing. They shall continue to function until the development area is permanently restabilized.

(b) Clearing and grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion and sediment and storm water control practices. After the perimeter controls are in

place and functioning the remaining phase(s) of clearing and grubbing may continue.

(c) Denuded areas shall have soil stabilization applied within no more than seven (7) days if they are to remain dormant for more than forty-five (45) days. Permanent or temporary soil stabilization shall be applied to denuded areas within no more than seven (7) days after final grade is reached on any portion of the site.

(d) Concentrated storm water runoff from denuded areas flowing at rates which exceed the design capacity of silt fences, the design capacity of other sediment barriers, the design capacity of inlet protection, or are the result of common drainage from ten (10) or more acres of disturbed land shall pass through a sediment settling facility. The facility's storage capacity shall be no less than 1800 cubic feet of dewatering zone per acre of total contributing drainage area and 1000 cubic feet per disturbed acre of sediment storage zone area. Trapping efficiency should be at least 75%. Permanent storm water control ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment laden water. Draw down time must be a minimum of 48 hours. Velocity dissipation devices shall be placed at the outfall channel as necessary to provide a non-erosive flow velocity from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(e) Sheet and rill flow runoff from denuded areas shall be diverted to a settling pond or treated by a geotextile silt fence or other approved Sediment Barrier. The total runoff flow treated by a Sediment Barrier shall not exceed the design capacity for that Sediment Barrier.

(f) All storm sewer inlets which accept water runoff from the development area shall be protected so that sediment laden water will not enter the storm sewer without first being filtered or otherwise treated to remove sediment, unless the storm sewer system drains to a settling facility. Inlets receiving runoff from drainage areas of one (1) acre or more shall require a sediment settling pond.

(g) Streams including bed and banks shall be re-stabilized immediately after in-channel work is completed, interrupted, or stopped. To the extent practicable, construction vehicles shall be kept out of streams. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion.

(h) If a stream must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided. Temporary stream crossings shall have hydraulic capacity and/or overflow capability to prevent upstream flooding.

(i) Measures shall be taken to prevent soil and other solids and pollutants from being transported onto surfaces where runoff is not checked by sediment controls, or onto public roads. Minimize such tracking by installing gravel construction entrances. Where such materials are transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently as required by the City Service Director. Said materials shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after most of the sediment has been removed by shoveling or sweeping.

(j) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing is authorized by the City ~~Staff Engineer~~, and, when applicable, the U.S. Army Corps of Engineers, for such purposes as, but not limited to, constructing bridges, culverts, and erosion control structures.

(k) Unstable soils prone to slipping or sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is done in accordance with a qualified professional engineer’s recommendations to correct, eliminate, or adequately address the problems.

(l) Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration shall be given to the length and steepness of the

slope, soil type, up slope drainage area, groundwater conditions, and slope stabilization.

(m) Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post development, ten-year (or greater) frequency storm without eroding.

(n) A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the City ~~Staff~~ Engineer, covers 80 % or more of the soil surface and provides adequate cover and is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions.

(o) All temporary erosion and sediment control practices shall be disposed of within thirty days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the City Building Commissioner upon a written recommendation of the City Engineer ~~or Staff Engineer~~. Trapped sediment shall be permanently stabilized to prevent further erosion, or removed from the site.

(p) All erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. Sediment and erosion controls shall be inspected by the applicant or his designee once every 7 days and within 24 hours of 0.5 inch or greater rainfall amount. The inspection frequency may be reduced to once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions such as snow or ice. A waiver of inspections may be granted if the site is frozen and land disturbance activities have been suspended for a specific period of time. A written log of these inspections must be kept by the applicant or his designee. This log shall be prepared by qualified inspection personnel and shall indicate the date of inspection, name and qualifications of the inspector, weather conditions, observations, locations of any discharges of sediment, locations and conditions of BMP's, recommended corrective actions or need for additional BMP's, actions taken to correct any problems and the date action was taken. Sensitive areas such as riparian and wetland setbacks shall be observed to ensure that they remain well marked and undisturbed. Upon a request of the City ~~Staff~~ Engineer the owner shall submit these documents.

(q) During construction of underground utility lines, pipes etc., trench dewatering devices shall discharge in an approved manner which will not adversely affect water resource or off-site property.

(r) If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) Permits, a copy of all the required inspection sheets shall be submitted to the City Building Commissioner within 2 working days of the date that the inspection was conducted.

(Ord. 2011-90. Passed 7-18-11.)

1177.09 MINIMUM REQUIREMENTS FOR STORM WATER CONTROL PLANS.

(a) Storm water control systems shall be designed for the ultimate use of the land. Phased construction projects shall provide a storm water management for the ultimate development of the total project area.

