



## SHAKER HEIGHTS

### City Council Agenda City Hall Council Chambers Monday, January 12, 2026 at 7:00 pm

This meeting is being held in person with an option to join the Zoom meeting online as a viewer or listener and to provide public comment during the meeting from a PC, Mac, iPad, iPhone or Android device at <https://us06web.zoom.us/j/89308468178?pwd=LAXJIDCwQHgdKHH3ZGVvF-MTRGpJFh2p.thT9txT8yCetVRNi>. Password: 33553400: Description: Council Meeting; or join by phone at 833-548-0282 (toll free); Webinar ID: 893 0846 8178, Password: 33553400. International numbers available at <https://zoom.us/u/ahwKbeuA>. The video of the meeting will be available the following day on the City's [website](#).

Residents may also submit comments/questions regarding items on the agenda 6 hours in advance of the meeting by emailing **Matthew Carroll** at [Matt.Carroll@ShakerHeightsOH.Gov](mailto:Matt.Carroll@ShakerHeightsOH.Gov) or by calling **(216) 491-1424**. Comments or questions submitted prior to the meeting will be read into the record at the meeting. The video of the meeting will be available the following day on the City's [website](#).

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#### SPECIAL MEETING

1. Amending or renumbering multiple sections of Chapters 1211, 1213, 1216, 1220, 1221, 1222, 1223, 1224, 1225, 1230, 1231, 1232, 1233, 1234, 1240, 1241, 1250, 1251, 1252, 1253, 1260, 1262, and 1263; adding new Chapters 1235 (Sections .01 - .11) and 1236 (Sections .01 - .11); adding new Sections 1253.06, 1262.10, 1263.24, and 1263.26; and deleting Sections 1253.07, 1262.18, and 1263.01, of Part Twelve, Zoning Code, of the Codified Ordinances of the City of Shaker Heights to amend the zoning map and text to rezone the commercial areas along Lee Road and Larchmere Boulevard and update the Zoning Code. (CPC)

Documents:

[ZONING CODE.PDF](#)

2. Authorizing renewal of the Master Services Agreement with Interstate Gas Supply, Inc. for provision of Retail Natural Gas Services for the City's Natural Gas Aggregation Program, for a period of up to two years, from April 1, 2026 through March 31, 2028, and declaring an emergency. (SPW)

Documents:

[GAS AGGREGATION.PDF](#)

**Comments and questions submitted prior to the meeting will be read into the record.\***

**\*Comments and questions submitted may be edited if excessively lengthy.**

**Committees:**

CPC: City Planning Commission.

SPW: Safety and Public Works Committee.

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# SHAKER HEIGHTS

## Memorandum

To: Members of City Council

From: Joyce G. Braverman, Director, Planning  
Daniel Feinstein, Senior Planner, Planning

cc: David E. Weiss, Mayor  
Matthew Carroll, Chief Administrative Officer  
William M. Ondrey Gruber, Director, Law

Date: January 7, 2026

Re: Lee Road Commercial Mixed Use Zoning Text and Map Amendments

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The attached ordinance conveys a recommendation from the City Planning Commission to Council to approve the zoning text and map amendments including rezoning the CM Commercial Mixed Use zoning district to CM-1, creating new CM-2 and CM-3 Commercial Mixed Use zoning districts on Lee Road south of Chagrin Boulevard, and rezoning C-2 General Commercial to CM-1 on Larchmere Boulevard. Text amendments are proposed to Chapters 1211, 1216, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1240, 1251, 1253, 1262 and 1263. These text and map amendments focus on code revisions to implement the Lee Road Action Plan. Other minor updates and edits are also included.

The Lee Road Action Plan was completed in 2023. The plan sets out a vision for a commercially vibrant, aesthetically attractive, equitable, safe, and connected district. The plan calls for infrastructure improvements including a road diet, off-road bikeway, streetscape, lighting and signalization upgrades; economic development and infill development. The plan recommends strategic first actions to advance the plan including to consider zoning and land use changes. The proposed zoning text and map amendments facilitates the implementation of the Lee Road Action Plan. The updates amend numerous sections of the code, refine our current CM Commercial Mixed Use (CM) district and adds two (2) new CM districts on Lee Road: CM-2 and CM-3. The code addresses permitted and conditional uses, dimensional standards, signage and definitions. The zoning map is amended to reflect the new CM districts.

The summary memo, from ZoneCo, the consultant that assisted with the code update, is attached. The memo summarizes the code changes by Chapter. The memo also summarizes the major changes and includes a use comparison table, conditional use table, accessory use table, and dimension standards comparison. Changes proposed include:

- Adding CM-2 zoning to the east side of Lee Road
- Adding CM-3 zoning to the west side of Lee Road
- Rezoning Larchmere Boulevard from C-2 to CM-1
- Allowing restaurants on Lee Road as a permitted use
- No longer allowing automotive-oriented use as a conditional use on Lee Road
- Regulating smoke shops as a conditional use in commercial districts

- Updating landscape code sections to coordinate with recently amended landscape requirements in other sections of the city code

The City Planning Commission reviewed the code modifications in a work session on December 2, 2025. The City Planning Commission held a public hearing on January 6, 2026 and recommended approval of the zoning code text amendments and map amendments to City Council. The City Planning Commission discussion focused on drive through regulations and the need for drive throughs to be designed to be compatible with the neighborhood. Discussion also took place regarding brew pubs, wine bars as well as restaurants.

Section 1213.07 Amendments, in the zoning code, dictates the authority for zoning ordinance text and map amendments. In accordance with this Section, the City Planning Commission holds at least one (1) public hearing with a 20 day mail notice required. The code contains a provision that no mail notice is required if more than 100 owners are required to be notified. So, mail notices are not required, however staff mailed notices to all property owners and business owners along Lee Road and on Larchmere. Economic Development staff also emailed all tenants. Notice was also given to the neighborhood organizations. In addition, staff held a public meeting for the affected Lee Road owners and tenants on December 16, 2025 to review the code changes. Communications and Marketing staff distributed notice through social media.

City Council is required to hold three (3) meetings, including one public hearing. A 20 day mailed notice is required with the same provisions as the City Planning Commission notice. Staff will again mail notice to the Lee Road property owners and business owners, and notify neighborhood organizations. City Council shall take action within 100 days after receipt of the City Planning Commission recommendation. Council may confirm the recommendation, with or without modifications, refer the application back to the City Planning Commission for further study, deny the amendment, or continue the public hearing.

The zoning ordinance, in Section 1213.07 I, contains Standards for Amendments that should be weighed when considering an ordinance change. Those standards are attached to this memo and include such standards as: consistency with adopted land use policies, existing land uses nearby, development trends, value of property, and the public peace, health, safety and welfare.

The proposed Council review schedule is:

January 12, 2026	First Reading
January 26, 2026	Second Reading
February 9, 2026	Third Reading and Public Hearing

Should you have questions, please contact me or refer to the City Planning Commission meeting packet for the January 6, 2026 meeting, link is here.

<https://www.shakerheightsoh.gov/AgendaCenter/ViewFile/Agenda/01062026-1569?html=true>

Attachments:

Standards for Amendments

ZoneCo summary report

## **1213.07 AMENDMENTS.**

**I. Standards For Amendments.** The wisdom of amending the Zoning Map or the text of this Zoning Ordinance is a matter committed to the sound legislative discretion of the City Council and the City Planning Commission and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the City Council or City Planning Commission should be guided by the principle that its power to amend this Zoning Ordinance is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the City Council or the City Planning Commission should weigh, among other factors, the following factors as they may be relevant to a particular application:

**1.** The consistency of the proposed amendment with the City's adopted land use policies.

**2.** The consistency of the proposed amendment with the purposes of this Zoning Ordinance.

**3.** If a specific parcel of property is the subject of the proposed amendment, then the following factors:

**a.** The existing uses and zoning classifications for properties in the vicinity of the subject property

**b.** The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.

**c.** The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.

**d.** The extent, if any, to which any such diminution in value is offset by an increase in the public peace, health, safety, and welfare.

**e.** The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

**f.** The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.

**g.** The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.

**h.** The suitability of the subject property for uses permitted or permissible under its present zoning classification.

**i.** The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.

**j.** The availability, where relevant, of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.



Better Codes Make Better Places

MEMORANDUM - EXTERNAL

TO: City of Shaker Heights, Ohio

FROM: Sean Suder, ZoneCo  
Todd Kinskey, ZoneCo

DATE: December 24, 2025

RE: City of Shaker Heights, Ohio; Commercial Mixed-Use Districts Comparison

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This memorandum provides a summary comparison of the proposed amendments to the Codified Ordinances of Shaker Heights, Ohio – Part 12 “Zoning Ordinance.” The proposed amendments are related to the introduction of a new zoning framework for the Lee Road corridor between Van Aken – Library - Chagrin Boulevard to the southern municipal corporation line (the “Lee Road Project Area”) based on the strategic actions related to zoning and land use in the Lee Road Action Plan (the “Plan”).

The attached draft amends numerous sections of the Zoning Ordinance to introduce and refine the CM – “Commercial Mixed-Use” districts. The amendments primarily address uses, dimensional standards, and signage, while also introducing new defined terms. The current CM “Commercial Mixed-Use” district has been renamed the CM-1 “Commercial Mixed-Use” district. Two new commercial mixed-use districts have been added: (a) the CM-2 “Commercial Mixed-Use” district; and (b) the CM-3 “Commercial Mixed-Use” district. The renamed CM-1 district is already applied in multiple locations in the city, specifically in the Van Aken District and Shaker Town Center. The new CM-2 (east side of Lee) and CM-3 (west side of Lee) districts will initially be applied in the Lee Road Project Area but the CM-1 will also be applied in the Larchmere district and may eventually be applied elsewhere in the city. The CM-2 and CM-3 districts are proposed to replace portions of existing C-3 districts within the Lee Road Project Area.

Generally, the CM districts emphasize compact, walkable, and transit-supportive development, which advances the goals of the Lee Road Project Area. Permitted and conditional uses in the CM districts have been refined to combine commercial, residential, and civic uses. Certain auto-oriented uses, such as drive-throughs and car repair, which are currently permitted in the Lee Road Project Area, are to be prohibited in the new CM districts. Smoke shops are being regulated as conditional uses instead of allowed as permitted uses. Restaurants are being added as a permitted use.

The following is a summary of the proposed amendments to the Zoning Ordinance (the following summary does not track amendments to punctuation, spelling, capitalization, hyphenation, or section and district references) A redline version of the code is also available:

Chapter 1210: Introductory Provisions (No amendments).

Chapter 1211: Word Usage.

1. The following defined terms have been added to Section 1211.02:
  - a. Amphitheater
  - b. Art Galleries

- c. Artist Studio
  - d. Band Shell
  - e. Box Sign
  - f. Business Services
  - g. Cocktail Bar
  - h. Finished Goods
  - i. Kiosk
  - j. Offices
  - k. Packaging
  - l. Retail Sales
  - m. Smoke Shop
  - n. Veterinarian's Offices
2. The following defined terms have been removed from Section 1211.02:
- a. Amusement Device
  - b. Amusement Establishment

Note that, under the Zoning Code, the City will no longer regulate "amusement devices" as a use. Amusement devices are considered "recreational facility, indoor," which is already listed as a conditionally permitted use.

- 3. The definition of "Outdoor Dining" has been amended to clarify that outdoor dining is an accessory to any restaurant use not just an indoor restaurant or a sit-down restaurant.
- 4. The definition of "Public Space" has been amended to include parks and playgrounds.

Chapter 1212: Administrative and Decision Making Bodies and Officials (No amendments).

Chapter 1213: Permit and Administrative Review Procedures (No amendments).

Chapter 1214: Enforcement (No amendments).

Chapter 1215: Nonconformities (No amendments).

Chapter 1216: Establishment of Zoning Districts.

- 1. The CM district has been renamed as the CM-1 district.
- 2. Added the CM-2 and CM-3 districts.

Chapter 1220: SF1 Single-Family Residential (15,000 Square Foot Lot) District (No amendments).

Chapter 1221: SF2 Single-Family Residential (8,500 Square Foot Lot) District (No amendments).

Chapter 1222: SF3 Single-Family Residential (5,600 Square Foot Lot) District (No amendments).

Chapter 1223: TF Two-Family Residential District (No amendments).

Chapter 1224: MF Multiple-Family Residential District (No amendments).

Chapter 1225: A Apartment District (No amendments).

Chapter 1230: O Office District.

1. Remove Drive Through Facilities as a conditional use.

Chapter 1231: C1 Limited Commercial District.

1. Outdoor dining has been clarified as an accessory to any restaurant not just “sit down” restaurants.

Chapter 1232: C2 General Commercial District.

1. The permitted uses of sit down and carry out restaurants have been combined into a single use: “Restaurants, including sit down and carry-out.”
2. Amusement devices have been removed as a conditional use and as an accessory use.
3. Outdoor dining has been clarified to be an accessory to any restaurant not just “sit down” restaurants.
4. Smoke shops have been added as a conditional use.

Chapter 1233: C3 Business Commercial District.

1. Amusement devices have been removed as a conditional use and as an accessory use.
2. Dwelling units have been removed as a conditional use and replaced with “dwelling units above the first floor.”
3. Smoke shops have been added as a conditional use.

Chapter 1234: CM Commercial Mixed-Use District.

1. The CM district has been renamed CM-1.
2. The definition of “Business Services” has been simplified.
3. The definition of “Government Offices” has been simplified so that libraries and museums have been created as separate uses.
4. The definition of “Offices” has been simplified.
5. The definition of “Personal Service Establishments” has been simplified.
6. The definition of “Retail Sales” has been simplified.
7. Amusement devices have been removed as a use. See note above.
8. A multiple-family dwelling has been amended so that it is permitted on the condition that it not exceed 40% of the total first floor area of the total primary street frontage of the building not the district.
9. Smoke shops have been added as a conditional use.
10. Cocktail bars have been added as a conditional use.
11. Kiosks have been added as an accessory use.
12. Outdoor dining has been clarified to be an accessory to any restaurant not just “sit down” restaurants.
13. A new map reflecting the new boundaries of the CM district in the location of Lee Road and Chagrin Boulevard, and in the Larchmere commercial district has been added.

14. The signage section has been amended to clarify that only sign letters and other items of information may be internally illuminated by luminous tubes and sign backgrounds cannot be illuminated except for incidental lighting by external sources.

New Chapter 1235 – CM-2 Commercial Mixed-Use District – East Lee Road, and new Chapter 1236 – CM-3 Commercial Mixed-Use District – West Lee Road.

1. The list of permitted uses in the CM-2 and CM-3 districts are the same except for dry cleaners with a plant, and retail and wholesale bakeries, which are permitted uses in the CM-3 but not the CM-1 or CM-2 districts.
2. The list of permitted uses in the CM-2 and CM-3 districts are the same as the CM-1 district except that Multiple Family Dwelling Units may be located on the first floor in CM-2 and CM-3 districts as long as they are not more than 50% of the total first floor area in the CM-2 or more than 40% of the total first floor area in the CM-3 district.

<b>3. Use Comparison</b>			
	<b>CM-1</b>	<b>CM-2</b>	<b>CM-3</b>

<b>Permitted Uses</b>	<b>CM-1</b>	<b>CM-2</b>	<b>CM-3</b>
Artist galleries and artist studios	Allowed, but only up to 50% of the first floor.	x	x
Bakeries, wholesale			x
Business services	x	x	x
Dry cleaners, with a plant			x
Dwelling units, multiple-family, located above the first floor	x	x	x
Dwelling, multiple-family, on the first floor		Allowed, but only up to 50% of the first floor.	Allowed, but only up to 40% of the first floor.
Government offices	X	X	X
Libraries	x	x	x
Museums	X	X	X
Offices	X	X	x
Personal service establishments	X	X	X
Public space	X	X	X
Restaurants, including sit down and carry-out, but not including drive-through restaurants	X	X	x
Retail sales	X	X	X

3. The list of conditional uses in the CM-2 and the CM-3 districts are the same.
4. The list of conditional uses in the CM-1 differs from the CM-2 and CM-3 districts as follows: convalescent, nursing, or rest homes are allowed conditional uses in the CM-1 district; first floor dwelling units are an allowed conditional use in the CM-1 district; planned unit developments are conditional uses in the CM-1 district; drive-through facilities are an allowed conditional use in the CM-1 district; and wine bars, brew pubs, and cocktail bars are allowed conditional uses in the CM-1 district.

<b>Conditional Uses</b>	<b>CM-1</b>	<b>CM-2</b>	<b>CM-3</b>
Animal hospitals and veterinarian's offices	X	X	X
Assembly of finished good and packaging of finished goods	X	X	X
Assisted living facilities	X	X	x
Band shells and amphitheaters	X	X	X
Convalescent, nursing or rest homes	X		
Day care centers, child	X	X	X
Day care centers, adult	X	X	X
Drive-through facilities	X		
Dwelling units, multiple-family, on the first floor	Conditionally allowed, but only up to 40% of the first floor.		
Fire and police stations	X	X	X
Home occupations	X	X	X
Hospitals and outpatient care facilities for the treatment and aid of humans	X	X	X
Hotels and motels	x	X	X
Laboratories and research facilities	X	X	X
Limited production/processing	X	X	X
Planned unit developments	X		
Recreational facilities, indoor, public or private	X	X	x

Schools, primary and secondary	X	X	X
Schools, specialized instructional	X	X	x
Smoke shops	X	X	X
Theaters and assembly halls	X	X	x
Utilities	X	X	X
Wine bars, brew pubs, and cocktail bars	X		
Work/live units	X	X	x

5. The list of permitted accessory uses is the same in the CM-2 and CM-3 districts.
6. The CM-1 district allows antenna and live entertainment accessory uses, which are not allowed in the CM-2 or CM-3 districts.

<b>Accessory Uses</b>	<b>CM-1</b>	<b>CM-2</b>	<b>CM-3</b>
Antennae, master radio, television and other telecommunications	X		
Antennae, single, roof-mounted or in rear yard only	X		
Entertainment, live, accessory to a permitted or conditionally permitted use	X	X	X
Fences and walls	X	X	X
Heating, ventilation, and air conditional equipment, motorized	X	X	x
Kiosks	X	X	X
Landscape features	X	X	x
Loading, off-street, in rear yard only	X	X	x
Maintenance, storage, utility, and waste disposal facilities	X	X	X
Ornamental structures	X	X	x
Outdoor dining, accessory to a restaurant	X	X	x

Parking, off-street, and driveways	X	X	X
Parking structures	X	X	x
Recreational structures, accessory to a child day care center, in rear yard only	X	X	X
Signage	X	X	X

<b>7. Dimensional Standards Comparison</b>			
	<b>CM-1</b>	<b>CM-2</b>	<b>CM-3</b>
Lot and Density	8,500 s.f. lot area minimum; 50 ft. minimum lot width; apply minimum dwelling unit size in "A" Apartment District.	No minimum lot area; 40 ft. minimum lot width; no minimum dwelling unit size	43,560 s.f. minimum lot area; 100 ft. minimum lot width; no minimum dwelling unit size
Yards	5 ft. minimum and a 10 ft. maximum front yard setback.	No minimum front yard setback and a 10 ft. maximum front yard setback.	5 ft. minimum and a 10 ft. maximum front yard setback.
Side Yards	No minimum side yard setback; maximum side yard setback of 1/3 height of principal building; corner side yards follow front yard setbacks; transitions with single-family and two-family residential districts require minimum 20 ft. side yard setback, minimum 10 ft. landscape buffer, and 6ft. high solid wall.	No minimum side yard setback; 10 ft. maximum side yard setback; corner side yards follow front yard setbacks; transitions with single-family and two-family residential districts require minimum 20 ft. side yard setback, minimum 10 ft. landscape buffer, and 6ft. high solid wall.	No minimum side yard; 15 ft. maximum; corner side yards follow front yard setbacks; transitions with single-family and two-family residential districts require minimum 20 ft. side yard setback, minimum 10 ft. landscape buffer, and 6ft. high solid wall.
Rear Yards	20 ft. minimum rear yard setback; transitions with single-family and two-family residential districts require minimum 40 ft. rear yard setback,	20 ft. minimum rear yard setback; transitions with single-family and two-family residential districts require 6 ft. solid wall.	30 ft. minimum rear yard setback; transitions with single-family and two-family residential districts require minimum 20 ft. side yard setback,

	minimum 20 ft. landscape buffer, and 6 ft. high solid wall.		minimum 10 ft. landscape buffer, and 6ft. high solid wall.
Height	2 stories minimum and maximum per map in CM-1 section.	2 stories minimum and maximum of 5 stories, or 60 ft.	2 stories minimum and maximum of 5 stories, or 60 ft.

8. All signage standards are the same in the CM-1, CM-2, and CM-3 districts.

Chapter 1240 – I Institutional District (No amendments).

Chapter 1241 – PR Park and Recreation District (No amendments).

Chapter 1242 – Planned Unit Development (PUD) Overlay District (No amendments).

Chapter 1243 - Wireless Telecommunication Facilities Regulations and Wireless Telecommunication Facilities Overlay District (WTFO) (No amendments).

Chapter 1244 – Small Lot Infill Development (SLID) Overlay District (No amendments).

Chapter 1250 – Signs, Off-Street Parking, Off-Street Loading, and Landscaping.

- 1. External sign illumination standards clarified so that backlighting of items of information only are allowed.

Chapter 1251 – Off-Street Parking Regulations (No amendments).

Chapter 1252 – Off-Street Loading Regulations (No amendments).

- 1. Amusement establishment has been removed as an educational/cultural/entertainment use.

Chapter 1253 – Landscaping and Screening Regulations (No amendments).

Chapter 1260 – General Standards (No amendments).

Chapter 1261 – Temporary Uses (No amendments).

Chapter 1262 – Accessory Uses and Structures.

- 1. Kiosks have been added as an accessory use and structure.

Chapter 1263 – Conditional Uses.

- 1. Amusement devices have been removed as a conditional use.
- 2. Drive-through facilities have been updated to reflect the most recently adopted conditions.
- 3. Smoke shops have been added as a conditional use with conditions.
- 4. Wine bars, brew pubs, and cocktail bars have been added as a conditional use with conditions.

Appendices.

1. The use matrices have been removed.

We look forward to any additional questions or comments you may have as we amend the Zoning Ordinance.

**ZoneCo**

ORDINANCE NO.

BY:

Amending or renumbering multiple sections of Chapters 1211, 1213, 1216, 1220, 1221, 1222, 1223, 1224, 1225, 1230, 1231, 1232, 1233, 1234, 1240, 1241, 1250, 1251, 1252, 1253, 1260, 1262, and 1263; adding new Chapters 1235 (Sections .01 - .11) and 1236 (Sections .01 - .11); adding new Sections 1253.06, 1262.10, 1263.24, and 1263.26; and deleting Sections 1253.07, 1262.18, and 1263.01, of Part Twelve, Zoning Code, of the Codified Ordinances of the City of Shaker Heights to amend the zoning map and text to rezone the commercial areas along Lee Road and Larchmere Boulevard and update the Zoning Code.

WHEREAS, Part Twelve of the Codified Ordinances of the City of Shaker Heights was adopted by the Council of the City to district or zone the City of Shaker Heights according to the uses, heights, bulk and location of buildings and other structures and the use of premises in its current form by Ordinance No. 95-80, on July 24, 1995, and Part Twelve has from time to time been amended and supplemented for such purposes; and

WHEREAS, the Sections of the Zoning Code being amended or repealed were enacted or amended by the following ordinances: Ordinance 03-67, enacted June 9, 2003; Ordinance 04-131, enacted November 22, 2004; Ordinance 04-132, enacted November 22, 2004; Ordinance 13-16, enacted May 28, 2013; Ordinance 13-45, enacted July 8, 2013; Ordinance 13-114, enacted December 16, 2013; Ordinance 18-25, enacted April 23, 2018; Ordinance 19-36, enacted June 24, 2019; Ordinance 20-48, enacted June 22, 2020; Ordinance 24-02, enacted February 12, 2024; and Ordinance 25-147. Enacted December 15, 21025; and

WHEREAS, this Council finds that in the interest of the promotion of the public peace, health, safety, convenience, comfort, prosperity and general welfare, it is necessary to amend the City's Zoning Code to support the City's goals for economic development by developing and maintaining vibrant commercial districts, to reflect community values and adopted City plans, to encourage a compact mix of uses, emphasizing pedestrian orientation, Transit Oriented Development (TOD), walkability and the vitality that mixed uses can bring to the community; and

WHEREAS, this Council further finds that this ordinance has been submitted to the Council by the City Planning Commission, and that a public hearing has been had hereon, and notice of such hearing given in the manner provided by law, and that this ordinance has been considered upon three or more readings before this Council prior to its enactment; and

WHEREAS, this Council further finds that all formal actions of Council relating to the adoption of these amendments to Part Twelve, Zoning Code, of the Codified Ordinances of the City of Shaker Heights, and all deliberations of Council and the City Planning Commission leading to such action, were in meetings open to the public as required pursuant to Chapter 115 of the Shaker Heights Administrative Code and Article II, Section 5 of the Shaker Heights City Charter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Sections 1211.02, 1213.04, 1216.01, 1216.02, 1220.03, 1221.03, 1221.04, 1222.03, 1222.04, 1223.03, 1223.04, 1224.03, 1224.04, 1225.03, 1225.04, 1230.04, 1230.05, 1230.10, 1231.02, 1231.03, 1231.04, 1232.02, 1232.03, 1232.04, 1233.02, 1233.03, 1233.04, 1234.01, 1234.02, 1234.03, 1234.04, 1234.05, 1234.07, 1234.08, 1234.10, 1240.04, 1240.05, 1240.08, 1241.03, 1241.04, 1250.06, 1250.07, 1251.04, 1252.02, 1253.01, 1253.04, 1253.05, 1253.06, 1253.07, 1253.09, 1262.02, 1262.01, 1262.05, 1262.10, 1262.11, 1262.12, 1262.13, 1262.14, 1262.15, 1262.16, 1262.17, 1262.18, 1263.01, 1263.02, 1263.03, 1263.04, 1263.05, 1263.06, 1263.07, 1263.08, 1263.09, 1263.10, 1263.11, 1263.12, 1263.13, 1263.14, 1263.15, 1263.16, 1263.17, 1263.18, 1263.19, 1263.20, 1263.21, 1263.22, and 1263.23 of Part Twelve, Zoning Code, of the Codified Ordinances of the City of Shaker Heights presently in effect are hereby repealed.

Section 2. Sections 1211.02, 1213.04, 1216.01, 1216.02, 1220.03, 1221.03, 1221.04, 1222.03, 1222.04, 1223.03, 1223.04, 1224.03, 1224.04, 1225.03, 1225.04, 1230.04, 1230.05, 1230.10, 1231.02, 1231.03, 1231.04, 1232.02, 1232.03, 1232.04, 1233.02, 1233.03, 1233.04, 1234.01, 1234.02, 1234.03, 1234.04, 1234.05, 1234.07, 1234.08, 1234.10, 1240.04, 1240.05, 1240.08, 1241.03, 1241.04, 1250.06, 1250.07, 1251.04, 1252.02, 1253.01, 1253.04, 1253.05, 1253.06, 1253.09, 1260.02, 1262.01, 1262.05, 1262.10, 1262.11, 1262.12, 1262.13, 1262.14, 1262.15, 1262.16, 1262.17, 1263.02, 1263.03, 1263.04, 1263.05, 1263.06, 1263.07, 1263.08, 1263.09, 1263.10, 1263.11, 1263.12, 1263.13, 1263.14, 1263.15, 1263.16, 1263.17, 1263.18, 1263.19, 1263.20, 1263.21, 1263.22, and 1263.23 of Part Twelve, Zoning Code, of the Codified Ordinances of the City of Shaker Heights presently in effect are hereby enacted as amended or renumbered, and new Chapters 1235 (Sections .01 - .11) and 1236 (Sections .01 - .11), and new Sections 1253.06, 1262.10, 1263.24, and 1263.26 are hereby enacted, to read as follows:

1211.02 DEFINITIONS.

[Note: the following definitions are amended in or added to Section 1211.02 in alphabetical order]

~~**Amusement Device** Any machine or device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally by manipulating special equipment whereby a score is established, the object of which is to secure a special number or numbers or a total score, whether a prize is offered or not.~~

~~**Amusement Establishment** Any use or establishment with more than two amusement devices, as defined by the Business Regulation Code.~~

**Amphitheater** An open-air venue designed and used for live performances, including music, theater, dance, or similar entertainment or cultural events. An amphitheater typically consists of a stage or performance area, tiered or sloped seating (either fixed or lawn-style), and associated support facilities such as dressing rooms, restrooms, lighting and sound systems, concession areas, or ticketing booths.

**Art Galleries** An establishment primarily engaged in the public display and/or sale of visual art, including paintings, sculpture, photography, crafts, or other creative works. Art galleries may include exhibition space, offices for artists or curators, art storage areas, and small-scale accessory retail related to the display or sale of artwork.

**Artist Studio** A workspace used by one or more artists or artisans for the creation, display, or limited sale of art or craft objects, such as paintings, sculpture, ceramics, glass, jewelry, textiles, photography, music,

or similar creative works.

**Band Shell** An outdoor structure or stage, typically consisting of a semi-enclosed or acoustically designed shell, used for the live performance of music, theater, or other cultural or community events. A band shell may be a permanent or temporary installation and may include support facilities such as seating areas, sound and lighting equipment, restrooms, or concessions, provided such facilities are accessory to the performance space.

**Business Services** Establishments engaged in providing services primarily to businesses, professional offices, and other organizations rather than to the general public, including, but not limited to, advertising agencies, photocopying and mailing services, employment agencies, management and consulting firms, office equipment rental and repair, computer and data processing services, and similar enterprises, but not including retail sales to the general public or personal services such as barber shops, salons, or dry cleaners.

**Cocktail Bar** An establishment primarily engaged in the preparation and sale of mixed alcoholic beverages, spirits, and similar drinks for on-site consumption. Limited food service may be provided, but the preparation or sale of full meals is incidental to the service of beverages.

**Drive-Through Facility** Any accessory building feature or structure which is designed and equipped so as to allow an occupant of a vehicle to be served or accommodated while remaining in their vehicle. Drive through facilities~~Through Facilities~~ shall include Automatic Teller Machines and Take-out or Pick-up Windows, but shall exclude Car Washes, Automotive Fuel Stations, and walk-up facilities accessible only to pedestrians.

**Finished Goods** Products that have been manufactured, processed, or assembled to the point where they are ready for sale, distribution, or use without further fabrication or alteration. Finished goods are complete items intended for end use or for resale in the same form, but excluding raw materials, work-in-progress, and partially completed products that require additional processing or assembly.

**Kiosk** A small, freestanding accessory structure located within a plaza, open space, or commercial development, designed with high architectural quality, intended for small-scale retail, food, or beverage service.

**Offices** A room, suite, or building used primarily for conducting business, professional, administrative, or clerical operations, typically involving employees working primarily at desks or on computers, and may include areas for meeting with clients or the general public, including professional offices, medical offices and clinics for the treatment and aid of humans.

**Packaging** Activity of enclosing or protecting manufactured, processed, or prepared products for distribution, storage, sale, or use.

**Public Space** Permanent common open space which may or may not be green space. Public space may include, but shall not be limited to, parks, playgrounds, plazas, courtyards, atriums, or terraces.

**Retail Sales** The sale or rental of goods, merchandise, or commodities directly to the general public for personal or household consumption, and not for resale. Retail sales establishments typically include display areas and may involve on-site transactions, product demonstrations, or limited storage of goods for sale, including, but not limited to bakeries, coffee shops, food and beverage stores, clothing and shoe stores, camera and film

processing shops, florists, jewelry stores, drug stores, furniture and home furnishings, books, periodicals, music, office supplies, hardware, video stores, sporting goods and hobbies, gift shops, and other similar uses.

**Sign, Box** A sign consisting of a box-like cabinet that encloses the sign copy and internal lighting components, typically with a translucent face through which light is emitted. The sign copy is applied to or incorporated into the face of the box, which may be illuminated internally.

**Sign, Internal Illumination** Illumination of a sign which is ~~effected~~affected by a source of light which is contained within the sign itself. Any sign in which light becomes visible by shining through a translucent surface shall be considered a sign in which internal illumination is used.

**Smoke Shop** A retail establishment primarily engaged in the sale of tobacco, tobacco products, electronic smoking devices, vaping products, smoking accessories, or similar items intended for smoking, inhaling, or vaping. A smoke shop may also sell related merchandise such as lighters, rolling papers, or incense, but does not include retail sales where such items are an incidental portion of the total merchandise offered for sale (less than 25% of floor area or gross sales).

**Storage, Indoor** The ancillary storage of goods, equipment, materials, or personal property entirely within a fully enclosed building, but not including a Storage Structure or Self-Storage Facility.

**Veterinarian's Offices** A facility used by a licensed veterinarian for the examination, diagnosis, and treatment of animals, including small domestic pets and, where permitted, large animals. Such facilities may include areas for medical consultations, minor surgical procedures, and temporary indoor boarding of animals under treatment.

#### **1213.04 VARIANCES.**

A. Authority And Purpose. The Board of Zoning Appeals may vary the regulations of this Zoning Ordinance in harmony with its general purpose and intent. Variances shall be granted only in the specific instances, hereinafter set forth, where the hearing authority makes findings in accordance with the standards set forth in this Zoning Ordinance, and further, finds that the strict application of this Zoning Ordinance would result in practical difficulty or undue hardship.

B. Parties Entitled to Seek Variances. An application for a variance may be filed by any person, firm, or corporation, or by any office, department, board, bureau, or commission which has a legal interest in the property in the form of an ownership, a lease, or a purchase agreement for the property for which the variance is requested. If the applicant is a lessor, the written approval, with signature, of the owner shall be required as determined necessary by the Zoning Administrator.

C. Application. An application for a variance shall be filed with the Zoning Administrator. All applications shall be completed and filed no less than seventeen (17) calendar days prior to the scheduled hearing. Such application period may be waived by the Zoning Administrator for good cause shown, according to the schedule developed by the Zoning Administrator. (Ord. 03-67. Enacted 6-9-03.)

D. Public Hearing. The Board of Zoning Appeals shall hold one (1) public hearing in conformance with the requirements of Section 1213.01, Public Hearing Procedures, to review, consider, and approve, approve with conditions, or disapprove an application after the following public notification is given by the Zoning Administrator. Notice shall be provided by all of the following methods:

[CHART OMITTED FOR CONVENIENCE UNCHANGED]

1. Mailing. Notice shall be sent by first class mail a minimum of ten (10) calendar days in advance of the public hearing, to all owners of land within two hundred (200) feet (inclusive of intervening streets and alleys) of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the County Appraiser, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.
2. Legal Notice. Legal notice shall be given by advertisement in a local newspaper of general circulation no less than four (4) days prior to the public hearing.
3. Notification to Organizations. Notification shall be sent by first class mail a minimum of ten (10) days prior to the public hearing to any organization which requests notice.

E. Standards for Variances. The regulations of this Zoning Ordinance shall not be varied unless findings based on the evidence are made in each specific case based on the following criteria:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
2. The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other properties within the same zoning classification.
3. The purpose of the variance is not based upon a financial hardship alone.
4. The alleged practical difficulty or undue hardship is caused by this Zoning Ordinance and has not been created by any person having an interest in the property.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The granting of the variance will not alter the essential character of the neighborhood.

F. Limitations on Variances. Limitations on the degree or amount of variance are established below. These limitations shall constitute the maximum variance allowed and shall not be interpreted as the recommended variance.

1. Off-Street Parking and Loading Variances. The same off-street parking facility may be used to satisfy the parking requirements of this Zoning Ordinance for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week, and provided that the reduction in Off-Street Parking spaces is no greater than forty percent (40%) of the total number required if calculated separately. An independent parking study may be requested for any such requests for variance.
2. Building Height. A variance may be granted to permit greater height where such additional height would more closely harmonize with adjoining development if, in the opinion of the Board of Zoning Appeals, such additional height would

result in more appropriate development of the lot and remain consistent with the intent of the Zoning Ordinance.

3. Signs. A variance may be granted for signs in the C1, C2, CM-1, CM-2, CM-3, O, and I Districts to permit design flexibility where, in the opinion of the Board of Zoning Appeals, such signage is necessary for the proper identification of the business to which such signage is accessory and such signage will be suitable and appropriate to the proposed location.
4. Wireless Telecommunication Facility. A variance may be granted per the provisions in Chapter 1243.10 Wireless Telecommunication Facility Regulations.
5. Variances of Use Prohibited. Except as otherwise provided, the Board of Zoning Appeals shall have no power to authorize a variance which would establish a nonconforming use where none previously existed. The Board of Zoning Appeals shall have no power to authorize any use other than permitted in the Zoning Ordinance nor permit any variance which in effect changes the classification of use or usurps the legislative authority of the Council.

G. Confirmation of Variance by City Council. Any variance granted by the Board of Zoning Appeals which results in modification of standards required in this Zoning Ordinance relating to non-residential building height or offstreetoff-street parking space requirements by a factor greater than twenty percent (20%) shall require confirmation by ordinance of the City Council prior to the issuance of any building permit.

H. Validity of Variance Time Limit and Extension. Permits authorized by the Board of Zoning Appeals for variances or pursuant to appeals from the regulations of this Zoning Ordinance shall be void one (1) year after the date upon which approval was granted unless any of the following criteria is met:

1. In the case of new construction, work upon the structure shall have begun above the foundation walls.
2. In the case of occupancy of land, the use has commenced.
3. In the case of reconstruction or modifications to a structure, a Certificate of Occupancy has been granted.
4. If the time period is extended by a majority vote of the Board of Zoning Appeals.
5. If the time period is extended by the Zoning Administrator pursuant to Section 1212.06.B.7, Guarantee of Time Extensions.

#### 1216.01 ESTABLISHMENT OF ZONING DISTRICTS.

For the purposes of this Zoning Ordinance, the City of Shaker Heights is hereby divided into the following zoning districts.

- A. Residential Districts
  - SF1: Single-Family Residential (15,000 square foot lot)
  - SF2: Single-Family Residential (8,500 square foot lot)
  - SF3: Single-Family Residential (5,600 square foot lot)
  - TF: Two-Family Residential
  - MF: Multiple-Family Residential
  - A: Apartment Residential
- B. Commercial Districts
  - O: Office
  - C1: Commercial, Limited
  - C2: Commercial, Community
  - C3: Commercial, General
  - CM-1: Commercial, Mixed-Use
  - CM-2: Commercial Mixed-Use, East Lee Road
  - CM-3: Commercial Mixed-Use, West Lee Road
- C. Special Districts

I: Institutional  
PR: Park and Recreation  
PUD: Planned Unit Development Overlay  
SLID: Small Lot Infill Development Overlay  
WTFO: Wireless Telecommunications Facilities Overlay

#### **1216.02 ZONING MAP.**

A. Location and Boundaries. The location and boundaries of the districts established by this Zoning Ordinance are set forth in the Official Zoning Map as amended from time to time, which is incorporated herein and hereby made a part of this Zoning Ordinance. The Zoning Map also includes the Front Yard Building Setback Map. Where this code specifically prescribes a front yard building setback, these take precedence over the Front Yard Building Setback Map. The Zoning Map including the Front Yard Building Setback map shall be published as provided by law as a part of this Zoning Ordinance. The map shall be filed with the office of the Clerk of Council and certified copies shall be made available for public purchase and inspection from the office of the Planning Department during standard business hours.

#### B. Zoning Map Interpretation.

1. Location of District Boundary Lines. Zoning district boundary lines shall be interpreted to be coterminous with centerlines of streets and railroad rights-of-ways section lines or division of section lines tract or lot lines and such lines extended, unless otherwise indicated.
2. Measuring District Boundary Lines. In areas not subdivided into lots and blocks, wherever a district or portion of a district is indicated as a strip adjacent to and paralleling a street, highway, or railroad, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of streets, highways, or railroad rights-of-ways unless otherwise indicated.

#### **1220.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a residential environment of large lots and yards, the following may be permitted only as Conditional Uses in the SF1 Single-Family Residential (15,000 square foot lot) District:

- A. Child Day Care Homes, Type A, pursuant to Section 1263.09.
- B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.0818.
- C. Municipal service uses, pursuant to Section 1263.12.
- D. Places of Worship, pursuant to Section 1263.1918.
- E. Planned Developments, pursuant to Section 1213.09, Planned Unit Development Review and Chapter 1242, Planned Unit Development Overlay District.
- F. Schools, primary and secondary, private, pursuant to Section 1263.21.
- G. Utilities (including substations, transmission facilities and related facilities).
- H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

#### 1220.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the SF1 Single-Family Residential (15,000 square foot lot) District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
2. Child Day Care Homes, Type B, pursuant to Section 1262.0308.
3. Clothes lines, in rear yard only.
4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.
5. Fences and Walls, pursuant to Section 1262.05.
6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.
7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.1011.
8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
9. Home ~~Occupations~~occupations, pursuant to Section 1262.09.
10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
11. Ornamental Structures, in rear yard only, pursuant to Section 1262.1011.
12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.1316.
14. Roomers, pursuant to Section 1262.1416.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of recreational vehicles or trailers, pursuant to Section 1262.1516.
17. Storage Structures, in rear yard only, pursuant to Section 1262.16.
18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

#### 1221.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a residential environment of medium sized lots and yards, the following may be permitted only as Conditional Uses in the SF1 Single-Family Residential (8,500 square foot lot) District:

- A. Child Day Care Homes, Type A, pursuant to Section 1263.0908.
- B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.0818.
- C. Municipal service uses, pursuant to Section 1263.12.
- D. Places of Worship, pursuant to Section 1263.1918.
- E. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- F. Schools, primary and secondary, private, pursuant to Section

1263.21.

G. Utilities (including substations, transmission facilities and related facilities).

H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

#### **1221.04 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the SF1 Single-Family Residential (8,500 square foot lot) District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
2. Child Day Care Homes, Type B, pursuant to Section 1262.0308.
3. Clothes lines, in rear yard only.
4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.
5. Fences and Walls, pursuant to Section 1262.05.
6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.
7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.1011.
8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
9. Home ~~Occupations~~occupations, pursuant to Section 1262.09.
10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
11. Ornamental Structures, in rear yard only, pursuant to Section 1262.1011.
12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-street parking Regulations.
13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.1316.
14. Roomers, pursuant to Section 1262.1416.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of recreational vehicles or trailers, pursuant to Section 1262.1516.
17. Storage Structures, in rear yard only, pursuant to Section 1262.16.
18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's in rear yard only, pursuant to Section 1262.17.

#### **1222.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a residential environment of smaller sized lots and yards, the following may be permitted only as Conditional Uses in the SF3 Single-Family Residential (5,600 square foot lot) District:

- A. Child Day Care Homes, Type A, pursuant to Section 1263.0908.
- B. Day care centers and schools operated as part of a Place of

Worship, pursuant to Section 1263.~~08~~18.

C. Municipal service uses, pursuant to Section 1263.12.

D. Places of Worship, pursuant to Section 1263.~~19~~18.

E. Planned Unit Developments, pursuant to Section 1213.09, -Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

F. Schools, primary and secondary, private, pursuant to Section 1263.21.

G. Utilities (including substations, transmission facilities and related facilities).

H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

#### **1222.04 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the SF3 Single-Family Residential (5,600 square foot lot) District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
2. Clothes lines, in rear yard only.
3. Child Day Care Homes, Type B, pursuant to Section 1262.03.
4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.
5. Fences and Walls, pursuant to Section 1262.05.
6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.
7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.~~40~~11.
8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
9. Home ~~Occupations~~occupations, pursuant to Section 1262.09.
10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
11. Ornamental Structures, in rear yard only, pursuant to Section 1262.~~40~~11.
12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.~~43~~16.
14. Roomers, pursuant to Section 1262.~~44~~16.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of recreational vehicles or trailers, pursuant to Section 1262.~~45~~16.
17. Storage structures, in rear yard only, pursuant to Section 1262.16.
18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's in rear yard only, pursuant to Section 1262.17.

#### **1223.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as

referenced herein.