(b) Storm detention or retention basins and facilities shall be designed so that they will continue to function with minimal maintenance and maximum water quality benefit. Developers and designers shall make all reasonable attempts to avoid wetlands and shall not cut off the water supply to an identified wetland. Wetland impacts must be coordinated with the USACE and/or OEPA.

(c) A paved channel for low water flow is required across all detention basins for each point source into the basin.

(d) Velocity dissipation shall be placed at the outfall structures of all detention or retention basins and along the length of any outfall channel as necessary to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. The design criteria shall be applied to each watershed within the development area.

(e) Detention basins and facilities may be designed to serve the dual purpose of a sediment trap during construction.

(f) The runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations to the City Building Commissioner, to be approved by the City Engineer, proving no increase in the runoff rates from the two, five, ten, twenty-five, fifty, and one hundred year frequency storms.

(g) Increases in the runoff volume shall be offset by further restricting runoff rates. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm and all shorter duration storms shall be restricted to the one (1) year pre-development storm runoff rate.

(h) The critical storm for a specific development area is determined as follows:
(1) Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development.
(2) From the volumes determined above, determine the percent of increase in volume of runoff due to development.
(3) Using this percentage, select the critical storm from the following table:

The Percentage Increase in Volume of Runoff is		The 24-Hour Critical Storm for Discharge Will Be (yrs.)
Equal to or Greater than	and Less than	
0	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	No Limit	100

(i) Methods for controlling increases in storm water runoff peaks and volumes may include, but are not limited to:
(1) Detention or retention basins or subsurface storage areas.
(2) Retarding flow velocities by increasing friction.
(3) Induced infiltration of increased storm water runoff into soil. Soil limitations shall be determined by the current edition of the Cuyahoga Soil and Water Conservation District survey by the Soil Conservation Service.

Field Code Changed

(j) Storm sewer design for a ten year storm using the Rational Method to estimate the storm runoff rate "Q". Use Cleveland Regional Rainfall Intensity Frequency-Duration Curves for this region.
(Ord. 2011-90. Passed 7-18-11.)

1177.10 MINIMUM REQUIREMENTS FOR STORM WATER QUALITY PLANS.

Storm water released from any part of a development site shall meet the most restrictive of the following criteria as well as the current requirements of the Ohio EPA:

(a) The rationale for BMP selection must address the anticipated impacts on the hydrology, water quality and riparian habitat.

(b) Water Quality Plans shall contain a description of the post-construction BMPs for the site and the rationale for choosing them. The rationale must address the anticipated impacts on the hydrology, water quality and riparian habitat.

(c) Detail drawings and long-term maintenance plans must be provided for all post-construction BMPs. Structural post-construction BMP's cannot be installed within a State surface water, such as a wetland or stream, unless it is authorized by a Clean Water Act Section 401 certification or a Section 404 permit. Maintenance plans must assure that pollutants, which collect within structural post-construction practices, be disposed of in accordance with local, state and federal regulations.

(d) Post construction BMPs shall achieve the following goals:

(1) Water Quality Volume: For all development on previously undeveloped property, structural (designed) post-construction storm water treatment practices shall be incorporated into the permanent drainage system for the site. These practices must be sized to treat the water quality volume (WQ_v).

(2) The WQ_v shall be determined by using the following equation:

$WQ_v = C * P * A /12$

where:

WQ_v=water quality volume in acre-feet

C = runoff coefficient appropriate for storms less than 1 inch (either using Table 1 or the following formula: $C= 0.858i - 0.78i + 0.774i + 0.04$ where i=fraction of post-construction impervious area)

P = 0.75 inch precipitation depth

A = area draining into the BMP in acres

Table 1 Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2

(3) An additional volume equal to 20 percent of the water quality volume shall be incorporated into the facility for sediment storage and/or reduced infiltration capacity. Facilities shall be designed according to the methodology included in the Rainwater and Land Development manual, or in another design manual acceptable for use by the City Engineer.

(4) Facilities shall be cleaned and maintained such that the full water quality volume is available and that the facility functions as designed.

(5) Construction activities may be exempted from this condition if it can be demonstrated that this requirement was met within another larger common plan of development or regional storm water management plan.

(6) Construction activities shall maintain or improve ecological function of watercourses by protecting or improving the stream and riparian habitat. Ecological functions include pollution assimilation, flood attenuation,

maintenance of the sediment regime, base flow, moderation of temperature and habitat to the maximum extent practicable.

(7) For redevelopment projects, post-construction practices shall assure a net reduction of 20% of the impervious area of the site, or provide for treatment of 20% of the WQ_v. A one-for-one credit for reduction of the 20% net reduction of impervious area may be granted for the use of pervious pavements and/or green roofs. For projects which combine new development and redevelopment, the total WQ_v shall be calculated by a weighted average based on acreage with new development at 100% and redevelopment at 20%WQ_v.