In order to help provide and protect a residential environment of two-family dwellings, the following may be permitted only as Conditional Uses in the TF Two-Family Residential District:

- A. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.~~08~~18.
- B. Municipal service uses, pursuant to Section 1263.12.
- C. Places of Worship, pursuant to Section 1263.~~19~~18.
- D. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- E. Schools, primary and secondary, private, pursuant to Section 1263.21.
- F. Small Lot Infill Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1244, Small Lot Infill Development Overlay District.
- G. Utilities (including substations, transmission facilities and related facilities).
- H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

#### **1223.04 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the TF Two-Family Residential District:

- 1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
- 2. Clothes lines, in rear yard only.
- 3. Child Day Care Homes, Type B, pursuant to Section 1262.03.
- 4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.
- 5. Fences and Walls, pursuant to Section 1262.05.
- 6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.
- 7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.~~10~~11.
- 8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
- 9. Home ~~Occupations~~occupations, pursuant to Section 1262.09.
- 10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
- 11. Ornamental Structures, in rear yard only, pursuant to Section 1262.~~10~~11.
- 12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
- 13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.~~13~~16.
- 14. Roomers, pursuant to Section 1262.~~14~~16.
- 15. Signage, pursuant to Chapter 1250, Sign Regulations.
- 16. Storage of recreational vehicles or trailers, pursuant to Section 1262.~~15~~16.
- 17. Storage structures, in rear yard only, pursuant to Section 1262.16.
- 18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

### 1224.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a multiple-family residential environment of moderate density, the following may be permitted only as Conditional Uses in the MF Multiple-Family Residential District:

- A. Child Day Care Homes, Type B, pursuant to Section 1263.0908.
- B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.0818.
- C. Home ~~Occupations~~occupations, pursuant to Section 1263.1312.
- D. Municipal service uses, pursuant to Section 1263.12.
- E. Places of Worship, pursuant to Section 1263.1918.
- F. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- G. Residential care homes for nine (9) to twelve (12) unrelated individuals, located a minimum of five-hundred (500) lineal feet, exclusive of streets and alleys, from any other residential care facility located on the same or intersecting streets.
- H. Schools, primary and secondary, private, pursuant to Section 1263.21.
- I. Utilities (including substations, transmission facilities and related facilities).
- J. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

### 1224.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the MF Multiple-Family Residential District:

1. Antennae, master radio and television and other telecommunications equipment, pursuant to Section 1262.02.
2. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
3. Fences and Walls, pursuant to Section 1262.05.
4. Garages, Multiple-Family Residential, in rear yard only, pursuant to Section 1262.06.
5. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.
6. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.1011.
7. Heating, ventilating and air conditioning equipment, motorized, only if totally enclosed or located on the roof, pursuant to Section 1262.08.
8. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
9. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
10. Maintenance, Storage, Utility and Waste Disposal Facilities, pursuant to Section 1253.09 Landscape Buffers and Screening.
11. Office, for on site management only.
12. Ornamental Structures, in rear yard only, pursuant to

- Section 1262.~~10~~11.
13. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
  14. Parking Structures, pursuant to Section 1262.12.
  15. Recreational structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.~~13~~16.
  16. Recreation facilities, indoor, private.
  17. Signage, pursuant to Chapter 1250, Sign Regulations.
  18. Storage of recreational vehicles or trailers, pursuant to Section 1262.~~15~~16.
  19. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

### 1225.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a quality high density residential environment, the following may be permitted only as Conditional Uses in the A Apartment District:

- A. Assisted Living Facilities, pursuant to Section 1263.05.
- B. Child Day Care Homes, Type B, pursuant to Section 1263.~~09~~08.
- C. Day care centers, bookstores, gift shops and schools operated as part of a Place of Worship, pursuant to Section 1263.~~08~~18.
- D. Home ~~Occupations~~occupations, pursuant to Section 1263.~~13~~12.
- E. Municipal service uses, pursuant to Section 1263.12.
- F. Places of Worship, pursuant to Section 1263.~~19~~18.
- G. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review, and Chapter 1242, Planned Unit Development Overlay District.
- H. Residential care homes for nine (9) to twelve (12) unrelated individuals, located a minimum of five-hundred (500) lineal feet, exclusive of streets and alleys, from any other residential care facility located on the same or intersecting streets.
- I. Schools, primary and secondary, private, pursuant to Section 1263.21.
- J. Utilities (including substations, transmission facilities and related facilities).
- K. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

### 1225.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

- B. The following are permitted Accessory Uses and Structures in the A Apartment District:
1. Antennae, master radio and television and other telecommunications equipment, pursuant to Section 1262.02.
  2. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
  3. Fences and Walls, pursuant to Section 1262.05.
  4. Garages, Multiple-Family Residential, in rear yard only,

- pursuant to Section 1262.06.
5. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.
  6. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.1011.
  7. Heating, ventilating and air conditioning equipment, motorized, only if totally enclosed or located on the roof, pursuant to Section 1262.08.
  8. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
  9. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
  10. Maintenance, Storage, Utility, and Waste Disposal Facilities, only if totally enclosed, pursuant to Section 1253.09 Landscape Buffers and Screening.
  11. Office, for on-site management only.
  12. Ornamental Structures, in rear yard only, pursuant to Section 1262.1011
  13. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
  14. Parking Structures, pursuant to Section 1262.12.
  15. Recreational structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.1316.
  16. Recreation facilities, indoor, private.
  17. Rental office for use on property where the building is located.
  18. Signage, pursuant to Chapter 1250, Sign Regulations.
  19. Storage of recreational vehicles or trailers, pursuant to Section 1262.1516.
  20. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

#### 1230.04 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General Standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses or elsewhere as referenced herein.

In order to provide an appropriate environment for office and ancillary uses and facilities, the following may be permitted only as Conditional Uses in the O Office District:

- A. Assembly Halls.
- B. Colleges, universities, and associated dormitories.
- ~~C. Drive-through facilities accessory to a library, pharmacy, or similar use, pursuant to section 1263.1009.~~
- ~~CD.~~ Libraries.
- ~~DE.~~ Mid-rise office development, pursuant to Section 1263.16.
- ~~EF.~~ Museums.
- ~~FG.~~ Places of Worship, pursuant to Section 1263.18.
- ~~GH.~~ Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- ~~HI.~~ Restaurants, sit-down.
- ~~IJ.~~ Utilities (including substations, transmission facilities and related facilities).

### **1230.05 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the O Office District:

1. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
2. Day Care Centers, Child, pursuant to Section 1263.~~09~~08.
3. Fences and Walls, pursuant to Section 1262.05.
4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
6. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.~~10~~11.
9. Outdoor Dining, accessory to a ~~sit-down~~ restaurant, located behind the building setback line, pursuant to Section 1262.~~11~~12.
10. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
11. Parking Structures, pursuant to Section 1262.12.
12. Recreational facilities, indoor, private.
13. Recreational structures, accessory to a Child Day Care Center, in rear yard only, pursuant to Section 1262.~~13~~16.
14. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
15. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.
16. Signage, pursuant to Chapter 1250, Sign Regulations.

### **1230.10 MAXIMUM HEIGHT.**

A. Principal Buildings. The maximum height of a principal structure in the O Office District shall not exceed thirty-five (35) feet above finished grade.

B. Mid-rise Office Conditional Use. Standards for conditional use Mid-Rise Office Development are located in Section 1263.16, Mid-Rise Office Development.

C. Relationship to Lot Width. No building shall be higher than twice the width of the lot on which the building is located.

D. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

E. Accessory Uses and Structures.

1. General Requirements. Pursuant to Chapter 1262, Accessory Uses and Structures.
2. Mid-rise Office Conditional Use. Standards for conditional use Mid-Rise Office development are located in Section 1263.~~16~~15, Mid-Rise Office Development.

**1231.02 PERMITTED USES.**

The following are permitted uses in the C1 Limited Commercial District, pursuant to any additional standards set forth herein.

- A. Art galleries and ~~artists'~~artist studios.
- B. Bakeries, retail or wholesale.
- C. Offices.
- D. Parks and playgrounds, public.
- E. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
- F. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.

**1231.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to accommodate small scale retail and service activities serving the convenience commercial needs of the surrounding neighborhoods while protecting the immediate neighborhood from adverse effects, the following may be permitted only as Conditional Uses in the C1 Limited Commercial District:

- A. Day Care Centers, Adult, pursuant to Section 1263.~~0806~~.
- B. Day care centers, Child, pursuant to Section 1263.~~0907~~.
- C. Drive-through Facilities, accessory to a pharmacy/drugstore, bank, or other financial institution, or similar nonfood/nonbeverage related principal use listed in Sections 1231.02 or 1231.03, pursuant to Section 1263.~~1009~~.
- D. Dwelling units located above the first floor, pursuant to Section 1263.~~1110~~.
- E. Entertainment, live, accessory to a sit-down restaurant.
- F. Government offices.
- G. Libraries.
- H. Museums.
- I. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- J. Restaurants, sit-down.
- K. Utilities (including substations, transmission facilities and related facilities).
- L. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.
- M. Smoke shops, pursuant to Section 1263.23.

**1231.04 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the C1 Limited Commercial District:

- ~~1. Amusement devices, as defined by the Business Regulation Code, limited to two (2).~~

- ~~21~~. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
- ~~32~~. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
- 43. Fences and Walls, pursuant to Section 1262.05.
- ~~54~~. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
- ~~65~~. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
- ~~76~~. Loading, off-street, pursuant to Chapter 1252, Off-Street Loading Regulations.
- ~~87~~. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
- ~~98~~. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.~~1011~~.
- ~~109~~. Outdoor Dining, accessory to a ~~sit-down~~ restaurant, located behind the building setback line, pursuant to Section 1262.~~1112~~.
- ~~1110~~. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
- ~~1211~~. Recreational structures, accessory to a Child Day Care Center, in rear yard only, pursuant to Section 1262.~~1316~~.
- ~~1312~~. Signage, pursuant to Chapter 1250, Sign Regulations.
- 13. Storage, Indoor.

**1232.02 PERMITTED USES.**

The following are permitted uses in the C2 General Commercial District, pursuant to any additional standards set forth herein.

- A. Art galleries and ~~artists'~~artist studios.
- B. Bakeries, retail or wholesale.
- C. Dry cleaners with plants.
- D. Government offices.
- E. Job printing and newspaper printing not to exceed ten thousand (10,000) square feet.
- F. Medical offices and clinics for the treatment and aid of humans.
- G. Offices.
- H. Parks and playgrounds, public.
- I. Restaurants, including sit down and carry-out.
- ~~J. Restaurants, sit-down.~~
- ~~KJ~~. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
- ~~LK~~. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, and banks and other financial institutions.

**1232.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to promote a mix of commercial uses which provide goods and services for the City as a whole and for the convenience of residents of the

surrounding neighborhood, the following may be permitted only as Conditional Uses in the C2 General Commercial District:

- ~~A. Amusement devices, as defined by the Business Regulation Code, in excess of two (2), pursuant to Section 1263.01.~~
- ~~AB.~~ Animal Hospitals and Veterinarians' Offices, pursuant to Section 1263.0201.
- ~~BC.~~ Assisted Living Facilities, pursuant to Section 1263.04.
- ~~CD.~~ Automotive fuel stations, with or without convenience retail, pursuant to Section 1263.05.
- ~~DE.~~ Automotive rental and leasing, pursuant to Section 1263.05.
- ~~EF.~~ Automotive sales, including repair and storage of automobiles, pursuant to Section 1263.05.
- ~~FG.~~ Automotive service and repair shops, pursuant to Section 1263.0504.
- ~~GH.~~ Band Shells and ~~Amphitheaters~~amphitheaters, pursuant to Section 1263.0605.
- ~~HI.~~ Car washes, pursuant to Section 1263.05.
- ~~IJ.~~ Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
- ~~JK.~~ Day Care Centers, Adult, pursuant to Section 1263.0706.
- ~~KL.~~ Day Care Centers, Child, pursuant to Section 1263.0807.
- ~~LM.~~ Drive-through Facilities ~~accessory to a principal use listed in Sections 1232.02 or 1232.03~~, pursuant to Section 1263.1009.
- ~~MN.~~ Dwelling units located above the first floor, pursuant to Section 1263.1110.
- ~~NO.~~ Fire and police stations, pursuant to Section 1263.1211.
- ~~OP.~~ Garden centers, including outdoor sales pursuant to Section 1253.09, Landscape Buffers and Screening.
- ~~PQ.~~ Hotels and motels.
- ~~QR.~~ Job printing and newspaper printing exceeding ten thousand (10,000) square feet.
- ~~RS.~~ Libraries.
- ~~ST.~~ Municipal service uses, pursuant to Section 1263.12.
- ~~TU.~~ Museums.
- ~~UV.~~ Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- ~~VW.~~ Recreation facilities, indoor, public or private.
- ~~WX.~~ Schools, Specialized Instructional, pursuant to Section 1263.22.
- ~~XY.~~ Smoke shops, pursuant to Section 1263.23.
- ~~Y.~~ Theaters, pursuant to Section 1263.06.
- ~~Z.~~ Utilities (including substations, transmission facilities and related facilities).
- AA. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

#### **1232.04 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the C2 General Commercial District:

- ~~1. Amusement devices, as defined by the Business Regulation Code, limited to two (2).~~
2. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
3. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
4. Entertainment, live, accessory to a sit-down restaurant.
5. Fences and Walls, pursuant to Section 1262.05.
6. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

7. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
8. Loading, off-street, pursuant to Chapter 1252, Off-Street Loading Regulations.
9. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
10. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.~~1011~~.
11. Outdoor Dining, accessory to a ~~sit-down~~ restaurant, located behind the building setback line, pursuant to Section 1262.~~1112~~.
12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
13. Parking Structures, pursuant to Section 1262.12.
14. Recreational Structures, accessory to a Child Day Care Center, in rear yard only, pursuant to Section 1262.~~1316~~.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of privately owned commercial trucks, accessory to the primary use, pursuant to Section 1262.~~1516~~.
17. Storage, Indoor.

### **1233.02 PERMITTED USES.**

The following are permitted uses in the C3 Business Commercial District, pursuant to any additional standards set forth herein.

- A. Art galleries and ~~artists'~~artist studios.
- B. Bakeries, retail or wholesale.
- C. Dry cleaners with plants.
- D. Fire and police stations.
- E. Government offices.
- F. Job printing and newspaper printing.
- G. Medical offices and clinics for the treatment and aid of humans.
- H. Municipal service uses.
- I. Offices.
- J. Parks and playgrounds, public.
- K. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
- L. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, and banks and other financial institutions~~-~~

### **1233.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to control the potential negative impacts of business enterprises on the community, the following may be permitted as Conditional Uses in the C3 Business Commercial District:

- ~~A. Amusement devices, as defined by the Business Regulation Code, in excess of two (2), pursuant to Section 1263.01.~~
- ~~B. A.~~ Animal Hospitals and Veterinarians' Offices, pursuant to Section 1263.~~0201~~.
- ~~CB.~~ Assembly of finished goods, pursuant to Section 1263.~~0302~~.
- ~~DC.~~ Automotive fuel stations, with or without convenience retail,

pursuant to Section 1263.05.

~~ED.~~ Automotive rental and leasing, pursuant to Section 1263.05.

~~FE.~~ Automotive sales, including repair and storage of automobiles, pursuant to Section 1263.05.

~~GF.~~ Automotive service and repair shops, pursuant to Section 1263.05.

~~HG.~~ Car washes, pursuant to Section 1263.05.

~~IH.~~ Day Care Centers, Adult, pursuant to Section 1263.0706.

~~JI.~~ Day Care Centers, Child, pursuant to Section 1263.0807.

~~J.~~ ~~K.~~ Drive-through Facilities ~~accessory to a principal use listed in Sections 1233.02 or 1233.03~~, pursuant to Section 1263.1009.

~~L.~~ ~~K.~~ Dry cleaning plants.

~~ML.~~ Dwelling ~~Units~~ units located above the first floor, pursuant to Section 1263.10.

~~NM.~~ Garden centers, including outdoor sales, pursuant to Section 1253.09, Landscape Buffers and Screening.

~~ON.~~ Hospitals and outpatient care facilities; for the treatment and aid of humans, pursuant to Section 1263.1413.

~~PO.~~ Laboratories, pursuant to Section 1263.1514.

~~P.~~ ~~Q.~~ Libraries.

~~R.~~ ~~Q.~~ Museums.

~~SR.~~ Outdoor Storage, accessory to a permitted use, in rear yard; only, pursuant to Section 1253.09.B, Buffers for Commercial Uses, and Section 1263.1716, Outdoor Storage.

~~TS.~~ Packaging of finished goods, pursuant to Section 1263.03.

~~U.~~ ~~T.~~ Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

~~VU.~~ Recreational facilities, indoor, public or private.

~~WV.~~ Research Facilities, pursuant to Section 1263.15.

~~XW.~~ Schools, Primary and Secondary, Private, pursuant to Section 1263.20.

~~YX.~~ Schools Specialized Instructional, pursuant to Section 1263.21.

~~ZY.~~ Self Storage Facilities, pursuant to Section 1263.2221.

~~Z.~~ Smoke shops, pursuant to Section 1263.23.

~~AA.~~ Theaters, pursuant to Section 1263.06.

~~BB.~~ Utilities (including substations, transmission facilities and related facilities).

CC. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

#### **1233.04 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the C3 Business Commercial District:

~~1.~~ ~~Amusement devices, as defined by the Business Regulation Code, limited to two (2).~~

~~2.~~ ~~Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.~~

~~23.~~ Fences and Walls, pursuant to Section 1262.05.

~~34.~~ Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

~~45.~~ Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

~~56.~~ Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.

~~67.~~ Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.

~~78.~~ Ornamental Structures, in rear or side yard only, pursuant

- to Section 1262.~~1011~~.
- ~~89~~. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
- ~~910~~. Parking Structures, pursuant to Section 1262.12.
- ~~1011~~. Recreational Structures, accessory to a Child Day Care Center, in rear yard only.
- ~~1112~~. Signage, pursuant to Chapter 1250, Sign Regulation
- ~~1213~~. Storage, Indoor.
- 13. Truck storage and storage of vehicles, pursuant to Section 1253.09, Landscape Buffers and Screening, and Section 1262.~~1516~~, Storage of Vehicles.
- 14. Warehousing.
- 15. Wholesale use.

**1234.01 PURPOSE.**

The purpose of this district is to encourage a compact mix of retail, service, office, housing and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the convenience provided by multi-modal transportation options and the vitality that mixed uses can bring to a community. The CM-1 Commercial Mixed -Use Districts ("District ("CM-Districts")-1 District") can serve both local and regional commercial needs, while reflecting the scale and character of Shaker Heights in a manner which protects adjacent areas from any adverse effects.

The regulations for this district are intended to create areas of concentrated development around key transit stops in order to:

- A. Create dense, walkable, mixed-use centers wherein daily goods and services and employment opportunities are located within walking distances of residents.
- B. Improve the pedestrian environment through building orientation, attractive building facades, and pedestrian amenities.
- C. Expand residential and lifestyle options with increased mobility choices.
- D. Enhance the overall quality of life of Shaker Heights' residents, businesses and visitors by creating great places.
- E. Take advantage of the benefits of transit, including the value that transit services add to adjacent and surrounding real estate, and increase the physical and cultural prominence of transit in the community.
- F. Encourage development of an economically vibrant, liveable community.
- G. Ensure that new development or redevelopment occurs in a unified manner consistent with transit-oriented development (TOD) plan(s) adopted by the City.

**1234.02 PERMITTED USES.**

The following are permitted uses in the CM-1 District, pursuant to any additional standards set forth herein.

- A. Art galleries and artist studios; provided that when located on the first floor, the area devoted to public display and retail sales of products is ~~not~~ less than 50% of the area of the first floor devoted to such use.
- B. Business services, ~~including but not limited to copying, desktop publishing, photographic services, and other similar uses.~~
- C. Dwelling units, multiple family, located above the first floor.
- D. Government ~~office buildings, libraries, museum~~offices.
- ~~E. Libraries.~~
- ~~F. Museums.~~
- ~~G. Offices.~~
- ~~E. Offices, including professional offices, medical offices and clinics for the treatment and aid of humans.~~
- H. Personal service establishments.

~~I.F.~~ Public space.

~~GJ.~~ Restaurants, including sit-down and carry-out ~~establishments, but not including drive-through restaurants.~~

~~K.H.~~ Retail sales, ~~including but not limited to food and beverage stores, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores, furniture and home furnishings, books, periodicals, music, office supplies, hardware, video stores, sporting goods and hobbies, gift shops, and other similar uses.~~

~~I.~~ Personal service establishments, including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.

### 1234.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05 H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

All conditional uses shall meet the design standards and principles in Section 1234.10 as well as additional standards set forth herein.

In order to control the mixture and locations of uses in this district, the following may be permitted only as Conditional Uses in the ~~CM-1EM~~ District:

~~A.~~ Amusement devices, as defined by the Business Regulation Code, in excess of two, pursuant to Section 1263.01.

~~A.~~ Animal hospitals and veterinarian's offices, pursuant to Section 1263.0201.

~~EB.~~ Assembly of finished goods and packaging of finished goods, pursuant to Section 1263.0302.

~~EC.~~ Assisted living facilities, pursuant to Section 1263.04.

~~ED.~~ Band shells and amphitheaters, pursuant to Section 1263.0605.

~~FE.~~ Convalescent, nursing or rest homes, pursuant to Section 1263.04.

~~GF.~~ Day care centers, adult, pursuant to Section 1263.0706.

~~HG.~~ Day care centers, child, pursuant to Section 1263.0807.

~~H.~~ Drive-through facilities, pursuant to Section 1263.09.

~~J HI.~~ Dwelling units, multiple family, on the first floor; provided that the area devoted to first floor residential uses does not exceed 40% of the total first floor area of the buildings in the district. total primary street frontage of the building.

~~KIJ.~~ Fire and police stations, pursuant to Section 1263.1211.

~~LJK.~~ Home occupations, pursuant to Section 1263.1312.

~~MKL.~~ Hospitals and outpatient care facilities for the treatment and aid of humans, pursuant to Section 1263.1413.

~~NLM.~~ Hotels and motels.

~~OMN.~~ Laboratories and research facilities pursuant to Section 1263.1514.

~~PNO.~~ Limited production/processing, pursuant to Section 1263.1514.

~~OPP.~~ Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

~~RPQ.~~ Recreational facilities, indoor, public or private.

~~SQR.~~ Schools, primary and secondary pursuant to Section 1263.2119.

~~TRS.~~ Schools, specialized instructional, pursuant to Section 1263.2220.

~~U.~~ Theaters and Assembly Halls ~~T.~~ Smoke shops, pursuant to Section 1263.0623.

~~ST.~~ Theaters and assembly halls, pursuant to Section 1263.05.

~~FU~~. Utilities (including substations, transmission facilities and related facilities).

~~FV~~. Wine bars ~~and~~, brew pubs, and cocktail bars, pursuant to Section 1263.24.

~~FW~~. Work/live units, pursuant to Section 1263.2325.

~~WX~~. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05 D.2.

#### **1234.04 ACCESSORY USES AND STRUCTURES.**

All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures. The following are permitted Accessory Uses and Structures in the CM-1 District, pursuant to any additional standards set forth herein.

~~A. Amusement devices, as defined by the Business Regulation Code, limited to two (2).~~

~~B. A. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.~~

~~B. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.~~

~~B. C. Entertainment, live, accessory to a permitted or conditionally permitted use.~~

~~E.~~

~~D. Fences and Walls, pursuant to Section 1262.05.~~

~~E. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.~~

~~F. Kiosks, pursuant to Chapter 1262.10.~~

~~G. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).~~

~~H. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.~~

~~I. Maintenance, storage, utility and waste disposal facilities, only when totally enclosed.~~

~~K. Ornamental structures, in rear or side yard only, pursuant to Section 1262.1011.~~

~~K. Outdoor dining, accessory to a ~~sit-down~~ restaurant, pursuant to Section 1262.1112.~~

~~L. Parking, off-street, and driveways.~~

~~M. Parking structures, pursuant to Section 1262.12.~~

~~N. Recreational structures, accessory to a child day care center, in rear yard only, pursuant to Section 1262.1316.~~

~~O. Signage, pursuant to Chapter 1250, Sign Regulations.~~

~~P. Storage, Indoor.~~

#### **1234.05 USE REQUIREMENTS FOR LARGE PARCEL DEVELOPMENT.**

A. Development proposals that involve at least 1.5 acres or 60,000 square feet of floor area, whichever is less, shall:

1. Include a mix of retail, office, residential or civic uses, so that no one use category exceeds 90% of the total floor area of the proposal.

2. A minimum of 50% of the linear first floor building frontage along primary streets shall be designed for retail, restaurant, and/or service uses, with a floor to ceiling height of at least 10 feet.

3. A minimum of 60% of the street-facing building façade between 2 feet and 8 feet in height shall comprise clear windows that permit views into the interior of the building and/or product display areas.

4. These requirements may be waived for conditional uses based on their location within the CM-1 District.

B. All parking structures shall be primarily lined with other

permitted uses along the primary street frontage.

**1234.07 YARD REQUIREMENTS.**

- A. Front Yard.
  - 1. Minimum: Five (5) Feet.
  - 2. Maximum: Ten (10) Feet.
  
- B. Side Yards.
  - 1. General Requirements
    - a. Minimum: None, provided that abutting walls are constructed of ~~fire proof~~fireproof masonry material in accordance with the ordinances of the City.
    - b. Maximum: One third (1/3) the height of the principal building.
  - 2. Corner lots: On a corner lot, the exterior side yard shall be as set forth in Section 1234.07 A, Front Yard, above.
  - 3. Transitions with Single-Family and Two-Family Residential Districts: Side yards abutting any single-family or two-family residential district shall be no less than twenty (20) feet, ~~unless a larger setback is required for a conditional use.~~ In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses. The City Planning Commission may require additional landscaping and buffering for a parking garage to reduce the impact of noise and odor from vehicles parked on upper levels.
  
- C. Rear Yard.
  - 1. General Requirements:— The rear yard shall be no less than twenty (20) feet.
  - 2. Transitions with Single-Family and Two-Family Residential Districts: Rear yards abutting any single-family or two-family residential district shall be no less than forty (40) feet. In addition to this increased setback, a landscape buffer of at least twenty (20) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses. The City Planning Commission may require additional landscaping and buffering for a parking garage to reduce the impact of noise and odor from vehicles parked on upper levels.

**1234.08 HEIGHT REQUIREMENTS.**

- A. General Requirements.
  - 1. Minimum: Two (2) stories.
  - 2. Maximum: The maximum height of a principal structure shall be pursuant to Figures 1234.08-A, ~~-B, -C,~~ and ~~1234.08-BD~~ below. Site-specific height restrictions may be established as part of the overall site plan to promote design compatibility with the surrounding area and to minimize negative visual impacts, particularly on adjacent or nearby residential areas.
  
- B. Measuring Minimum Building Height: The minimum height of a principal structure shall be measured at the street frontage portion of the building. ~~The remainder of the building may step down to one (1) story.~~
  
- C. Rooftop Mechanical Equipment: Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

Figure 1234.08-A  
Maximum Height Requirements  
Chagrin/Lee Area CM-1 Commercial Mixed-Use District

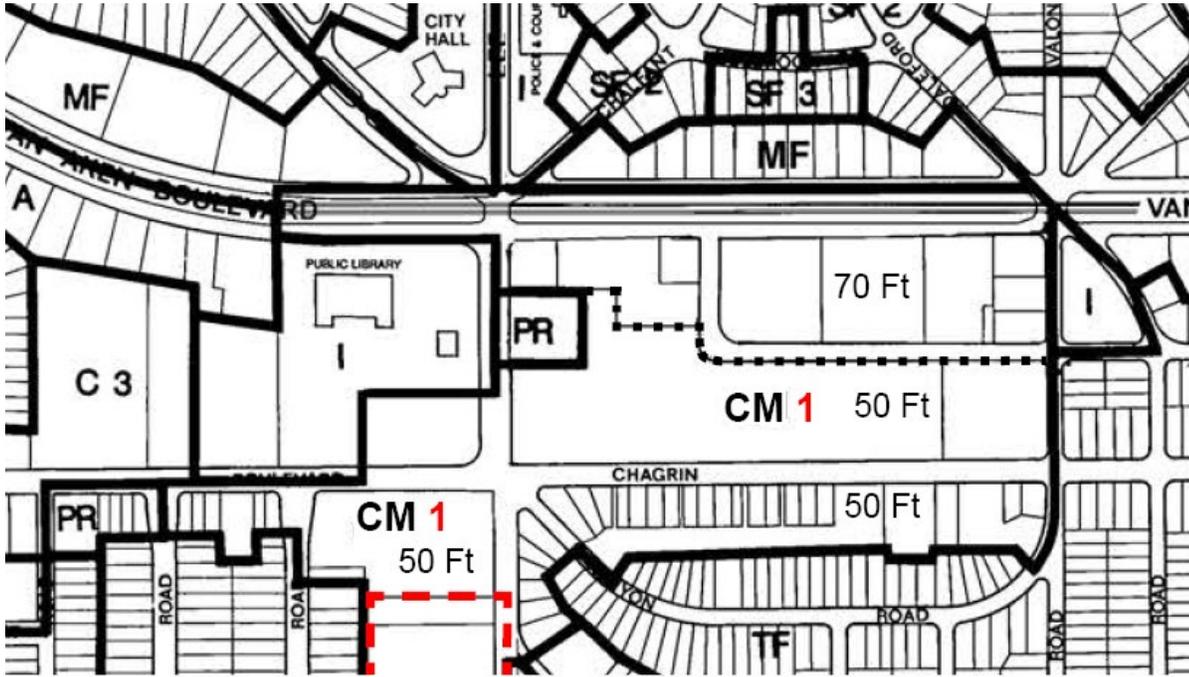


Figure 1234.08-B  
Maximum Height Requirements  
Van Aken/Warrensville  
Area CM-1 Commercial Mixed Use District

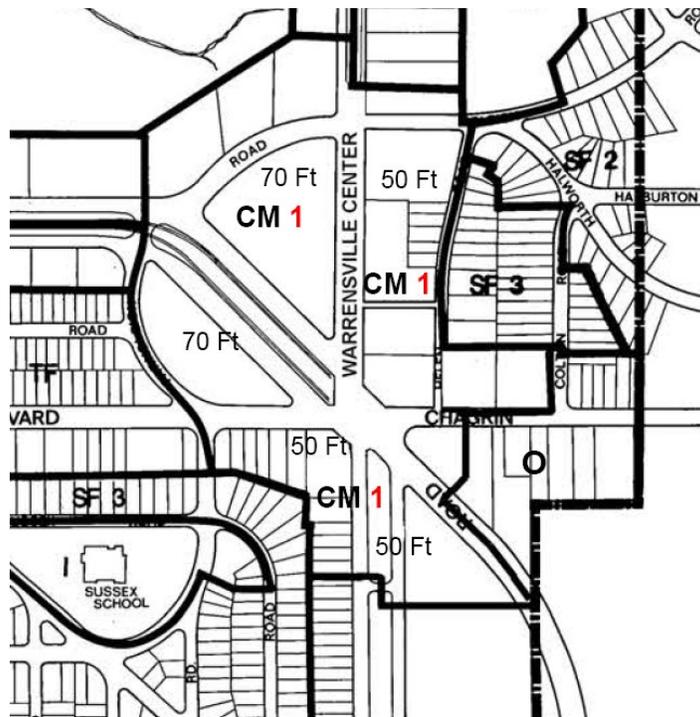


Figure 1234.08-C  
 Maximum Height Requirements  
 Larchmere CM-1 Commercial Mixed-Use District

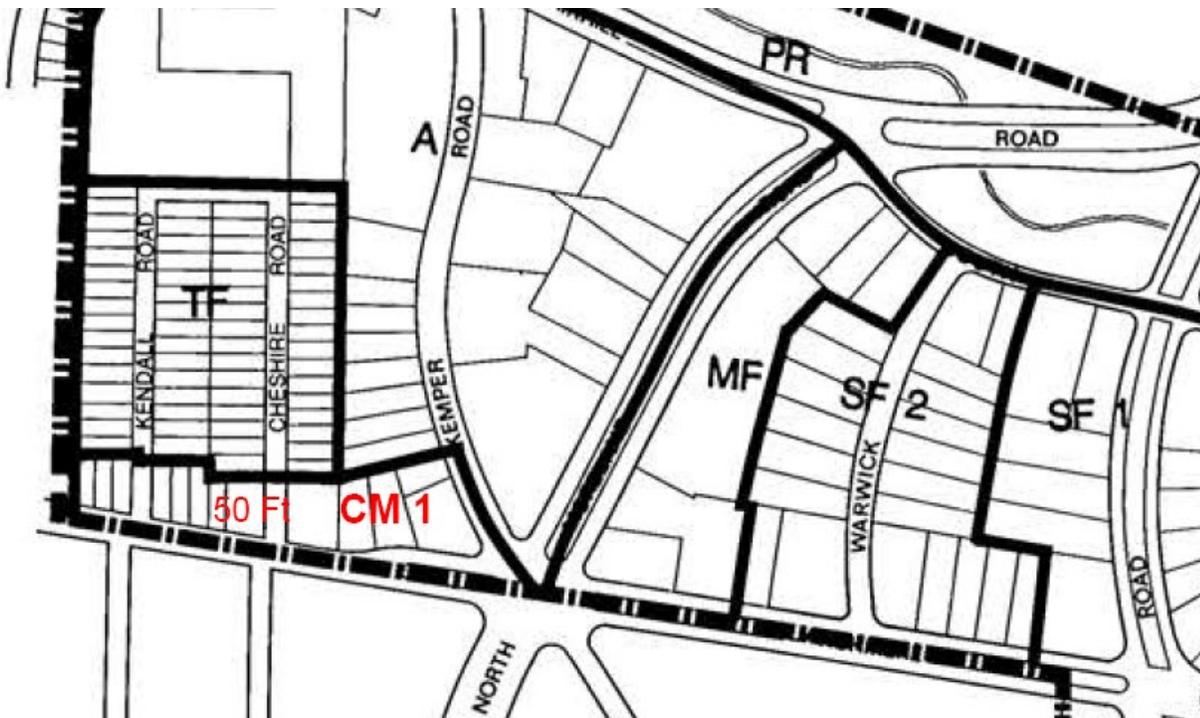
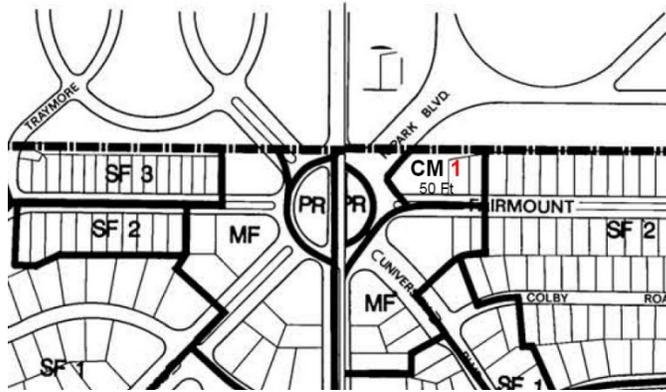


Figure 1234.08-D  
 Maximum Height Requirements  
 Warrensville/Fairmount Area CM-1 Commercial Mixed-Use District



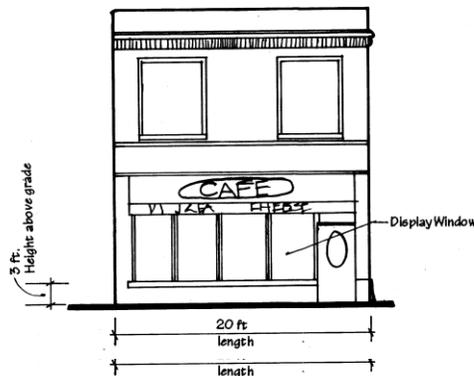
**1234.10 DESIGN STANDARDS AND PRINCIPLES.**

All new development or redevelopment projects in the CM District shall be subject to the following design standards and principles.

A. Consistency with Transit Oriented Development (TOD) Plans. Where a TOD plan has been adopted by the City, the arrangement of land uses, public open spaces and streets should be consistent with the intent of that plan.

B. Building and Site Design.

1. Buildings and sites are encouraged to accommodate a mixture of uses permitted in this district. A mixture of uses is encouraged not just within the overall district, but on individual parcels and within individual buildings. High activity uses such as retail are encouraged on the first floor, with uses such as offices and residential encouraged on second floors.
2. Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.
3. Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture. (See Figure 1234.10.)



4. All sides of a building open to view by the public shall display a similar level of architectural quality, and shall be subdivided and proportioned using features such as

windows, entrances, arcades, awnings, or other such features.

5. Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes. Plain, monolithic structures with long monotonous walls and roof plane surfaces are prohibited.
  6. Each building facade shall incorporate design elements for each 20 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions.
  7. First floor facades facing streets or pedestrian ways should incorporate large amounts (at least 60% of the facade) of clear windows that permit views into the interior of the building and/or product display areas.
  8. Building facades shall have highly visible customer service entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face, and be visible from the street on which they are located and shall be directly accessible and visible from the sidewalk.
  9. Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the district.
  10. Sloping roofs, where used, shall have one or more of the following architectural features: gables, hips, horizontal or vertical breaks, or other similar techniques that are integrated into the building architecture.
  11. Buildings shall be designed and arranged to define the public and private space with open views and surveillance for public areas and privacy for private areas.
- C. Building Materials.
1. Building materials shall be limited to brick, masonry, stucco, wood, fiber cement siding, wood shingle, wood siding, cultured stone, or other similar materials.
  2. Prohibited materials include vinyl siding, dryvit-type products on the lowest 8 feet of any structure, split faced block, aluminum or vinyl siding, and other similar materials.
- D. Vehicular Circulation and Access.
1. Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.
  2. Street designs are encouraged to incorporate traffic calming devices and techniques.
  3. Common or shared access points are encouraged.
  4. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.
  5. Safe and adequate sight distance shall be provided at all intersections, as provided in Section 1260.05.
  6. Transit stops should be incorporated into site plans, where feasible.
  7. Traffic impact studies, when required by the Zoning Administrator, shall be provided as part of the site plan review process.
- E. Pedestrian Access and Circulation.
1. A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and

rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.

2. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.
3. Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces. Pedestrian connections should not intersect a drive-through drive aisle, except where unavoidable. In such case, the connection shall have clear visibility and shall be delineated by textured and colored paving.
4. Pedestrian-scale lighting fixtures shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
5. Decorative sidewalk materials, such as brick pavers, shall be provided at key intersections or streets.
6. Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.
7. Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas:
  - a. Development proposals that involve a minimum of 1.5 acres or 60,000 square feet of floor area, whichever is less, should provide a minimum of 5% of the project site as public open space.
  - b. Residential buildings and mixed-use buildings with residential occupancy should provide 10% of the site area as open space.

F. Parking Lot Design and Layout.

1. The visual impact of off-street parking lots shall be minimized through the use of interior landscaped islands, and through dividing parking spaces into groupings.
2. The edges of parking lots shall be screened through landscaping or other methods such as decorative fences in accordance with Section 1253.08.
3. Semi-pervious paving materials, such as permeable pavers, porous asphalt or porous concrete, are encouraged so as to permit natural percolation of water. Such materials shall be installed and maintained in accordance with industry and manufacturer standards and the following:
  - a. The manufacturer's specifications are applicable to the subject property's particular soil type and slope (gradient) so that vehicles are supported without rutting and water percolation is achieved.
  - b. Semi-pervious parking areas must allow storm water to percolate into the ground at a rate sufficient to accommodate the five-year, 24-hour storm event.
  - c. For non-residential uses, if only a portion of the parking area is designated for semi-pervious materials, the area designated for semipervious parking shall be located at the perimeter of the parking lot, and if possible, remote or furthest removed from the principal building.
4. Parking structures shall be designed to be compatible with the adjacent buildings and district architecture and shall provide clearly marked pedestrian connections to the sidewalk.

- a. Parking structures shall be designed to the same quality of the principal building to which it is accessory, in regard to, but not limited to architectural design, exterior finish, and perimeter landscaping treatment.
- b. Internal lighting of the parking structure shall be designed so as to minimize illumination visible from the exterior of the structure.
- c. When located on a lot adjacent to a Single-Family or Two-Family District, the parking structure shall be located as far as practicable from the side or rear lot line abutting the Single-Family or Two-Family District, but not less than required by Section 1234.07.
- d. A pedestrian entry and clearly marked pedestrian connection(s) to the sidewalk shall be provided.

G. Landscaping and Screening.

- 1. A landscaping plan shall be submitted for the entire site. The standards contained in Chapter 1253 are considered to be minimum standards for this district, with additional landscaping provided where needed to mitigate off-site visual impacts or to improve the internal landscaping on the site.
- 2. Landscaping shall be used to define public entrances using signature landscaping elements.
- 3. A year round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.
- 4. Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.
- 5. Landscaping should be designed and constructed to promote on-site water management and infiltration through the use of native plants and porous landscape detention, swales, and filter strips.

H. Streetscape Improvements.

- 1. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.
- 2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.
- 3. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming the pedestrian scale.
- 4. Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be provided as part of the Streetscape Plan.

I. Service Area and Mechanical Screening.

- 1. The location of service areas and mechanical equipment shall be considered as part of the overall site design.
- 2. Services areas and mechanical equipment shall be screened from public view.

J. Signage. Fully dimensioned drawings, illustrations and details shall be submitted showing the type, location (including the placement of monument signs on the site plan and the placement of signs on buildings),

size and materials of all signage, including letter style and type, face (color, material and thickness), returns, type of lighting, and brightness.

1. A master sign plan shall be prepared for coordinated developments and blocks of stores pursuant to Section 1250.09 Local Sign District Regulations to ensure cohesive overall signage for the area.
2. All signs should be of high-quality design that provides strong visual interest with three-dimensional design.
3. Wall signs:
  - a. Adequate wall space must be provided in a location that will allow the sign to function properly while also appear as if it "belongs" with the building.
  - b. Signs shall be comprised of individual letters. Cabinet and box signs are not permitted, however, painted signs made of wood, metal, or similar material are permitted.
  - c. Indirect lighting is preferred.
  - d. Individual letters are preferred.
4. Monument signs:
  - a. Monument signs should be placed in logical locations near the project's entrance.
  - b. Monument signs should be designed to relate to and complement the architectural design of the building(s) and other elements of development on the site, including sharing common design elements and building materials.
  - c. Monument signs with one sign face shall be finished on the "back" side and oriented parallel to the street.
  - d. Sign bases and cabinets shall be constructed of brick, stone, or metal.
  - ~~e. Sign faces made of plastic and similar materials are not permitted.~~
  - ~~e. f.~~ Dark colored cabinets are preferred, ~~white backgrounds are discouraged.~~
  - ~~f. g.~~ Adequate landscaping of a type and scale complementary to the overall landscape plan must be provided to integrate the sign into the site and provide a unified design.
5. Sign elements should create an overall cohesive design, reflect simplicity, avoid visual clutter and ensure legibility by adhering to the following guidelines:
  - a. Be consolidated into a minimum number of elements, whether words, symbols, or graphics.
  - b. Bright colors should be avoided or very limited in size and used as accents rather than predominant design elements.
  - c. White backgrounds are discouraged.
  - d. Signs should have a matte finish, and not have a glossy or reflective finish.
6. Sign Materials:
  - ~~a.~~ Only high quality, durable materials shall be used; Conventional plastic faced box, cabinet, or monument signs and formed plastic or injection molded plastic signs shall not be permitted.
  - ~~7. b.~~ Preferred materials and graphic elements include:
    - ~~(1) a.~~ Mixed media signs incorporating multi-dimensional forms and combinations of colors, shapes, materials, and lighting;
    - ~~(2) b.~~ Application of innovative technologies;
    - ~~(3) c.~~ Dimensional letter forms with seamless edge treatments;
    - ~~(4) d.~~ Reverse channel halo lettering;

- (5) e. — Cut or fabricated steel, painted and finished;
- (6) f. — Etched metal or glass, sandblasted glass;
- (7) g. — Polished metal;
- (8) h. — Screens, lattice, or mesh;
- (9) i. — Glazed ceramic tile work forming patterns and/or fields;
- (10) j. — Etched or carved stone;
- (11) k. — Fiber optics; and
- (12) l. — Silhouette illumination.

~~8-7.~~ **Sign** Lighting if used to illuminate the sign, must be completely shielded from streets and pathways.

- a. Light-reflecting backgrounds shall not be used but light-reflecting lettering or halo lighting may be used.
- b. When lighting a wall sign the type of light fixture selected should complement the architectural style of the structure and the façade light fixtures and not be added solely to illuminate the sign.
- c. Only sign letters and other items of information may be illuminated by interior luminous tubes; illumination of sign backgrounds not containing items of information shall not be permitted unless incidentally illuminated by enclosed floodlighting using white or daylight gooseneck-type lamps.

K. Lighting.

- 1. A lighting plan shall be prepared, including a photometric illustration.
- 2. Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.

L. Sustainability Guidelines. To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

- 1. Low-Impact Development (LID) stormwater management features; designed for on-site stormwater mitigation through low impact development techniques as approved by the City Planning Commission.
- 2. Porous paving blocks and pervious paving materials are encouraged as material for parking lots and/or sidewalks.
- 3. Energy-efficient materials, including recycled materials that meet the requirements of this Code.

**CHAPTER 1235**

**CM-2 Commercial Mixed-Use District**

**1235.01 PURPOSE.**

The purpose of this district is to encourage a compact mix of retail, service, office, housing and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation along the smaller and shallower lots of the east side of Lee Road, taking advantage of the convenience provided by multi-modal transportation options and the vitality that mixed uses can bring to a community.

The regulations for this district are intended to create areas of concentrated mixed-use, walkable development along the east side of Lee Road complimentary to mixed-use development on the west of Lee Road and compatible with the adjacent single-family residential neighborhoods to the east.

**1235.02 PERMITTED USES.**

The following are permitted uses in the CM-2 District, pursuant to any additional standards set forth herein.

- A. Art galleries and artist studios; provided that when located on the first floor, the area devoted to public display and retail sales of products is less than 50% of the area of the first floor devoted to such use.
- B. Business services.
- C. Dwelling units, multiple family, located above the first floor.
- D. Dwelling, multiple family, on the first floor, provided that the area devoted to first floor residential uses does not exceed 50% of the total first floor area of the total primary street frontage of the building.
- E. Government offices.
- F. Libraries.
- G. Museums.
- H. Offices.
- I. Personal service establishments.
- J. Public space.
- K. Restaurants, including sit-down and carry-out, but not including drive-through restaurants.
- L. Retail sales.

**1235.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05 H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

- A. Animal hospitals and veterinarian's offices, pursuant to Section 1263.01.
- B. Assembly of finished goods and packaging of finished goods, pursuant to Section 1263.02.
- C. Assisted living facilities, pursuant to Section 1263.03.
- D. Band shells and amphitheaters, pursuant to Section 1263.05.
- E. Day care centers, child, pursuant to Section 1263.06.
- F. Day care centers, adult, pursuant to Section 1263.07.
- G. Fire and police stations, pursuant to Section 1263.11.
- H. Home occupations, pursuant to Section 1263.12.
- I. Hospitals and outpatient care facilities for the treatment and aid of humans, pursuant to Section 1263.13.
- J. Hotels and motels.
- K. Laboratories and research facilities pursuant to Section 1263.14.
- L. Limited production/processing, pursuant to Section 1263.15.
- M. Recreational facilities, indoor, public or private.
- N. Schools, primary and secondary pursuant to Section 1263.19.
- O. Schools, specialized instructional, pursuant to Section 1263.20.
- P. Smoke shops, pursuant to Section 1263.23.
- Q. Theaters and Assembly Halls, pursuant to Section 1263.06.
- R. Utilities (including substations, transmission facilities and related facilities).
- S. Work/live units, pursuant to Section 1263.25.
- T. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05 D.2.

**1235.04 ACCESSORY USES AND STRUCTURES.**

All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures. The following are permitted Accessory Uses and Structures in the CM-2 District, pursuant to any additional standards set forth herein.

- A. Antennae, single, roof-mounted or in rear yard only, pursuant to

Section 1262.02.

B. Entertainment, live, accessory to a permitted or conditionally permitted use.

C. Fences and Walls, pursuant to Section 1262.05.

D. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

E. Kiosks, pursuant to Chapter 1262.10.

E. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

F. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.

G. Maintenance storage, utility and waste disposal facilities, only when totally enclosed.

H. Ornamental structures, in rear or side yard only, pursuant to Section 1262.11.

I. Outdoor dining, accessory to a restaurant, pursuant to Section 1262.12.

J. Parking, off-street, and driveways.

K. Parking structures, pursuant to Section 1262.12.

L. Recreational structures, accessory to a child day care center, in rear yard only, pursuant to Section 1262.16.

M. Signage, pursuant to Chapter 1250, Sign Regulations.

N. Storage, Indoor.

**1235.05 USE REQUIREMENTS FOR LARGE PARCEL DEVELOPMENT.**

A. Development proposals that involve at least 1.5 acres or 60,000 square feet of floor area, whichever is less, shall:

1. Include a mix of retail, office, residential or civic uses, so that no one use category exceeds 90% of the total floor area of the proposal.