(8) The City Engineer may determine that additional BMPs are appropriate. These regulations do not preclude the use of innovation or experimental post-construction storm water management technologies. However, the City Engineer may require discharges from such structures to be monitored to assure compliance with these or other regulations.

(9) A municipally operated regional storm water BMP may be used as a post-construction BMP with the City's authorization and provided that it can detain the WQ_v from the entire drainage area and release it over a 24 hour period.

(10) The BMPs listed in Table 2 below shall be considered standard BMPs approved for general use. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events and avoid the creation of nuisance conditions. The outlet structure for the post-construction BMP must not discharge more than the first half of the WQ_v in less than one-third of the drain time.

Table 2: Target Drain Times for Structural Post-Construction BMPs

BMPs Suitable for Drainage Areas ≥ 5 Acres		BMPs Suitable for Drainage Areas < 5 Acres	
Best Management Practice	**Drain Time**	**Best Management Practice**	**Drain Time**
Dry Extended Detention Basin *	48 hours	Infiltration Basins ^	24-48 hours
Wet Extended Detention Basin**	24 hours	Bioretention Cells	40 hours
Constructed Wetlands+	24 hours	Sand & Other Media Filters	40 hours
Infiltration Basins ^	24-48 hours	Enhanced Water Quality Swales	24 hours
		Pocket Wetlands #	24 hours
		Vegetated Filter Strips	24 hours

* Dry basins must include forebay and micropool each sized at 10% of the WQ_v

** Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 WQ_v

\+ Extended detention shall be provided for the full WQ_v above the permanent water pool.

^ The WQ_v shall completely infiltrate within 48 hours so there is no standing or residual water in the BMP.

\# Pocket wetlands must have a wet pool equal to the WQ_v, with 25% of the WQ_v in a pool and 75%in marshes. The EDv above the permanent pool must be equal to the $_{Wqv}$

(Ord. 2011-90. Passed 7-18-11.)

1177.11 CONSTRUCTION REQUIREMENTS.

(a) In conjunction with Chapter 1105 "Enforcement and Penalty", after the Building Commissioner issues a permit to construct, the permit holder shall notify the City Engineer, who provides site inspection, at least two working days prior to any earth disturbing activities in the development area.

(b) All permitted earth-disturbing activities shall be subject to site inspection by the City Engineer, to determine compliance with this chapter. Occupancy Permits may be withheld by the Building Commissioner until all requirements of this chapter are met.

(c) The City Planning and Zoning Commission may grant a variance from the provisions of this chapter where the applicant can show that compliance with all or part of such provisions is not appropriate. A variance may be granted if the probability of offsite damage is slight because of exceptional topographic or other physical conditions of the development area. The issuance of a variance does not eliminate obligations to meet Ohio Environmental Protection Agency requirements. Requests for variances shall be submitted in writing to the City Planning Commission and shall include justification for the granting of the variance.
(Ord. 2011-90. Passed 7-18-11.)

1177.12 MAINTENANCE REQUIREMENTS.

(a) Storm drainage improvements and facilities which are located within public rights-of-way or on public property shall be dedicated to the City of Beachwood for ownership and maintenance unless such requirement is specifically waived by the City.

(b) Where facilities intended to be owned and/or maintained by the City cross or are located on private property, an easement for the maintenance, repair, and replacement of such facilities shall be provided to the City.

(c) Storm water management facilities located on private property and intended to be held in private ownership shall provide an agreement and/or plan for the perpetual maintenance of such facilities including provisions for funding maintenance provisions. The post-construction operation and maintenance plan shall be a stand alone document which designates the entity responsible for inspection and maintenance, the routine and non-routine maintenance tasks to be performed, a schedule for maintenance and inspections, and all necessary legally binding easements and agreements.

(d) The City of Beachwood shall be a beneficial party to all storm water management facilities and provisions and their perpetual maintenance. The City, through its ~~Staff Engineer~~City Engineer, shall have the right, but no obligation, to inspect such facilities and provisions and to require implementation of maintenance and/or repair measures as determined to be necessary and appropriate for the continued proper functioning of such storm water management facilities. Failure to comply with directives to maintain or repair facilities shall constitute a violation of this Chapter.
(Ord. 2011-90. Passed 7-18-11.)

1177.13 PERMITS AND DEPOSITS.

Permits and deposits for plan review services and inspectional services shall be in accordance with the provisions and requirements of the Building Code as provided for in Chapter 1329.
(Ord. 2011-90. Passed 7-18-11.)

1177.99 PENALTY.

Violation of or noncompliance with any of the provisions of this chapter shall be deemed to be a violation of the Zoning Code under Section 1105.99 therein.
(Ord. 2011-90. Passed 7-18-11.)