2. A minimum of 50% of the linear first floor building frontage along primary streets shall be designed for retail, restaurant, and/or service uses, with a floor to ceiling height of at least 10 feet.

3. A minimum of 60% of the street-facing building façade between 2 feet and 8 feet in height shall comprise clear windows that permit views into the interior of the building and/or product display areas.

4. These requirements may be waived for conditional uses based on their location within the CM-1 District.

B. All parking structures shall be primarily lined with other permitted uses along the primary street frontage.

**1235.06 LOT AND DENSITY REGULATIONS.**

A. Minimum Lot Area. None.

B. Minimum Lot Width. The minimum lot width shall be forty (40) feet.

**1235.07 YARD REQUIREMENTS.**

A. Front Yard.

1. Minimum: None.

2. Maximum: Ten (10) Feet.

B. Side Yards.

1. General Requirements

a. Minimum: None, provided that abutting walls are constructed of fireproof masonry material in accordance with the ordinances of the City.

b. Maximum: Ten (10) Feet.

2. Corner lots: On a corner lot, the exterior side yard shall be as set forth in Section 1234.07 A, Front Yard, above.

3. Transitions with Single-Family and Two-Family Residential Districts: Side yards abutting any single-family or two-

family residential district shall be no less than twenty (20) feet. In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses.

C. Rear Yard.

1. General Requirements: The rear yard shall be no less than twenty (20) feet.
2. Transitions with Single-Family and Two-Family Residential Districts: A solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses.

**1235.08 HEIGHT REQUIREMENTS.**

A. General Requirements.

1. Minimum: Two (2) stories.
2. Maximum: Five (5) stories; Sixty (60) Feet. Site-specific height restrictions may be established as part of the overall site plan to promote design compatibility with the surrounding area and to minimize negative visual impacts, particularly on adjacent or nearby residential areas.

B. Measuring Minimum Building Height: The minimum height of a principal structure shall be measured at the street frontage portion of the building.

C. Rooftop Mechanical Equipment: Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

**1235.09 PARKING REQUIREMENTS.**

A. General Requirements. Off-street parking and associated driveways shall conform to the parking requirements set forth in Chapter 1251, except as modified herein. Where there is a conflict between a provision in this section and a provision in Chapter 1251, the requirements of this Chapter shall prevail.

B. Modified Parking Standards:

1. Required parking may be reduced to 60% of the minimum required in Chapter 1251 when the City Planning Commission determines that, based on credible evidence provided by the applicant, certain factors such as, but not limited to, availability of transit, mix of land uses and shared parking options are likely to result in lower off-street parking demand than indicated by the requirements in Chapter 1251.
2. The maximum amount of parking provided shall not exceed 100% of the standards contained in Chapter 1251. The maximum provision shall not apply to park-and-ride facilities or other parking provided as part of a transit facility.

C. Location of Off-Street Parking Spaces. Off-street surface parking shall not be located between the façade of a building and the primary street. Parking shall be located to the side or rear of a building, and no more than 50% of the lot frontage along the primary street shall be devoted to parking or drives.

D. Compact Parking Spaces. Compact spaces are permitted subject to the following:

1. A maximum of twenty-five percent (25%) of the spaces in any parking facility may be designated and labeled as compact car spaces.
2. Compact car parking spaces shall be designated with a sign.

E. Bicycle Parking. Bicycle parking facilities shall be provided according to Section 1251.13. Bicycle parking facilities shall be located so as to not interfere with pedestrian movement.

**1235.10 DESIGN STANDARDS AND PRINCIPLES.**

All new development or redevelopment projects in the CM-2 District shall be subject to the following design standards and principles.

A. Consistency with Transit Oriented Development (TOD) Plans. Where a TOD plan has been adopted by the City, the arrangement of land uses, public open spaces and streets should be consistent with the intent of that plan.

B. Building and Site Design.

1. Buildings and sites are encouraged to accommodate a mixture of uses permitted in this district. A mixture of uses is encouraged not just within the overall district, but on individual parcels and within individual buildings. High activity uses such as retail are encouraged on the first floor, with uses such as offices and residential encouraged on second floors.
2. Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.
3. Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture. (See Figure 1235.09.)

Figure 1235.10



4. All sides of a building open to view by the public shall display a similar level of architectural quality, and shall be subdivided and proportioned using features such as windows, entrances, arcades, awnings, or other such features.
5. Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes. Plain, monolithic structures with long monotonous walls and roof plane surfaces are prohibited.
6. Each building facade shall incorporate design elements for each 20 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions.
7. First floor facades facing streets or pedestrian ways should incorporate large amounts (at least 60% of the facade) of

clear windows that permit views into the interior of the building and/or product display areas.

8. Building facades shall have highly visible customer service entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face, and be visible from the street on which they are located and shall be directly accessible and visible from the sidewalk.
9. Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the district.
10. Sloping roofs, where used, shall have one or more of the following architectural features: gables, hips, horizontal or vertical breaks, or other similar techniques that are integrated into the building architecture.
11. Buildings shall be designed and arranged to define the public and private space with open views and surveillance for public areas and privacy for private areas.

C. Building Materials.

1. Building materials shall be limited to brick, masonry, stucco, wood, fiber cement siding, wood shingle, wood siding, cultured stone, or other similar materials.
2. Prohibited materials include vinyl siding, dryvit-type products on the lowest 8 feet of any structure, split faced block, aluminum or vinyl siding, and other similar materials.

D. Vehicular Circulation and Access.

1. Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.
2. Street designs are encouraged to incorporate traffic calming devices and techniques.
3. Common or shared access points are encouraged.
4. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.
5. Safe and adequate sight distance shall be provided at all intersections, as provided in Section 1260.05.
6. Transit stops should be incorporated into site plans, where feasible.
7. Traffic impact studies, when required by the Zoning Administrator, shall be provided as part of the site plan review process.

E. Pedestrian Access and Circulation.

1. A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.
2. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.
3. Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.

4. Pedestrian-scale lighting fixtures shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
5. Decorative sidewalk materials, such as brick pavers, shall be provided at key intersections or streets.
6. Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.
7. Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas:
  - a. Development proposals that involve a minimum of 1.5 acres or 60,000 square feet of floor area, whichever is less, should provide a minimum of 5% of the project site as public open space.
  - b. Residential buildings should provide 10% of the site area as open space.

F. Parking Lot Design and Layout.

1. The visual impact of off-street parking lots shall be minimized through the use of interior landscaped islands, and through dividing parking spaces into groupings.
2. The edges of parking lots shall be screened through landscaping or other methods such as decorative fences in accordance with Section 1253.08.
3. Semi-pervious paving materials, such as permeable pavers, porous asphalt or porous concrete, are encouraged so as to permit natural percolation of water. Such materials shall be installed and maintained in accordance with industry and manufacturer standards and the following:
  - a. The manufacturer's specifications are applicable to the subject property's particular soil type and slope (gradient) so that vehicles are supported without rutting and water percolation is achieved.
  - b. Semi-pervious parking areas must allow storm water to percolate into the ground at a rate sufficient to accommodate the five-year, 24-hour storm event.
  - c. For non-residential uses, if only a portion of the parking area is designated for semi-pervious materials, the area designated for semipervious parking shall be located at the perimeter of the parking lot, and if possible, remote or furthest removed from the principal building.
4. Parking structures shall be designed to be compatible with the adjacent buildings and district architecture and shall provide clearly marked pedestrian connections to the sidewalk.

G. Landscaping and Screening.

1. A landscaping plan shall be submitted for the entire site. The standards contained in Chapter 1253 are considered to be minimum standards for this district, with additional landscaping provided where needed to mitigate off-site visual impacts or to improve the internal landscaping on the site.
2. Landscaping shall be used to define public entrances using signature landscaping elements.
3. A year round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.
4. Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.
5. Landscaping should be designed and constructed to promote on-site water management and infiltration through the use

of native plants and porous landscape detention, swales, and filter strips.

H. Streetscape Improvements.

1. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.
2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.
3. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming the pedestrian scale.
4. Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be provided as part of the Streetscape Plan.

I. Service Area and Mechanical Screening.

1. The location of service areas and mechanical equipment shall be considered as part of the overall site design.
2. Services areas and mechanical equipment shall be screened from public view.

J. Signs.

1. Fully dimensioned drawings, illustrations and details shall be submitted showing the type, location (including the placement of monument signs on the site plan and the placement of signs on buildings), size and materials of all signage, including letter style and type, face (color, material and thickness), returns, type of lighting, and brightness.
2. A master sign plan shall be prepared for coordinated developments and blocks of stores pursuant to Section 1250.09 Local Sign District Regulations to ensure cohesive overall signage for the area.
3. All signs should be of high-quality design that provides strong visual interest with three-dimensional design.
4. Wall signs:
  - a. Adequate wall space must be provided in a location that will allow the sign to function properly while also appear as if it "belongs" with the building.
  - b. Signs shall be comprised of individual letters.
  - c. Cabinet and box signs are not permitted, however, painted signs made of wood, metal, or similar material are permitted.
  - d. Indirect lighting is preferred.
  - e. Individual letters are preferred.
5. Monument signs:
  - a. Monument signs should be placed in logical locations near the project's entrance.
  - b. Monument signs should be designed to relate to and complement the architectural design of the building(s) and other elements of development on the site, including sharing common design elements and building materials.
  - c. Monument signs with one sign face shall be finished on the "back" side and oriented parallel to the street.
  - d. Sign bases and cabinets shall be constructed of brick, stone, or metal.
  - e. Dark colored cabinets are preferred.

- f. Adequate landscaping of a type and scale complementary to the overall landscape plan must be provided to integrate the sign into the site and provide a unified design.
- g. Sign elements should create an overall cohesive design, reflect simplicity, avoid visual clutter and ensure legibility by adhering to the following guidelines:
  - (1) Be consolidated into a minimum number of elements, whether words, symbols, or graphics.
  - (2) White backgrounds are discouraged.
  - (3) Signs should have a matte finish, and not have a glossy or reflective finish.

6. Sign Materials:

- a. Only high quality, durable materials shall be used; Conventional plastic faced box, cabinet, or monument signs and formed plastic or injection molded plastic signs shall not be permitted.
- b. Preferred materials and graphic elements include:
  - (1) Mixed media signs incorporating multi-dimensional forms and combinations of colors, shapes, materials, and lighting;
  - (2) Application of innovative technologies;
  - (3) Dimensional letter forms with seamless edge treatments;
  - (4) Reverse channel halo lettering;
  - (5) Cut or fabricated steel, painted and finished;
  - (6) Etched metal or glass, sandblasted glass;
  - (7) Polished metal;
  - (8) Screens, lattice, or mesh;
  - (9) Glazed ceramic tile work forming patterns and/or fields;
  - (10) Etched or carved stone;
  - (11) Fiber optics; and
  - (12) Silhouette illumination.

7. Sign Lighting:

- a. If used to illuminate the sign, must be completely shielded from streets and pathways. Light-reflecting backgrounds shall not be used but light-reflecting lettering or halo lighting may be used.
- b. When lighting a wall sign the type of light fixture selected should complement the architectural style of the structure and the façade light fixtures and not be added solely to illuminate the sign.
- c. Only sign letters and other items of information may be illuminated by interior luminous tubes; illumination of sign backgrounds not containing items of information shall not be permitted unless incidentally illuminated by enclosed floodlighting using white or daylight gooseneck-type lamps.

K. Lighting.

- 1. A lighting plan shall be prepared, including a photometric illustration.
- 2. Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.

L. Sustainability Guidelines. To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

- 1. Low-Impact Development (LID) stormwater management features; designed for on-site stormwater mitigation through low

impact development techniques as approved by the City Planning Commission.

2. Porous paving blocks and pervious paving materials are encouraged as material for parking lots and/or sidewalks.
3. Energy-efficient materials, including recycled materials that meet the requirements of this Code.

#### **1235.11 ALLOWABLE ENCROACHMENTS AND DISTANCE.**

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

#### **1235.12 SITE PLAN REVIEW.**

No building permit may be issued without first adhering to the site plan review process set forth in Section 1213.06, Site Plan Review. Where there is a conflict between a provision in this Chapter and a provision in Section 1213.06, the requirements of this Chapter shall prevail.

### **CHAPTER 1236**

#### **CM-3 Commercial Mixed-Use District**

##### **1236.01 PURPOSE.**

The purpose of this district is to encourage a compact mix of retail, service, office, housing and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation along the larger and deeper lots along the west side of Lee Road, taking advantage of the convenience provided by multi-modal transportation options and the vitality that mixed uses can bring to a community.

The regulations for this district are intended to create areas of concentrated mixed-use, walkable development along the west side of Lee Road complimentary to mixed-use development on the east side of Lee Road and compatible with the adjacent single-family residential neighborhoods to the west.

##### **1236.02 PERMITTED USES.**

The following are permitted uses in the CM-3 District, pursuant to any additional standards set forth herein.

- A. Art galleries and artist studios; provided that when located on the first floor, the area devoted to public display and retail sales of products is less than 50% of the area of the first floor devoted to such use.
- B. Bakeries, retail & wholesale.
- C. Business services.
- D. Dry cleaners, with a plant.
- E. Dwelling units, multiple family, located above the first floor.
- F. Dwelling, multiple family, on the first floor, provided that the area devoted to first floor residential uses does not exceed 40% of the total first floor area of the total primary street frontage of the building.
- G. Government offices.
- H. Libraries.
- I. Museums.
- J. Offices.
- K. Personal service establishments.
- L. Public space.
- M. Restaurants, including sit-down and carry-out, but not including drive-through restaurants.
- N. Retail sales.

##### **1236.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted

pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05 H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

All conditional uses shall meet the design standards and principles in Section 1234.10 as well as additional standards set forth herein.

In order to control the mixture and locations of uses in this district, the following may be permitted only as Conditional Uses in the CM-3 District:

A. Animal hospitals and veterinarian's offices, pursuant to Section 1263.01.

B. Assembly of finished goods and packaging of finished goods, pursuant to Section 1263.02.

C. Assisted living facilities, pursuant to Section 1263.03.

D. Band shells and amphitheaters, pursuant to Section 1263.05.

E. Day care centers, adult, pursuant to Section 1263.06.

F. Day care centers, child, pursuant to Section 1263.07.

G. Fire and police stations, pursuant to Section 1263.11.

H. Home occupations, pursuant to Section 1263.12.

I. Hospitals and outpatient care facilities for the treatment and aid of humans, pursuant to Section 1263.13.

J. Hotels and motels.

K. Laboratories and research facilities pursuant to Section 1263.14.

L. Limited production/processing, pursuant to Section 1263.15.

M. Recreational facilities, indoor, public or private.

N. Schools, primary and secondary pursuant to Section 1263.19.

O. Schools, specialized instructional, pursuant to Section 1263.20.

P. Smoke shops, pursuant to Section 1263.23.

Q. Theaters and Assembly Halls, pursuant to Section 1263.06.

R. Utilities (including substations, transmission facilities and related facilities).

S. Work/live units, pursuant to Section 1263.25.

T. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05 D.2.

#### **1236.04 ACCESSORY USES AND STRUCTURES.**

All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures. The following are permitted Accessory Uses and Structures in the CM-3 District, pursuant to any additional standards set forth herein.

A. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.

B. Entertainment, live, accessory to a permitted or conditionally permitted use.

C. Fences and Walls, pursuant to Section 1262.05.

D. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

E. Kiosks, pursuant to Chapter 1262.10.

F. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

G. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.

H. Maintenance storage, utility and waste disposal facilities, only when totally enclosed.

I. Ornamental structures, in rear or side yard only, pursuant to Section 1262.11.

J. Outdoor dining, accessory to a restaurant, pursuant to Section 1262.12.

K. Parking, off-street, and driveways.

L. Parking structures, pursuant to Section 1262.13.

- M. Recreational structures, accessory to a child day care center, in rear yard only, pursuant to Section 1262.16.
- N. Signage, pursuant to Chapter 1250, Sign Regulations.
- O. Storage, Indoor.

**1236.05 USE REQUIREMENTS FOR LARGE PARCEL DEVELOPMENT.**

A. Development proposals that involve at least 1.5 acres or 60,000 square feet of floor area, whichever is less, shall:

- 1. Include a mix of retail, office, residential or civic uses, so that no one use category exceeds 90% of the total floor area of the proposal.
- 2. A minimum of 50% of the linear first floor building frontage along primary streets shall be designed for retail, restaurant, and/or service uses, with a floor to ceiling height of at least 10 feet.
- 3. A minimum of 60% of the street-facing building façade between 2 feet and 8 feet in height shall comprise clear windows that permit views into the interior of the building and/or product display areas.
- 4. These requirements may be waived for conditional uses based on their location within the CM-1 District.

B. All parking structures shall be primarily lined with other permitted uses along the primary street frontage.

**1236.06 LOT AND DENSITY REGULATIONS.**

A. Minimum Lot Area. 43,560 square feet.

B. Minimum Lot Width. The minimum lot width shall be one hundred (100) feet.

**1236.07 YARD REQUIREMENTS.**

A. Front Yard.

- 1. Minimum: Five (5) Feet.
- 2. Maximum: Ten (10) Feet.

B. Side Yards.

- 1. General Requirements
  - a. Minimum: None, provided that abutting walls are constructed of fireproof masonry material in accordance with the ordinances of the City.
  - b. Maximum: Fifteen (15) Feet.
- 2. Corner lots: On a corner lot, the exterior side yard shall be as set forth in Section 1234.07 A, Front Yard, above.
- 3. Transitions with Single-Family and Two-Family Residential Districts: Side yards abutting any single-family or two-family residential district shall be no less than twenty (20) feet. In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses.

C. Rear Yard.

- 1. General Requirements: The rear yard shall be no less than thirty (30) feet.
- 2. Transitions with Single-Family and Two-Family Residential Districts: Rear yards abutting any single-family or two-family residential district shall be no less than thirty (30) feet. In addition to this increased setback, a landscape buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses.

### **1236.08 HEIGHT REQUIREMENTS.**

#### A. General Requirements.

1. Minimum: Two (2) stories.
2. Maximum: Five (5) stories; Sixty (60) Feet. Site-specific height restrictions may be established as part of the overall site plan to promote design compatibility with the surrounding area and to minimize negative visual impacts, particularly on adjacent or nearby residential areas.

B. Measuring Minimum Building Height: The minimum height of a principal structure shall be measured at the street frontage portion of the building.

C. Rooftop Mechanical Equipment: Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

### **1236.09 PARKING REQUIREMENTS.**

A. General Requirements. Off-street parking and associated driveways shall conform to the parking requirements set forth in Chapter 1251, except as modified herein. Where there is a conflict between a provision in this section and a provision in Chapter 1251, the requirements of this Chapter shall prevail.

#### B. Modified Parking Standards:

1. Required parking may be reduced to 60% of the minimum required in Chapter 1251 when the City Planning Commission determines that, based on credible evidence provided by the applicant, certain factors such as, but not limited to, availability of transit, mix of land uses and shared parking options are likely to result in lower off-street parking demand than indicated by the requirements in Chapter 1251.
2. The maximum amount of parking provided shall not exceed 100% of the standards contained in Chapter 1251. The maximum provision shall not apply to park-and-ride facilities or other parking provided as part of a transit facility.

C. Location of Off-Street Parking Spaces. Off-street surface parking shall not be located between the façade of a building and the primary street. Parking shall be located to the side or rear of a building, and no more than 50% of the lot frontage along the primary street shall be devoted to parking or drives.

D. Compact Parking Spaces. Compact spaces are permitted subject to the following:

1. A maximum of twenty-five percent (25%) of the spaces in any parking facility may be designated and labeled as compact car spaces.
2. Compact car parking spaces shall be designated with a sign.

E. Bicycle Parking. Bicycle parking facilities shall be provided according to Section 1251.13. Bicycle parking facilities shall be located so as to not interfere with pedestrian movement.

### **1236.10 DESIGN STANDARDS AND PRINCIPLES.**

All new development or redevelopment projects in the CM-3 District shall be subject to the following design standards and principles.

A. Consistency with Transit Oriented Development (TOD) Plans. here a TOD plan has been adopted by the City, the arrangement of land uses, public open spaces and streets should be consistent with the intent of that plan.

#### B. Building and Site Design.

1. Buildings and sites are encouraged to accommodate a mixture of uses permitted in this district. A mixture of uses is encouraged not just within the overall district, but on

individual parcels and within individual buildings. High activity uses such as retail are encouraged on the first floor, with uses such as offices and residential encouraged on second floors.

2. Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.
3. Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture. (See Figure 1236.10.)

Figure 1236.10



4. All sides of a building open to view by the public shall display a similar level of architectural quality, and shall be subdivided and proportioned using features such as windows, entrances, arcades, awnings, or other such features.
5. Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes. Plain, monolithic structures with long monotonous walls and roof plane surfaces are prohibited.
6. Each building facade shall incorporate design elements for each 20 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions.
7. First floor facades facing streets or pedestrian ways should incorporate large amounts (at least 60% of the facade) of clear windows that permit views into the interior of the building and/or product display areas.
8. Building facades shall have highly visible customer service entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face, and be visible from the street on which they are located and shall be directly accessible and visible from the sidewalk.
9. Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the district.
10. Sloping roofs, where used, shall have one or more of the following architectural features: gables, hips, horizontal or vertical breaks, or other similar techniques that are integrated into the building architecture.

11. Buildings shall be designed and arranged to define the public and private space with open views and surveillance for public areas and privacy for private areas.

C. Building Materials.

1. Building materials shall be limited to brick, masonry, stucco, wood, fiber cement siding, wood shingle, wood siding, cultured stone, or other similar materials.
2. Prohibited materials include vinyl siding, dryvit-type products on the lowest 8 feet of any structure, split faced block, aluminum or vinyl siding, and other similar materials.

D. Vehicular Circulation and Access.

1. Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.
2. Street designs are encouraged to incorporate traffic calming devices and techniques.
3. Common or shared access points are encouraged.
4. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.
5. Safe and adequate sight distance shall be provided at all intersections, as provided in Section 1260.05.
6. Transit stops should be incorporated into site plans, where feasible.
7. Traffic impact studies, when required by the Zoning Administrator, shall be provided as part of the site plan review process.

E. Pedestrian Access and Circulation.

1. A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.
2. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.
3. Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.
4. Pedestrian-scale lighting fixtures shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
5. Decorative sidewalk materials, such as brick pavers, shall be provided at key intersections or streets.
6. Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.
7. Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas:
  - a. Development proposals that involve a minimum of 1.5 acres or 60,000 square feet of floor area, whichever is less, should provide a minimum of 5% of the project site as public open space.
  - b. Residential buildings should provide 10% of the site area as open space.

F. Parking Lot Design and Layout.

1. The visual impact of off-street parking lots shall be minimized through the use of interior landscaped islands, and through dividing parking spaces into groupings.
2. The edges of parking lots shall be screened through landscaping or other methods such as decorative fences in accordance with Section 1253.08.
3. Semi-pervious paving materials, such as permeable pavers, porous asphalt or porous concrete, are encouraged so as to permit natural percolation of water. Such materials shall be installed and maintained in accordance with industry and manufacturer standards and the following:
  - a. The manufacturer's specifications are applicable to the subject property's particular soil type and slope (gradient) so that vehicles are supported without rutting and water percolation is achieved.
  - b. Semi-pervious parking areas must allow storm water to percolate into the ground at a rate sufficient to accommodate the five-year, 24-hour storm event.
  - c. For non-residential uses, if only a portion of the parking area is designated for semi-pervious materials, the area designated for semipervious parking shall be located at the perimeter of the parking lot, and if possible, remote or furthest removed from the principal building.
4. Parking structures shall be designed to be compatible with the adjacent buildings and district architecture and shall provide clearly marked pedestrian connections to the sidewalk.

G. Landscaping and Screening.

1. A landscaping plan shall be submitted for the entire site. The standards contained in Chapter 1253 are considered to be minimum standards for this district, with additional landscaping provided where needed to mitigate off-site visual impacts or to improve the internal landscaping on the site.
2. Landscaping shall be used to define public entrances using signature landscaping elements.
3. A year round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.
4. Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.
5. Landscaping should be designed and constructed to promote on-site water management and infiltration through the use of native plants and porous landscape detention, swales, and filter strips.

H. Streetscape Improvements.

1. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.
2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.
3. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming the pedestrian scale.

4. Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be provided as part of the Streetscape Plan.

I. Service Area and Mechanical Screening.

1. The location of service areas and mechanical equipment shall be considered as part of the overall site design.

2. Services areas and mechanical equipment shall be screened from public view.

J. Signs.

1. Fully dimensioned drawings, illustrations and details shall be submitted showing the type, location (including the placement of monument signs on the site plan and the placement of signs on buildings), size and materials of all signage, including letter style and type, face (color, material and thickness), returns, type of lighting, and brightness.

2. A master sign plan shall be prepared for coordinated developments and blocks of stores pursuant to Section 1250.09 Local Sign District Regulations to ensure cohesive overall signage for the area.

3. All signs should be of high-quality design that provides strong visual interest with three-dimensional design.

4. Wall signs:

a. Adequate wall space must be provided in a location that will allow the sign to function properly while also appear as if it "belongs" with the building.

b. Signs shall be comprised of individual letters.

c. Cabinet and box signs are not permitted, however, painted signs made of wood, metal, or similar material are permitted.

d. Indirect lighting is preferred.

e. Individual letters are preferred.

f. Monument signs:

g. Monument signs should be placed in logical locations near the project's entrance.

h. Monument signs should be designed to relate to and complement the architectural design of the building(s) and other elements of development on the site, including sharing common design elements and building materials.

i. Monument signs with one sign face shall be finished on the "back" side and oriented parallel to the street.

j. Sign bases and cabinets shall be constructed of brick, stone, or metal.

k. Dark colored cabinets are preferred.

l. Adequate landscaping of a type and scale complementary to the overall landscape plan must be provided to integrate the sign into the site and provide a unified design.

m. Sign elements should create an overall cohesive design, reflect simplicity, avoid visual clutter and ensure legibility by adhering to the following guidelines:

(1) Be consolidated into a minimum number of elements, whether words, symbols, or graphics.

(2) Bright colors should be avoided or very limited in size and used as accents rather than predominant design elements.

(3) White backgrounds are discouraged.

(4) Signs should have a matte finish, and not have a glossy or reflective finish.

n. Sign Materials:

- o. Only high quality, durable materials shall be used; Conventional plastic faced box, cabinet, or monument signs and formed plastic or injection molded plastic signs shall not be permitted.
- p. Preferred materials and graphic elements include:
  - (1) Mixed media signs incorporating multi-dimensional forms and combinations of colors, shapes, materials, and lighting;
  - (2) Application of innovative technologies;
  - (3) Dimensional letter forms with seamless edge treatments;
  - (4) Reverse channel halo lettering;
  - (5) Cut or fabricated steel, painted and finished;
  - (6) Etched metal or glass, sandblasted glass;
  - (7) Polished metal;
  - (8) Screens, lattice, or mesh;
  - (9) Glazed ceramic tile work forming patterns and/or fields;
  - (10) Etched or carved stone;
  - (11) Fiber optics; and
  - (12) Silhouette illumination.
- g. Sign Lighting:
  - (1) If used to illuminate the sign, must be completely shielded from streets and pathways.
  - (2) Light-reflecting backgrounds shall not be used but light-reflecting lettering or halo lighting may be used.
  - (3) When lighting a wall sign the type of light fixture selected should complement the architectural style of the structure and the façade light fixtures and not be added solely to illuminate the sign.
  - (4) Only sign letters and other items of information may be illuminated by interior luminous tubes; illumination of sign backgrounds not containing items of information shall not be permitted unless incidentally illuminated by enclosed floodlighting using white or daylight gooseneck-type lamps.

K. Lighting.

- 1. A lighting plan shall be prepared, including a photometric illustration.
- 2. Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.

L. Sustainability Guidelines. To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

- 1. Low-Impact Development (LID) stormwater management features; designed for on-site stormwater mitigation through low impact development techniques as approved by the City Planning Commission.
- 2. Porous paving blocks and pervious paving materials are encouraged as material for parking lots and/or sidewalks.
- 3. Energy-efficient materials, including recycled materials that meet the requirements of this Code.

**1236.11 ALLOWABLE ENCROACHMENTS AND DISTANCE.**

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

**1236.12 SITE PLAN REVIEW.**

No building permit may be issued without first adhering to the site plan review process set forth in Section 1213.06, Site Plan Review. Where there is a conflict between a provision in this Chapter and a provision in Section 1213.06, the requirements of this Chapter shall prevail.

#### **1240.04 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

A. In order to promote preservation and reuse, the following may be permitted only as Conditional Uses in existing buildings and grounds in the I Institutional District. Modifications and alterations of existing buildings in preparation for their reuse shall require review by the City Planning Commission pursuant to Section 1240.02, Reuse of Buildings.

1. Assembly Halls.
2. Assisted Living Facilities, pursuant to Section 1263.~~0403~~.
3. Colleges and universities.
4. Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
5. Day Care Centers, Adult, pursuant to Section 1263.~~0706~~.
6. Day Care Centers, Child, pursuant to Section 1263.~~0807~~.
7. Day care centers and schools operated as a part of a Place of Worship, pursuant to Section 1263.09.
8. Dwelling units, multiple-family of three (3) or more.
9. Government buildings, and administrative offices.
10. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
11. Offices.
12. Shelters, emergency.
13. Similar uses approved by the City Planning Commission and the City Council, pursuant to Section 1213.05.D.2.
14. Theatres.
15. Outdoor recreational structures and uses for schools, public and private, including fields and courts, but not including playgrounds and incidental uses, per section subsection C. of this Section.

B. Recognizing that some uses may not fit into the existing structures or may require additions, alterations or new construction but may be compatible with the surrounding neighborhood, the following uses may be permitted as a conditional use. These uses require stringent review by the City Planning Commission and City Council. Only after thorough review will building adaptations or new construction be considered.

1. Band Shells and ~~Amphitheaters~~amphitheaters, pursuant to Section 1263.~~0605~~.
2. Fire and police stations, pursuant to Section 1263.~~1211~~.
3. Recreational facilities as primary uses, indoor or outdoor, public or private.
4. Similar uses approved by the City Planning Commission and the City Council, pursuant to Section 1213.05.D.2.

C. In addition to the standards in Section 1213.05, outdoor recreational structures and uses for schools, public and private, including fields and courts, but not including playgrounds and incidental uses, shall conform to the following standards:

1. Outdoor group recreational activities shall not be allowed after ten (10) p.m.
2. No lighted outdoor recreational facilities shall be allowed.
3. A traffic and parking plan shall be submitted.
4. A landscape plan shall be submitted.

**1240.05 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the I Institutional District:

1. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
2. Fences and Walls, pursuant to Section 1262.05.
3. Greenhouses, private non-commercial, pursuant to Section 1262.~~10~~11.
4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
6. Loading, off-street, pursuant to Chapter 1252, Off-Street Loading Regulations.
7. Maintenance, Storage, Utility and Waste Disposal Facilities, if enclosed or screened pursuant to Section 1253.09.B, Buffers for Commercial Uses. Utility lines shall be entirely enclosed or buried for all new construction.
8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.~~10~~11.
9. Parking, off-street, pursuant to Chapter 1251, Off-Street Parking Regulations.
10. Parking Structures, pursuant to Section 1262.12.
11. Recreational Structures, pursuant to Section 1262.~~13~~16.
12. Signage, pursuant to Chapter 1250, Sign Regulations.
13. Swimming Pools and Hot Tubs, private non-commercial, pursuant to Section 1262.17.

**1240.08 MINIMUM YARDS.**

A front landscaped yard of no less than twenty-five (25) feet or the yard shown on the [Building-Setback Zoning Map](#), whichever is greater, shall be provided. Additionally, a perimeter landscaped yard, a width of no less than twenty-five (25) feet, shall be provided along the side and rear perimeters for all uses located in the I Institutional District.

The perimeter landscaped yard requirements apply only to structures erected after the effective date of this Code provided, however, no structure existing on such effective date shall be expanded in violation of this regulation.

**1241.03 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Use Permits. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to preserve and control the location of park land within the City and to protect residential properties by providing appropriate and compatible park land areas for aesthetic, environmental and recreational

benefits, the following may be permitted only as Conditional Uses in the PR Park and Recreation District:

- A. Athletic fields as a primary use.
- B. Band Shells and ~~Amphitheaters~~amphitheaters, pursuant to Section 1263.~~0605~~.
- C. Day Care Centers, Child, pursuant to Section 1263.~~0806~~.
- D. Fire and police stations, pursuant to Section 1263.~~1211~~.
- E. Golf courses, public or private.
- F. Government offices.
- G. Information centers.
- H. Libraries.
- I. Museums.
- J. Offices.
- K. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- L. Publicly owned forest preserves, botanical gardens, arboreta, conservatories, recreational areas, and other open spaces.
- M. Recreational facilities, indoor or outdoor, public or private.
- N. Utilities (including substations, transmission facilities and related facilities).
- O. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2

#### **1241.04 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the PR Park and Recreation District:

- 1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
- 2. Fences and Walls, pursuant to Section 1262.05.
- 3. Greenhouses, non-commercial, in rear yard only, pursuant to Section 1262.~~1011~~.
- 4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08. Air conditioning units are acceptable accessory structures only if totally enclosed or located on the roof.
- 5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
- 6. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
- 7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed.
- 8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.~~1011~~.
- 9. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
- 10. Recreational structures, pursuant to Section 1262.~~1316~~.
- 11. Signage, pursuant to Chapter 1250, Sign Regulations.

#### **1250.06 GENERAL SIGN REGULATIONS.**

A. Limitations on Location of Signs. All permanent and temporary signs requiring a permit shall be located on the premises they are intended to serve. Such signs shall be located pursuant to the following:

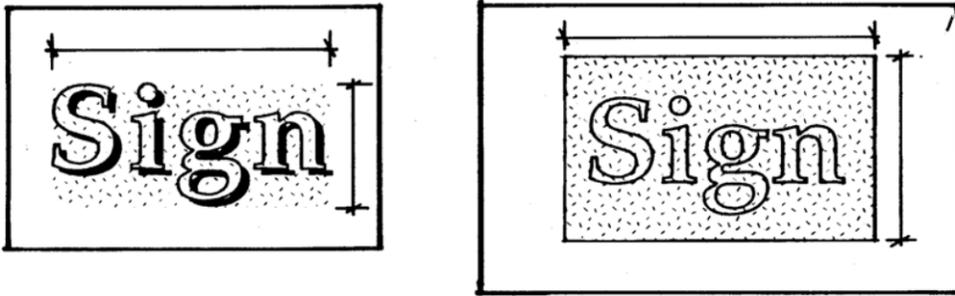
- 1. No sign shall be located within or shall obstruct the public right-of-way.
- 2. No sign shall be erected or placed so as to prevent free ingress and egress from any door, window, or fire escape,

nor shall such sign be attached to any standpipe or fire escape.

3. No sign shall be erected or placed so as to cover or extend across the architectural elements of the building upon which it is located. Such elements include building cornices, sills, windows, doors, portals, projections or recesses greater than six (6) inches in depth; or piers, pilasters, columns, arches, and fascia. Signs may be placed within the confines of such elements subject to review and approval by the Architectural Board of Review.

B. Calculating Sign Area. Sign area is defined as the area within any perimeter enclosing the limits of lettering, emblems, or other figures on a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed. Structural members bearing no sign copy shall not be included in its surface area. In the case of a multifaced sign all sides shall be included in the calculation of surface area.

Figure 1250.06.B Calculating Sign Area



C. Changeable Copy. Changeable copy may be installed pursuant to all the provisions and restrictions set forth below.

1. As Part of a Directory Sign. A directory sign may contain changeable copy, if located within the signable area of the building wall and within six (6) feet of the building entrance door. Letters within the sign shall be no more than four (4) inches in height.
2. As Part of a Multiple-Family Identification Sign. A multiple-family building identification sign may contain changeable copy which is limited to the listing or current rental availability. Such changeable copy shall not exceed three (3) lines of information. Letters within the sign shall be no more than four (4) inches in height.
3. As Part of a Place of Worship Identification Sign. Changeable copy may be permitted as part of a place of worship identification sign whether installed as a monument or wall sign. Letters within the sign shall be no more than four (4) inches in height.
4. As Part of an Automotive Fuel Station Price Sign. Changeable copy may be permitted as part of an Automotive Fuel Station identification sign for the purpose of listing fuel prices. Letters within the sign shall be no more than six (6) inches in height.

D. Illumination of Signs.

1. External Illumination of Signs.
  - a. Illuminated signs shall be limited to the following:
    - (1) Interior luminous tubes for backlighting of items of information only.

(2) Enclosed floodlighting using white or daylight gooseneck-type lamps.

~~3. Backlighting of items of information.~~

The remaining surface of the sign shall be opaque, and shall not emit light.

- b. Whenever external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light does not shine or cause glare onto any surrounding public street or private residence, pursuant to Section 1260.06, Environmental Performance Standards.
- c. Any receptacle or device used to provide external illumination for a wall sign shall not protrude more than twelve (12) inches from the face of the sign.

2. Brightness Limitations

- a. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed seventy-five (75) foot candles when measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign.
- b. The lighting intensity of all signs is further subject to the provisions regarding glare as set forth in Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

3. Hours of Illumination. No sign shall be illuminated between the hours of 2:30 a.m. and 5:00 a.m., unless and to the extent that the activity displaying the sign is open for business during those hours. The Zoning Administrator is authorized to grant an exemption from the provisions of this section to any activity in which illumination of signs during the hours otherwise proscribed is necessary or desirable for the security and safety of the activity or for property in the custody of the activity.

4. Backlit Canopies and Awnings. Backlit canopies or awnings are prohibited.

5. Voltage Plate. All signs in which electrical wiring and connections are to be used shall have affixed thereon a plate showing the voltage of the electrical apparatus used in connection with the sign. This voltage plate shall face away from public view and right-of-way.

E. General Construction and Maintenance Requirements.

1. Construction. All lawn signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area and to receive dead loads as required in the Shaker Heights Building Code.

2. Fireproof Construction. All permanent signs shall be constructed of non-combustible material.

3. Sharp Projections Restricted. All signs, canopies and awnings which are constructed on, over, or within five (5) feet of a public thoroughfare shall have no nails, tacks, or wires or other hazardous projections protruding therefrom.

4. Use of Glass. Any glass forming a part of any sign shall be safety glass. If any single piece or pane of glass exceeds three (3) square feet, such piece or pane shall be wired glass.

5. Maintenance. All signs, canopies and awnings shall be kept and maintained in a safe, clean and orderly condition and appearance, and shall be repainted or otherwise maintained

periodically by the owner to prevent corrosion or deterioration caused by weather, age or any other conditions, and to keep the same in a safe, clean, neat and orderly condition and appearance.

**1250.07 SIGN REGULATIONS BY DISTRICT.**

- A. Sign Regulations in Single- and Two-Family Districts.
1. Purpose. Permitted signs in Single- and Two-Family Residential Districts are intended to provide legible information regarding the location of residences and institutions located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities of institutions and places of worship.
  2. Applicability to Zoning Districts. The following regulations pertain to signs located in the SF1, SF2, SF3 and TF Zoning Districts.
  3. Primary Signs. Primary signs shall be permitted in Single- and Two-Family Residential Districts pursuant to the following:
    - a. Permitted. The following primary signs are permitted by right, pursuant to this chapter.
      - (1) Permanent signs serving residential uses, installed as a window or lawn sign.
        - (a) Permanent signs serving residential uses, when installed as a window signs, shall be no greater than one (1) square foot in area.
        - (b) Permanent signs serving residential uses, when installed as a lawn sign, shall be no greater than one (1) square foot in area and no greater than three (3) feet in height.

Such signs shall be located a minimum of fifty (50) feet from the nearest edge of the sidewalk, unless the front yard measured from the building to the edge of the sidewalk is less than fifty (50) feet in which case such signs shall be located within five (5) feet of the front of the building, and such signs shall be positioned within three (3) feet in front of shrubbery of at least equal height as the sign.  
No more than two (2) permanent lawn signs are permitted on a property.
      - (2) Directory signs, used to identify places of worship and schools, and installed as a wall sign. Such signs shall not exceed twenty-four (24) square feet. Directory signs may incorporate changeable copy.
      - (3) Identification signs used to identify places of worship and schools only, installed as a monument sign, not to exceed twenty-four (24) square feet, and pursuant to 1250.08.B, Regulations Affecting Monument Signs. Such identification signs serving places of worship may incorporate changeable copy.
    4. Temporary Signs. Temporary Signs shall be permitted pursuant to Section 1250.04.A, Residential Districts.
    5. Signs Approved as Part of a Planned Development. Signs which vary from the regulations of this Chapter may be approved

as part of a Planned Unit Development or a Small Lot Infill Development.

- B. Sign Regulations In Multiple-Family Residential Districts.
1. Purpose. Permitted signs in Multiple-Family Residential Districts are intended to provide legible information regarding the location of residences and institutions located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities of institutions and places of worship.
  2. Applicability to Zoning Districts. The following regulations pertain to signs located in the MF and A zoning districts.
  3. Primary Signs. Primary signs shall be permitted in Multiple-Family Residential Districts pursuant to the following:
    - a. Permitted. The following primary signs are permitted by right, pursuant to this chapter.
      - (1) Permanent signs serving residential uses, installed as a window or lawn sign.
        - (a) Permanent signs serving residential uses, when installed as a window signs, shall be no greater than one (1) square foot in area.
        - (b) Permanent signs serving residential uses, when installed as a lawn sign, shall be no greater than one (1) square foot in area and no greater than three (3) feet in height. Such signs shall be located beyond fifty (50) feet from the nearest edge of the sidewalk, unless the front measured from the building to the edge of the sidewalk is less than fifty (50) feet in which case such signs shall be located within five (5) feet of the front of the building, and such signs shall be positioned within three (3) feet in front of shrubbery of at least equal height as the sign. No more than two (2) permanent lawn signs are permitted on a property.
      - (2) Identification signs on buildings serving multiple-family or institutional purposes. Identification signs serving places of worship may incorporate changeable copy.
        - (a) Wall Signs, not to exceed twelve (12) square feet in area, pursuant to 1250.08 A, Regulations Affecting Wall Signs.
        - (b) Canopy or awning signs pursuant to 1250.08 D, Regulations Affecting Canopy and Awning Signs.
        - (c) Monument sign, not to exceed four (4) feet in height or twenty four (24) square feet, and pursuant to 1250.08 B, Regulations Affecting Monument Signs.
      - (3) Directory signs, used to identify places of worship and schools.
        - (a) Wall sign. Such signs shall not exceed twenty four (24) square feet. Directory signs may incorporate changeable copy.
        - (b) Directory signs used to identify places of worship and schools, installed as a monument sign, not to exceed four (4) feet in height or twenty four (24) square feet, and pursuant to 1250.08 B, Regulations

Affecting Monument Signs. Such signs may incorporate changeable copy.

4. Parking Control Signs. Parking Control Signs shall be permitted pursuant to the following:
    - a. Only one (1) parking control sign is permitted per entry or exit drive serving a parking lot.
    - b. Such signs shall not exceed a surface area of four (4) square feet and a height of five and one half (5 ½) feet. One sign is required for each ADA parking spot.
    - c. Such signs shall not contain a business name or logo.
  5. Temporary Signs. Temporary Signs shall be permitted pursuant to Section 1250.04.A, Residential Districts.
  6. Signs Approved as Part of a Planned Unit Development. Signs which vary from the regulations of this Chapter may be approved as part of a Planned Unit Development.
- C. Sign Regulations In Commercial and Office Districts.
1. Purpose. Permitted signs in Commercial Districts are intended to provide legible information regarding the location of businesses, institutions and residences located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities of businesses and institutions.
  2. Applicability to Zoning Districts. The following regulations pertain to signs located in the C1, C2, C3, CM-1, CM-2, CM-3, and O Zoning Districts.
  3. Primary Signs. Every business establishment shall be permitted one (1) of the following primary sign types for each public right-of-way upon which the property fronts:
    - a. Permitted. The following primary signs are permitted by right, pursuant to this chapter.
      - (1) Identification signs, installed as a wall, window, canopy, awning, or monument sign.
        - (a) Wall signs are pursuant to 1250.08.A, Regulations Affecting Wall Signs.
        - (b) Window signs are pursuant to 1250.08.C, Regulations Affecting Window Signs.
        - (c) Canopy or awning signs are pursuant to 1250.08.D, Regulations Affecting Canopy and Awning Signs.
        - (d) Monument signs pursuant to 1250.08 D Regulations Affecting monument signs.
      - (2) Directory signs may be used as primary signs to identify upper story business and institutional uses. Such signs shall be installed as a wall sign, not to exceed twenty-four (24) square feet, and located within six (6) feet of the doorway serving such uses. Such signs may incorporate changeable copy.
  4. Secondary Signs. Every business establishment shall be permitted one (1) of the following as a Secondary Sign for each public right-of-way upon which the property fronts:
    - a. Permitted
      - (1) Window signs, not to exceed six (6) square feet in area or fifteen percent (15%) of the window area, whichever is smaller, and pursuant to 1250.08.C, Regulations Affecting Window Signs.
      - (2) Canopy or awning signs pursuant to Section 1250.08.D Regulations Affecting Canopy and Awning Signs.

- b. Conditional. Projecting sign, pursuant to the granting of a Conditional Use Permit Section 1250.09, Local Sign District Regulations, and Section 1250.08.D, Regulations Affecting Canopy and Awning Signs.
- 5. Auxiliary Entry Signs. Every business establishment shall be permitted one (1) auxiliary entry sign, installed as a wall sign, no wider than the width of the customer entrance, and not to exceed two (2) feet in height.



- 6. Parking Control Signs. Parking Control Signs shall be permitted pursuant to the following:
  - a. Only one (1) parking control sign is permitted per entry or exit drive serving a parking lot.
  - b. Such signs shall not exceed a surface area of four (4) square feet and a height of five and one half (5 ½) feet. One sign is required for each ADA parking spot.
  - c. Such signs shall not contain a business name or logo.
- 7. Temporary Signs. Temporary signs shall be permitted, pursuant to Section 1250.04, Temporary Signs, except for Banners, which shall require a conditional use permit pursuant to Section 1213.05, Conditional Uses.
- 8. Signs Approved as Part of a Planned Unit Development. Signs which vary from the regulations of this Chapter may be approved as part of a Planned Unit Development

D. Sign Regulations In Institutional and Park and Recreation Districts.

- 1. Purpose. Permitted signs in Institutional and Park and Recreation Districts are intended to provide legible information regarding the location of institutions and public facilities located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities thereon.
- 2. Applicability to Zoning Districts. The following regulations pertain to signs located in the I and PR Zoning Districts.
- 3. Primary Signs. Every business establishment shall be permitted one (1) of the following as a primary sign for each public right-of-way upon which the property fronts:
  - a. Permitted. The following primary signs are permitted by right, pursuant to this Chapter.
    - (1) Identification signs, installed as a wall sign, not to exceed twelve (12) square feet, and

- pursuant to 1250.08.A, Regulations Affecting Wall Signs.
- (2) Directory signs, installed as a wall sign, not to exceed twenty-four (24) square feet, and located within six (6) feet of the doorway serving such uses. Such signs may incorporate changeable copy.
  - (3) Monument signs pursuant to 1250.08 D Regulations Affecting monument signs.
4. Parking Control Signs. Parking Control Signs shall be permitted pursuant to the following:
    - a. Only one (1) parking control sign is permitted per entry or exit drive serving a parking lot.
    - b. Such signs shall not exceed a surface area of four (4) square feet and a height of five and one half (5 ½) feet. One sign is required for each ADA parking spot.
    - c. Such signs shall not contain a business name or logo.
  5. Temporary Signs. Temporary signs shall be permitted, pursuant to Section 1250.04, Temporary Signs.
  6. Signs Approved as Part of a Planned Unit Development. Signs which vary from the regulations of this Chapter may be approved as part of a Planned Unit Development

**1251.04 EXEMPTION FOR PROVISIONS OF REQUIRED OFF-STREET PARKING SPACES.**

A. In commercial districts or office districts all business uses in structures erected prior to the date of this Zoning Ordinance shall be exempt from the requirements of Table 1251.02, Schedule of Off-Street Parking Requirements. Notwithstanding the above, no existing off-street parking spaces shall be eliminated from any property in these districts unless the same number of spaces is provided in accordance with all requirements of this Chapter.

Table 1251.02. Schedule of Off-Street Parking Requirements

RESIDENTIAL USES	OFF-STREET PARKING SPACES REQUIRED
Hotel/Motel	One (1) space per guest room plus one (1) space per employee on peak shift.
Multiple-Family Dwellings and Apartments	One and one-half (1 1/2) spaces per unit, enclosed, and one-half (1/2) space per unit, unenclosed.
Senior Citizen Apartments	One-half (1/2) of the number required for regular Multiple-Family Dwellings or Apartments.
Single-Family Attached and Detached Dwellings	Two (2) spaces per unit, enclosed.
Two-Family Dwellings	Two (2) spaces per unit, of which one and one-half (1 1/2) spaces per unit are enclosed and one-half (½) space per unit is unenclosed.
OFFICE & INSTITUTIONAL USES	OFF-STREET PARKING SPACES REQUIRED
Assisted Living Facilities	One (1) space per two (2) beds.
Banks/Financial/Government offices	One (1) space per two hundred fifty (250) square feet of gross floor area.
Convalescent, Nursing or Rest Homes	One (1) space per two (2) beds.
Hospitals	One (1) space per each bed.
Libraries	One (1) space per three hundred (300) square feet of gross floor area.
Offices, Business and Professional Services	One (1) space per three hundred (300) square feet of gross floor area.

Places of worship	One (1) space per four (4) seats in main sanctuary or auditorium plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
Schools, Specialized Instructional	One (1) space per fifty (50) square feet of classroom area.
COMMERCIAL/RETAIL SERVICE USES	
OFF-STREET PARKING SPACES REQUIRED	
Assembly and Packaging facilities	One (1) space per five hundred (500) square feet of gross floor area.
Automotive Fuel Stations	One and one-half (1 1/2) spaces per fuel nozzle and one (1) space per two hundred fifty (250) square feet of retail sales area.
Automobile Sales	One (1) space per three hundred (300) square feet of indoor display area plus one (1) space per service bay.
Automobile Repair Facilities	One (1) space per two hundred and fifty (250) square feet of gross floor area.
Car Washes	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces.
Drive-through Facilities	One (1) space per one hundred (100) square feet of gross floor area plus five (5) stacking spaces for the first drive-through window and two (2) stacking spaces for each additional drive-through window.
Dry Cleaners and Other Personal Services	One (1) space per two hundred fifty (250) square feet of gross floor area.
Funeral Homes/Mortuaries	One (1) space per four (4) seats in parlor plus one (1) space per two (2) employees plus one (1) space per vehicle used in connection with the enterprise.
Furniture/Appliances Stores	One (1) space per five hundred (500) square feet of gross floor area.
Groceries (Food store)	One (1) space per three hundred (300) square feet of gross floor area.
Lab or Research Facility	One (1) space per five hundred (500) feet of gross floor area.
Medical/Dental Clinics	One (1) space per three hundred (300) square feet of gross floor area.
Restaurants, sit-down	One (1) space per one hundred (100) square feet of gross floor area.
Restaurants, carry-out	One (1) space per eighty (80) square feet of gross floor area.
Retail or Service Establishments	One (1) space per two hundred (200) square feet of gross floor area.
Shopping Centers, Regional	One (1) space per two hundred fifty (250) square feet (more than 100,000 square feet) gross floor area.
EDUCATIONAL USES	
OFF-STREET PARKING SPACES REQUIRED	
Day Care Centers or Homes	One (1) space per two hundred (200) square feet of gross floor area.
Primary Schools (K-8th grades)	One (1) space per employee plus one (1) visitor's space per each seventy-five (75) students.
Secondary Schools (High school)	One (1) space per employee plus one (1) space per eight (8) students.

Colleges/Universities	One (1) space per two (2) employees plus one (1) space per four (4) students based on maximum capacity.
CULTURAL/ENTERTAINMENT USES	OFF-STREET PARKING SPACES REQUIRED
<del>Amusement Establishments</del>	<del>One (1) space per one hundred (100) square feet of gross floor area.</del>
Bowling Alleys	Five (5) spaces per lane.
Clubs/Lodges	One (1) space per two hundred fifty (250) square feet of gross floor area.
Golf Courses	Five (5) spaces per hole plus one (1) space per two (2) employees.
Museums/Art Galleries & Artist's Studios	One (1) space per eight hundred (800) square feet of gross floor area.
Recreation facilities	One (1) space per two hundred (200) square feet of gross floor area.
Swimming Pools or Natatorium	One (1) space per one thousand (1,000) square feet of gross floor area.
Tennis Clubs	Four (4) spaces per court.
Theaters and Assembly Halls	One (1) space per four (4) seats.
TRANSPORTATION/COMMUNICATION	OFF-STREET PARKING SPACES REQUIRED
Utilities	One (1) space per employee.
Bus/Rail Facility	One (1) space per four hundred (400) square feet of gross floor area.

B. When the application of off-street parking regulations results in a requirement of three (3) or fewer spaces on a single zoning lot in a business district, such off-street parking spaces need not be provided. This exemption shall not apply to dwelling units.

**1252.02 NUMBER AND TYPE OF OFF-STREET LOADING BERTHS REQUIRED.**

The number and type of off-street loading berths required shall conform to the requirements set forth on Table 1252.02, Schedule of Off-Street Loading Requirements, below.

Table 1252.02. Schedule of Off-Street Loading Requirements

Use	Gross Floor Area (square feet)	No. of Berths & Size*
RESIDENTIAL USES		
Hotel, Motel, Assisted Living <u>Facilities</u> or Nursing Home	12,000 - 120,000	One Short
Multiple-Family	40,000 - 120,000	One Short
each additional	200,000	One Short
OFFICE AND INSTITUTIONAL USES		
Banks, Government Buildings,	12,000 - 120,000 each additional 120,000	One Short
Offices, Business Services, Hospitals	up to 500,000 each additional 500,000	One Short One Long
COMMERCIAL USES		
Personal <u>Services</u> <u>Service Establishments</u>	Under 12,000 12,000 - 25,000	One Short Two Short
Restaurants	Under 25,000 25,000 - 40,000 40,001 - 120,000	One Short Two Long Three Long
Retail Sales	each additional 200,000 5,000 - 15,000 15,001 - 40,000	One Long One Short Two Long

	40,001 - 100,000	Three Long	
	each additional 50,000	One Long	
Assembly and Packaging Facility Short		5,000 - 12,000	One
	12,001 - 30,000	One Long	
	30,001 - 120,000	Two Long	
	each additional 120,000	One Long	
Lab or Research Facilities	30,000 - 120,000	Two Long	
	each additional 120,000	One Long	
EDUCATIONAL/CULTURAL/ENTERTAINMENT USES			
Primary or	12,000 - 120,000	One Short	
Secondary school,	each additional 120,000	One Short	
College or			
University,			
Theater or Assembly Hall,			
<del>Amusement Establishment</del>			
TRANSPORTATION/COMMUNICATION USES**			
Bus/Rail facility	12,000 - 30,000	One Short	
Utilities	30,001 - 120,000	One Long,	
		One Short	

\* Berth (Loading Dock) Dimensions:

Short = 12 ft. wide x 35 ft. deep

Long = 12 ft. wide x 50 ft. deep.

\*\* Gross Floor Areas refer to all buildings or structures on premises.

#### 1253.01 PURPOSE.

This Chapter applies to landscape plans required to be submitted and approved by this zoning ordinance and the regulations to be reflected in those plans. The landscaping and screening requirements specified in this Chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety, and welfare of the community and preserve or improve the ecological benefits of the existing and or new landscape. Specifically, these regulations are intended to increase the compatibility of adjacent uses, and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

The Tree Preservation regulations are intended to preserve the existing density of trees in the City in order to maintain their positive environmental effects, and their contributions to the street canopies and balance of nature and development that is characteristic of Shaker Heights. The requirements are particularly intended to ensure that developers design and locate projects such that they minimize the removal of existing trees whenever possible and provide for the replacement of any trees that must be removed.

#### 1253.04 LANDSCAPE PLAN.

A. Landscape Plan Required. A Landscape Plan is required for all exterior construction including pools, and ornamental structures, but excepting other accessory uses unless otherwise required. Such Landscape Plan shall be drawn in conformance with the requirements specified in this Section. Landscape Plans must be approved by the Zoning Administrator prior to the issuance of a building permit unless the development is being reviewed by the City Planning Commission or Board of Zoning Appeals in which case the Landscape Plan shall be subject to that body's review and approval.

A Landscape Plan must include a Tree Preservation Plan for all new construction or landscape improvements that propose to remove any existing trees from the property. The property owner is required to replace or relocate any trees larger than three (3) inches dimension at breast height (DBH) that are removed for new construction on the site. Additionally, any trees that are accidentally damaged during construction must be replaced according to the same regulations. ~~The owner is encouraged, but not required, to replace~~

~~any hazard trees that are dead, diseased, dying, or have a dangerous structural defect.~~

B. Content of Landscape Plan. All Landscape Plans submitted for approval shall contain or have attached thereto the following information:

1. The location and dimensions of all existing and proposed landscaping, structures, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ~~lawn signs,~~ storage areas, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, ~~tot lots and other drainage structures,~~ recreational facilities, storage structures and other freestanding structural features as determined necessary by the Zoning Administrator.
2. The location, quantity, size at planting and at maturity, and name, both botanical and common names, of all proposed planting materials, including ground cover.
3. Existing and proposed grading of the site, only if the grading will be altered. This should include proposed berming, indicating contours at one (1) foot intervals.
4. Elevations and materials of all fences proposed for location on the site.
5. Elevations, cross-sections and other details as determined necessary by the Zoning Administrator.
6. A Tree Preservation Plan, which must include:
  - a. A list of the locations, botanical name, ~~dimension at breast height~~ DBH, ~~and vertical height~~ of all existing trees on the property, and the intent to preserve, relocate, or replace each tree.
  - b. When it is not feasible to preserve or relocate an existing tree, the locations, species, and dimensions of each tree to be removed and the replacement trees must be specified. For each removed tree, one replacement tree must be planted in its place within one (1) month or during the next planting season, either in the same location or a new location on the property. In the event that it is determined by the Zoning Administrator that it is not practical or desirable to locate the replacement tree on the property, the Zoning Administrator has the authority to modify or waive the requirement, or to require that the replacement tree must be planted on approved public lands or other approved private property. The cost for removal, relocation, and replacement of all trees shall be borne by the property owner.
    - (1) A removed tree must be replaced with a replacement tree that is of the same species, or of a similar species with comparable potential for shade, canopy, and/or screening properties and other characteristics. The Zoning Administrator may authorize an alternate replacement species when an exact species is not available in the required size.
    - (2) Replacement trees must meet the size requirements set forth in Table 1253.04 below.

Table 1253.04 - Replacement Trees Size Requirements

Removed Tree (DBH)	Replacement Tree(s) (caliper)
Two (2) to six (6) inches	<del>Two</del> <u>One tree of two</u> (2) inches
Greater than six (6) inches	<del>Four</del> <u>Two trees of two</u> (24) inches

**1253.05 SELECTION, INSTALLATION OF PLANT MATERIALS.**

A. Selection. Planting materials used in conformance with the provisions of this Section shall be of good quality, of a species normally grown in northeastern Ohio, and capable of withstanding the extremes of individual site microclimates. See Section 1253.04.B.7.b.1. Size and density of plant material, both at the time of planting and at maturity, are additional criteria which must be considered when selecting plant materials.

B. Installation.

1. All landscaping materials shall be installed in accordance with the current planting procedures established by the International Society of Arboriculture in "Principles and Practices of Planting Trees and Shrubs".
2. No private fence, ~~or~~ wall, or hedge shall be erected or planted within public right-of-way. No fence, wall or hedge shall interfere with, obstruct the view of, or create a safety hazard to any motor vehicle. All improvements made by residents shall be made on that resident's own property, shall be maintained by the resident, and the City shall have the right to require the removal of any fence, or other landscaping on a public right-of-way at no cost to the City.

~~C. Maintenance.~~

**1253.06 MAINTENANCE OF PLANT MATERIALS.**

~~1A.~~ Responsibility. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this Section.

~~2B.~~ Landscaping Materials. ~~a.~~ All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plant material not in this condition shall be replaced when necessary in a timely manner and shall be kept free of refuse and debris.

~~3C.~~ Fences and Walls. Fences, walls, and other barriers shall be maintained in good, structurally sound repair, and in neat, clean and attractive condition.

~~4D.~~ Hedges. All hedges shall be planted and maintained so that the hedge will not overhang or interfere with the use of a public right-of-way such as a sidewalk or street.

~~**1253.07 RIGHT-OF-WAY LANDSCAPING.**~~

~~A. Purpose.~~ The purpose of regulations for right-of-way landscaping is to provide guidance to those property owners who wish to improve their tree lawn with landscaping.

~~B. Applicability.~~ Where a parcel abuts a dedicated public right-of-way, landscaping may be provided, but only in accordance with the provisions of this Section.

~~C. Ground Cover.~~ The unpaved portion of a public right-of-way shall be fine graded and sodded or seeded with grass.

~~D. Parkway Trees.~~

- ~~1. Quantity.~~ Parkway trees may be provided an average of not more than forty (40) feet apart in the right-of-way adjacent to the parcel.
- ~~2. Spacing.~~ Such trees may be clustered or spaced linearly in the right-of-way as determined appropriate by the Director of Public Works.
- ~~3. Size.~~ Parkway trees shall have a minimum trunk size of three and one-half (3-1/2) inches in diameter, as measured six (6) inches above the established ground level, pursuant to

~~Shaker Heights ordinance 93-154 and the Director of Public Works' rules.~~

~~4. **Species.** Parkway trees shall be limited to the following species. However, a variety of compatible species from this list should be included in the planting plan for a specific site or development:~~

~~a. Linden.~~

~~b. Maple (excluding Silver Maple and other softwood species).~~

~~c. Hackberry.~~

~~d. Ginkgo.~~

~~e. Oak.~~

~~f. Ash.~~

~~g. Thornless Honeylocust (cultivars).~~

~~h. Callery (Bradford) or Flowering Pear.~~

~~i. Sweet Gum.~~

~~j. Amelanchier.~~

~~k. Golden Rain.~~

~~l. Elm (disease resistant hybrid).~~

~~m. Other species of trees as determined appropriate by the Director of Public Works.~~

~~5. **Other Landscape Material.** No plant material or barriers, except as specified herein, may be located in a dedicated public right-of-way.~~

#### **1253.076 DESIGN CRITERIA.**

Landscape Plans described above shall be prepared based on the following design criteria. The evaluation and approval of Landscape Plans shall also be based on these design criteria.

A. Scale and Nature of Landscaping Material. The scale and nature of landscaping materials should be appropriate to the size of the structures. Large scaled buildings, for example, should generally be complemented by larger scaled plants.

B. Selection of Plant Material. Plant material should be selected for its ecological benefits, form, texture, color, and concern for its ultimate growth.

C. Evergreens and Screening. Evergreens and fences should be incorporated into the landscape treatment of a site, particularly in those areas screening parking lots, storage or other similar features from dedicated public rights-of-way or property zoned for residential use.

D. Shade Trees. Required shade trees planted on private property shall have a minimum trunk size caliper of two (2) inches in diameter upon installation, as measured six (6) inches above the established ground level.

E. Softening of Walls and Fences. Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

F. Foundation Planting. Foundation planting is required on all elevations of the main house for new residential construction projects. Such landscaping is intended to screen the building's foundation. The majority of selected plants must be mostly at least two (2) feet tall, and of an amount and type that are subject to approval by the Zoning Administrator as part of the Landscape Plan.

F. Planting Beds. Planting beds should be mulched with bark chips, feather rocks, mulch, or similar materials.

G. Detention/Retention Basins and Ponds. Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials.

H. Irrigation. A permanent means of irrigating plant material shall

be provided. A hose bib shall be provided within one hundred (100) feet of all landscape areas. Installation of an automatic underground sprinkling system is recommended but not required.

I. Energy Conservation. The following criteria is not required however, the City encourages such consideration.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
2. Evergreens and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.

J. Preservation of Existing Plant Material and Trees. Existing plant material and trees should, wherever practical as determined by the Zoning Administrator, be incorporated into the landscape treatment of a site.

K. Berming. Earthen berms and existing topography should be, whenever determined practical by the Zoning Administrator, incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening.

### **1253.09 LANDSCAPE BUFFERS AND SCREENING.**

A. Applicability. Landscape buffers shall be required in the following situations as described in Table 1253.09, Summary Table of Landscape Buffers and Screening Requirements. Where more than one of the following situations applies, or where both landscape buffer or screening and parking lot landscaping are required, the more restrictive shall apply.

1. Transition Yards. Landscape buffers shall be provided in the transition yards where multiple-family and nonresidential rear and side yards abut yards of lesser intensity as described below.

a. MF Multiple-Family and A Apartment Residential Districts. Where a yard in a multiple-family development in the MF or A District abuts a Single-Family or Two-Family District or use, a landscape buffer a minimum of five (5) feet in width shall be provided. Such buffer shall adequately screen the development from view, as determined by the zoning Administrator.

b. O Office District

(1) Side Yards. Where a side yard in the O District abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer a minimum of five (5) feet in width shall be provided. Such buffer shall be subject to the approval of the Zoning Administrator.

(2) Rear Yards. Where a rear yard in the O District abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer shall be provided which shall be subject to the approval of the Zoning Administrator. If such yard abuts a single-family or two-family district, the landscape buffer shall be a minimum of twenty (20) feet in width.

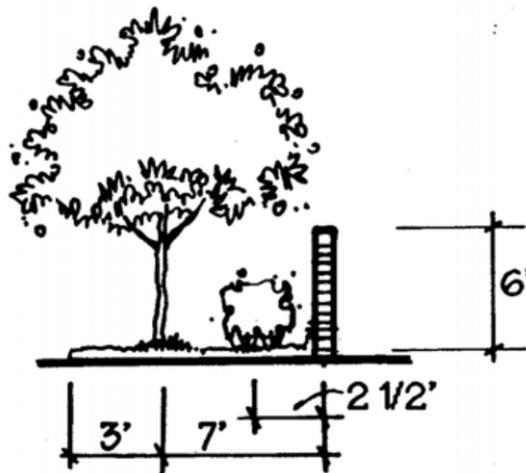
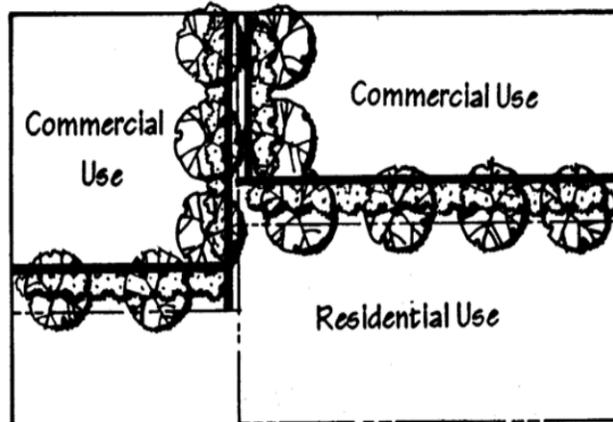
c. C1 Limited Commercial District

(1) Side Yards. Where a side yard in the C1 District abuts any residential district, such yard shall have a minimum setback of twenty (20) feet. In addition, a landscape buffer a minimum of ten (10) feet in width shall be provided. Such buffer

shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

- (2) Rear Yards. Where a rear yard in the C1 District abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer, a minimum of ten (10) feet in width, shall be provided and such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.
- d. C2 General Commercial, C3 Business Commercial, and CM Commercial Mixed Use-1, CM-2, and CM-3 Districts
- (1) Side Yards. Where a side yard in the C2, C3, CM-1, CM-2, or CM-3 Districts abuts any residential district, such yard shall have a minimum setback of twenty (20) feet. In addition, a landscape buffer a minimum of ten (10) feet in width shall be provided. Such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.
  - (2) Rear Yards. Where a rear yard in the C2, C3, or CM-1, CM-2, or CM-3 Districts abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer a minimum of twenty (20) feet in width shall be provided. Such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

Figure 1253.09.A Buffers



- e. I Institutional District. All side and rear yards in the I District shall have a minimum twenty-five (25) foot landscape yard. Landscape yards are yards devoted exclusively to landscaping except however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. No specific improvements are required within landscape yards, except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover.
  - f. PR Park and Recreation District. All side and rear yards in the PR District abutting residential districts shall have a minimum twenty-five (25) foot landscape yard. All side and rear yards in the PR District abutting non-residential districts shall have a minimum ten (10) foot landscape yard. Landscape yards are yards devoted exclusively to landscaping except however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. No specific improvements are required within landscape yards, except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover.
- 2. Commercial Uses—Rear Yards. Landscape buffers shall be provided in the rear yard of all commercial uses, regardless of district, subject to the requirements of 1253.09.B, Buffers for Commercial Uses.
  - 3. Commercial Uses Abutting Residential Uses—Rear and Side Yards. Where a rear or side yard of any commercial use, regardless of district, abuts any residential use, a landscape buffer shall be provided along such yard. Such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.
  - 4. Screening of Outdoor Storage and Waste Disposal Facilities.
    - a. General Requirement. Except as otherwise provided below, permitted outdoor storage and waste disposal facilities shall be located in the rear yard only and shall require screening when adjacent to a residential lot or visible from a public street. Such uses shall be completely surrounded by a solid brick wall, with a solid gate, that is a minimum of six (6) feet in height.
    - b. Exemptions to Outdoor Storage Facilities Requiring Screening. Except as otherwise provided in this Zoning Ordinance, all storage shall be located within enclosed structures. However, firewood, compost piles and the temporary storage of materials for construction on the premises may be located outdoors and shall not require screening. All other outdoor storage which is specifically permitted by this Zoning Ordinance shall be screened pursuant to the requirements of this Section.
    - c. Additional Screening. Additional landscape buffering around outdoor storage or waste disposal facility may be required by the City Planning Commission in the case of a conditional use.
  - 5. Screening of Outdoor Sales Lots.
    - a. Outdoor sales lots associated with garden centers and temporary uses shall be subject to screening requirements as deemed appropriate by the Zoning Administrator.

- b. Outdoor sales lots for automobile dealerships shall be subject to the requirements of Section 1253.08, Parking Lot Landscaping, and Section 1253.09.B, Buffers for Commercial Uses, as applicable.

B. Buffers for Commercial Uses. Landscape buffers and screening shall be provided as directed by Section 1253.09.B, Buffers for Commercial Uses Where indicated by that section, the required landscape buffer for commercial uses consist of the following:

1. A solid brick wall not more than six (6) feet nor less than four (4) feet in height shall be located along the inside edge of the required landscape area. This fence shall be installed pursuant to Section 1262.05, Fences and Walls.
2. A continuous evergreen or dense deciduous shrub hedge extending the entire length of the landscape area shall be planted two and one-half (2.5) feet from the fence described in subsection (2) above. This shrub hedge shall be installed at not less than four (4) feet in height.
3. Shade trees not less than two (2) inches in caliper shall be planted not less than fifty (50) feet on center along a line located seven (7) feet from the fence described in subsection (2) above.
4. All surface area not planted with shrubs or trees shall be maintained as a grass lawn or planted in groundcover.
5. Buffers shall be maintained in good repair and in neat, attractive condition.

Table 1253.09. Landscape Buffer and Screening Regulations

Situation Requiring Buffer or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
1. Transition Yards					
a. MF, A Districts					
Side and Rear Yard of Multiple-Family Uses Abutting Single- and Two-Family Districts or Uses.	As described in District Regulations.	Five (5) feet.	An appropriate buffer as determined by the Zoning Administrator.		Not required.
b. O District					
Side Yard abutting residential district.	Forty (40) feet.	Five (5) feet.	An appropriate buffer as determined by the Zoning Administrator.		Not required.

Rear Yard abutting a Multiple-Family or Apartment District	Forty (40) feet.	An appropriate depth as determined by the Zoning Administrator.	An appropriate buffer as determined by the Zoning Administrator.	Not required.
Rear Yard abutting Single- or Two-Family District	Forty (40) feet.	Twenty (20) feet.	An appropriate buffer as determined by the Zoning Administrator.	Not required.

Table 1253.09. Landscape Buffer and Screening Regulations (Continued)

Situation Requiring Buffering or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
1. Transition Yards (Continued)					
<i>c. C1 District</i>					
Side Yard abutting any residential district	Twenty (20) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>trunk</del> <u>caliper width</u> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.

Rear Yard abutting any residential district	Forty (40) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>trunk</del> <u>caliperwidth</u> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
Side Yard abutting any residential district.	Twenty (20) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>calipertrunk</del> <u>width</u> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
Rear Yard abutting any residential district	Forty (40) feet.	An appropriate depth as determined by the Zoning Administrator.	An appropriate buffer as determined by the Zoning Administrator.		
Situation Requiring Buffering or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
1. Transition Yards (Continued)					

Rear yard abutting single- or two-family residential districts .	Forty (40) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>trunk</del> <u>caliperwidth</u> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
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*d. C2, C3, CM-1, CM-2, and CM-3 Districts*

Side Yard abutting any residential district	Twenty (20) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>trunk</del> <u>caliperwidth</u> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
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Rear Yard abutting any residential district	Forty (40) feet.	Twenty (20) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>trunk</del> <u>caliperwidth</u> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
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*e. I District*

Side or Rear Yard	Twenty-five (25) feet.	An appropriate buffer as determined by the Zoning Administrator.	Not required.
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Table 1253.09. Landscape Buffer and Screening Regulations (Continued)

Situation Requiring Buffering or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
<i>f. RP District</i>					
Side or Rear Yard	Twenty-five (25) feet abutting residential districts, ten (10) feet abutting other districts.		An appropriate buffer as determined by the Zoning Administrator.		Not Required.
2. Rear Yard of All Commercial Uses					
	As described in District Regulations.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>caliper</del> <u>unk</u> <del>width</del> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
3. Side Yards of Commercial Abutting Residential					

	As described in District Regulations.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of <del>three</del> <u>two (2)</u> inches in <del>caliper</del> <u>unk</u> <u>width</u> , planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
4. Outdoor Storage/Waste Disposal Facilities					
	n/a	n/a	n/a	n/a	A solid brick wall of at least six (6) feet in height shall be provided.
Situation Requiring Buffering or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
5. Outdoor Sales Lots					
Auto Dealers	As described in District Regulations.	Subject to the requirements of Section 1253.09B., as applicable, and to the requirements of Section 1253.08, Parking Lot Landscaping.			
Garden Centers, Temporary Uses, and other Permitted Outdoor Sales	As described in District Regulations.	Subject to the requirements of Section 1253.09B., as applicable, and to the requirements of Section 1253.08, Parking Lot Landscaping.			

**1260.02 PERMITTED OUTDOOR BUSINESS ACTIVITIES.**

A. Section 1260.01.B above notwithstanding, the following uses need not be enclosed if located in a commercial district:

1. The loading and unloading of vehicles necessary for the transaction of business.
2. The maintenance of parking areas for use by employees and customers.
3. The display and sale of goods sold on the premises, provided the display is located behind the building setback line and within fifteen (15) feet of the principal building, and does not occupy or interfere with the use of required off-street parking spaces and aisles pursuant to Section 1263.1716, Outdoor Storage.
4. Outdoor seating for restaurants, pursuant to Section 1262.1112, Outdoor Dining.
5. Pump islands at automotive fuel stations.
6. Garden centers, pursuant to the screening requirements of Section 1253.09, Landscape Buffers and Screening.
7. Car dealers, pursuant to the screening requirements of Section 1253.09, Landscape Buffers and Screening, and Section 1263.0504, Automotive Related Uses.

B. Any of the above Outdoor Business Activities may be subject to additional development standards.

**1262.01 GENERAL REGULATIONS.**

A. Relationship to Main Structure. Except as otherwise provided in this Chapter, no accessory use or structure shall be approved, established, or constructed before the principal use or structure is approved, established, or constructed.

B. Proximity To Main Structure. Except as otherwise provided in this Zoning Ordinance, detached accessory uses or structures shall be located no closer than ten (10) feet from the nearest wall of a principal structure.

C. Setbacks for Accessory Structures. Special setback requirements may be found for the following uses in the following sections:

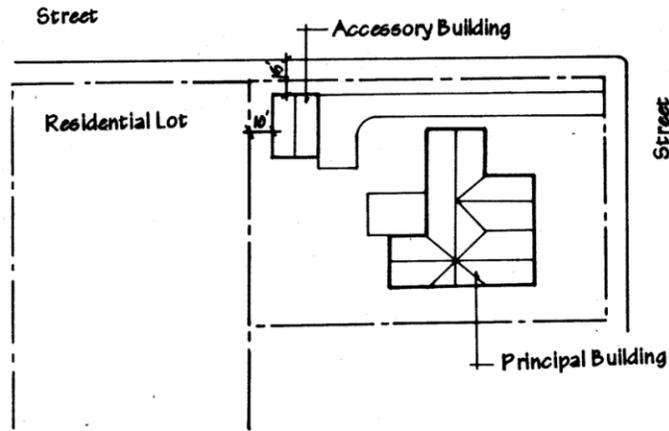
Fences and walls	=	1262.05 Fences and Walls.
Garages	=	1262.07, Single- and Two-Family Residential Garages 1262.06 Multiple-Family and Apartment Residential Garages; 1262.12, Parking Structures.
Recreational structures	=	1262.1316, Recreational Structures.
Storage structures	=	1262.16, Storage Structures.
Swimming pools	=	1262.17, Swimming Pools and Hot Tubs.

Except where specifically authorized elsewhere in this Zoning Ordinance, the setbacks for Accessory Uses and Structures shall conform to the following:

1. Accessory Structures Permitted in Rear Yard Only. No accessory structure, except as otherwise provided by Table 1260.04, Allowable Encroachments or other provisions of this Zoning Ordinance, shall be located in required front, corner side, or interior side yards.
2. General Requirement for Rear and Side Yard Setbacks.
  - a. SF1 District = Five (5) feet.
  - b. Other Districts = Three (3) feet.
3. Additional Rear Yard Setback when Adjacent to Residential Side Yard. When the rear lot line is adjacent to the side lot line of an adjacent residential lot, no accessory building shall be located closer than ten (10) feet to the rear lot line.
4. Additional Side Yard Setback when Adjacent to Street Right-of-Way. When the side lot line is adjacent to a public right-of-way, no accessory structure shall be located closer

than fifteen (15) feet to the street line on the side of the lot, nor closer than any setback building line which applies to that particular street.

Figure 1262.01.C Additional Side Yard Setback When Adjacent to Street Right-of Way; Additional Rear Yard; Setback When Adjacent to Residential Side Yard



D. Height Limitation. Special height requirements may be found for the following uses in the following sections:

Antennae	=	1262.02, Antennae.
Fences and walls	=	1262.05 Fences and Walls.
Garages	=	1262.07, Single- and Two-Family Residential Garages; 1262.06 Multiple-Family and Apartment Residential Garages; 1262.12, Parking Structures.
Ornamental Structures	=	1262.10, Ornamental Structures.
Recreational structures	=	1262.1316, Recreational Structures.

Except where specifically authorized elsewhere in this Zoning Ordinance, the height of Accessory Uses and Structures shall conform to the following:

1. Residential Districts and C1 District. Ten (10) feet.
2. Other Districts. The height of accessory buildings or structures shall not exceed the height of the primary use nor twenty (20) feet, whichever is less. Accessory structures such as chimneys, flagpoles, fire towers and utility service poles which are located on top of buildings may extend ten (10) feet above the principal building, and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

E. Coverage by Accessory Structures. Special area requirements may be found for the following uses in the following sections:

Swimming pools	=	1262.17, Swimming Pools and Hot Tubs.
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Except where specifically authorized elsewhere in this Zoning Ordinance, Accessory Uses and Structures shall comprise not more than the following percentage of the area of the yard in which they are located:

1. SF1 and SF2 Districts = Thirty percent (30%).
2. SF3 and TF District = Forty percent (40%).

F. Occupancy Limitation. No accessory building shall contain living quarters.

**1262.05 FENCES AND WALLS.**

A. Permit Required. No person shall erect or substantially alter a fence or wall in the City of Shaker Heights without having first obtained a building permit from the Building Department.

B. Fence Exemptions.

1. Fences and walls legally in existence at the time of adoption of this Zoning Ordinance which are not in violation of Sections 1262.05.C.3, and 1262.05.C.9, below, which do not present a safety hazard to pedestrian or vehicular traffic, and which do not prevent accessibility by emergency vehicles, may continue to be maintained and to exist, but may not be replaced if fifty percent (50%) or more of the fence or wall is either destroyed or removed and if the replacement would continue the existence of a violation of these regulations.
2. Fences required as a part of athletic facilities such as but not limited to softball diamonds or tennis courts may be permitted at heights in conformance with established recreation standards.

C. General Restrictions and Prohibitions.

1. No private fence or wall shall be erected within the public right-of-way, and the City shall have the right to require

the removal of any fence on a public right-of-way at no cost to the City. All improvements made by residents shall be made on that resident's own property, and shall be maintained by the resident.

2. Snow fences shall not be placed in front yards except as specifically permitted by the City. Such fences shall be constructed of winter neutral colors such as brown or green. Snow fences shall only be permitted during the period beginning November 1 and ending March 30.
3. No fence or wall shall be maintained or erected if it is constructed with any material which is likely to inflict bodily harm should a person or animal come in contact with the fence or wall. Materials covered by this prohibition include sharp or ragged metal spikes or spears.
4. No wall which interrupts, impedes or otherwise alters the natural flow of water shall be erected in any residential district.
5. No barbed wire or barbed wire fences shall be erected in the City.
6. Chain link fences shall be permitted provided that, if visible from the street, they are 100% screened by evergreen vegetation and are constructed of a dark, neutral-colored, nonreflective material, as approved by the Zoning Administrator.
7. All fences and walls shall be erected in conformity with the wind and stress resistance requirements of the ordinances of the City of Shaker Heights.
8. All fences shall be erected so that their finished side faces out, and the unfinished side faces the property of the person who has caused said fence to be erected.
9. All fences, walls, hedges, and landscaped screening shall be maintained in good, structurally sound repair, and in neat, clean and attractive condition.
10. With respect to fences, the rear yard shall include the side yard up to the rear building line of the principal building.
11. Construction fence. See Section 1261.06 Temporary Uses.
12. All fences other than chain link fences, when located in the front yard or when visible from the street, shall be visually softened with landscaped screening as follows:
  - a. The amount of landscaped screening shall be proportional to the amount of solid fencing, as described in Figure 1262.05.C, Required Landscape Screening for Fences, below.

[Figure 1262.05.C. is omitted for convenience]

- b. The amount of screening shall apply to the fullness of the landscaping material at its maturity, which shall occur a maximum of five (5) years from the time of planting.
- c. The screening shall be approved by the Zoning Administrator. Masonry walls landscape screening requirements can be reduced not more than 25% depending on the context, location and design of the wall as approved by the Zoning Administrator.

| [Drawings omitted for convenience]

D. Height and Setback Restrictions.

1. Fences shall meet the height and setback requirements of Table 1262.05.D
2. The height of fences shall be measured from the finished grade of the ground on which it is mounted, except when mounted on an earthen mound as used for buffering, in which case the height of the berm shall be included in the height of the fence.

Table 1262.05.D. Summary of Fence Regulations

		SF 1	SF 2	SF 3	TF	MF	A	O	C1	C2	C3	CM - 1, CM - 2, CM -3	I	PR
Maximum Fence Height	Front	Three (3) feet.			Four (4) feet.						Six (6) feet.	Four (4) feet.	Three (3) feet.	
	Cornerside	Six (6) feet												
	Interior Side	Six (6) feet						Eight (8) feet				Six (6) feet		
	Rear	Six (6) feet						Eight (8) feet						
Minimum Fence Setback	Front	2/3 setback						Setback line				2/3 setback		

Corner side	Setback of the adjacent reverse corner lot.		
Interior Side	Property line, provided both applicant and neighbor have ten (10) foot side yard	Property line	Property line, provided both applicant and neighbor have ten (10) foot side yard
Rear	Property line		

**1262.10 KIOSKS.**

The following conditions shall apply to all kiosks, which:

- A. Shall not exceed 400 square feet in floor area or exceed 15 feet in height;
- B. Shall be considered accessory to the principal use of the lot;
- C. Shall be located to enhance pedestrian activity and circulation;
- D. Shall incorporate at least 50% transparent wall area on the primary façade(s);
- E. Shall not contain drive-through facilities or automobile service features;
- F. Shall not be closer than five (5) feet from any property line; and
- G. May be located in any yard.

**1262.1011 ORNAMENTAL STRUCTURES AND GREENHOUSES.**

Ornamental Structures such as gazebos or greenhouses shall be located in the rear yard only and no closer than ten (10) feet to a property line. Such ten (10) foot setback shall consist of landscaping pursuant to Chapter 1253, Landscaping and Screening Regulations, and to be approved by the Zoning Administrator. Accessory Ornamental Structures shall not be located within the required twenty-five (25) foot landscape yard of the I Institutional District or PR Park and Recreation District. The maximum height of any Ornamental Structure shall be fifteen (15) feet.

**1262.1112 OUTDOOR DINING.**

Outdoor Dining may be granted an accessory use only in the O, C1, C2, CM-1, CM-2, and CM-3 Districts.

- A. Location. Outdoor Dining shall only be permitted as an accessory use to an indoor restaurant. Outdoor seating shall not obstruct a public right-of-way or sidewalk nor any entrance or exit to the restaurant.
- B. Number of Seats. The number of seats permitted outdoor shall be no greater than thirty percent (30%) of the number of seats inside the restaurant.
- C. Additional Standards.

1. Outdoor seating areas shall be limited to seating only, and shall not include table bussing facilities, cooking facilities, or trash facilities.
2. In the side or rear yard, the Zoning Administrator may specifically permit outdoor cooking facilities subject to all the requirements of the City Health Code.
3. Outdoor heaters may be permitted pursuant to the city Health and Fire Codes of Shaker Heights.

**1262.~~1213~~ PARKING STRUCTURES.**

A. Above grade multi-level parking structures shall be designed to reflect the architectural character and quality of the principal building and shall require approval of the Architectural Board of Review.

B. Parking Structures shall meet the height and setback requirements of Table 1262.11, Summary of Regulations for Parking Structures, below.

C. Parking Structures may be located up to the lot line, only within the rear yard setback, provided the wall of such garage is constructed of fire proof material in accordance with the ordinances of the City of Shaker Heights.

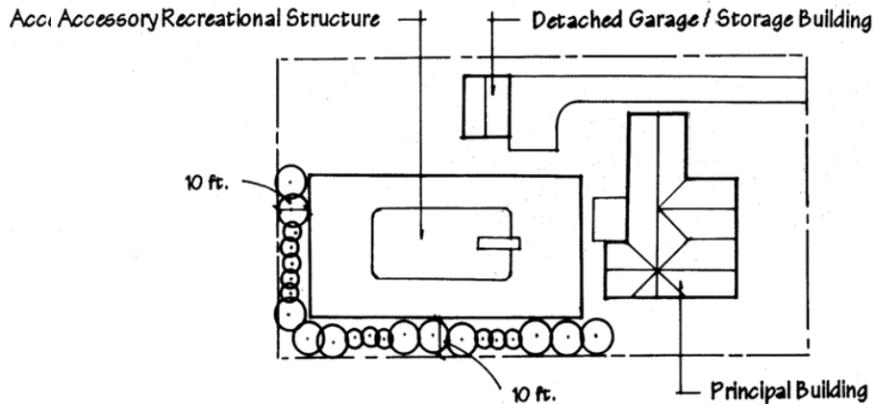
Table 1262.~~1216~~. Summary of Regulations for Parking Structures

		MF	A	O	C2	C3	CM-1, CM-2, CM-3
Minimum number of structure spaces		Pursuant to Chapter 1251, Off-Street Parking Regulations.					
Maximum number of structure spaces		None					
Maximum Structure Height		25 ft.	25 ft.	Flat roof 15 ft. peaked roof 25 ft.	None		
Minimum Structure Setback	Side	3 ft., or property line if wall is fireproofed					
	Rear	3 ft., or property line if wall is fireproofed.					
Maximum square footage		None					

**1262.~~1314~~ RECREATIONAL STRUCTURES.**

Recreational Structures such as children's play equipment, tennis courts and other recreational facilities requiring special fencing or playing courts shall be located no closer than ten (10) feet to a property line, or twenty-five (25) feet for playground equipment accessory to a school or located in the I Institutional District or PR Park and Recreation District. Such setback shall consist of landscaping pursuant to Chapter 1253, Landscaping and Screening Regulations, and to be approved by the Zoning Administrator. Such uses shall have a maximum height of fifteen (15) feet.

Figure 1262.~~4316~~ Recreation Structures



NOTE: Accessory recreational structures must be located a minimum of ten (10) feet behind principal building

**1262.~~4415~~ ROOMERS.**

Rental to Roomers is permitted within a Single-Family or Two-Family dwelling, subject to the standards herein and provided that such room is an integral part of the dwelling unit in which it is located and contains no separate facilities which could be used for cooking or food preparation which includes microwaves, stoves, refrigerators and kitchen sinks as some examples. Single-Family units may be permitted to rent to one (1) Roomer. Two-Family dwellings may be permitted to rent to one (1) Roomer per unit. Separate third-floor living accommodations within Two-Family dwellings are prohibited.

**1262.~~4516~~ STORAGE OF VEHICLES.**

A. General Requirements.

1. All vehicles in the City of Shaker Heights must be stored within an enclosed building except in those districts specifically permitting accessory storage of vehicles. Where accessory storage of vehicles is allowed, it shall be provided pursuant to the following:
  - a. Residential Districts. Storage of recreational vehicles or trailers is a permitted accessory use in all residential districts. Such vehicles may be stored only behind the front setback line and landscaped.
  - b. C2, C3, CM-1, CM-2, and ~~CM-Commercial-3~~ Districts. Storage of privately owned commercial trucks is a permitted accessory use in the C2 C3, and CM-1, CM-2, and CM-3 Districts.
2. Vehicles other than passenger vehicles shall be adequately screened as determined by the Zoning Administrator after reviewing a screening plan submitted by the property owner

or resident and subject to all the limitations and requirements of this section.

3. No stored or parked vehicle shall be occupied or used for human habitation.

B. General Prohibition in Residential Districts. The parking and storage of any vehicle, other than passenger cars and including any vehicle carried on a trailer, shall not be allowed in any residential district for longer than two (2) days except:

1. On a non-recurring basis.
2. Within an enclosed building which meets the requirements of all applicable ordinances.
3. Outdoors, as restricted in this section.
4. For delivery vehicles engaged in loading or unloading.
5. For vehicles parked in connection with current work being done on the premises.
6. A recreational vehicle may be temporarily parked or stored in a side yard driveway or front yard driveway of a residence for no more than two (2) days and then only for the express purpose of loading, unloading or housekeeping tasks related to embarking or returning from a trip.

C. Other Restrictions in Residential Districts.

1. No vehicle which is in a state of externally visible disrepair or partial construction shall be stored or parked outdoors in a residential zone, but shall be stored or parked only within an enclosed building meeting the requirements of all applicable regulations.
2. All such motor vehicles in public view on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment, and registration licensing laws displaying proper tags and validation stickers.
3. No more than one (1) of the following may be stored or parked outdoors on any lot in a residential zone: a recreation vehicle a boat (including its trailer if the boat is mounted thereon) or two (2) snowmobiles, motorcycles, or all-terrain vehicles (ATVs) if both are mounted on one (1) trailer. In no case shall more than one (1) such trailer be allowed. All stored recreational vehicles must be screened pursuant to review by the Zoning Administrator.

D. Restrictions in Commercial Districts. Outdoor Storage of Vehicles, as permitted in the C2 or C3 Districts, shall be regulated pursuant to Chapter 1251, Off-Street Parking Regulations Section 1253.08, Parking Lot Landscaping and Chapter 1253, Landscape Buffers and Screening.

E. Restrictions Based on Vehicle Size. No vehicle in excess Class 5 of the Federal Highway Administration classifications system, as defined by Chapter 1211, Definitions and Rules of Word Usage, shall be stored or parked within the City except for temporary parking by customers or vendors in a commercial district.

F. Waivers by the Zoning Administrator. The Zoning Administrator may grant a temporary waiver of these parking restrictions for a reasonable period of time.

#### **1262.1617 STORAGE STRUCTURES.**

Accessory Storage Structures shall have a minimum side and rear yard setback to rear and side property lines of five (5) feet in the SF1 District, and three (3) feet to rear and side property lines in all other districts. However, such uses may be located up to the lot line, only within the rear yard setback, provided the wall of the storage structure is constructed of fire proof masonry material in accordance with the ordinances of the City of Shaker Heights. Such uses shall have a maximum height of ten (10) feet.

#### **1262.1718 SWIMMING POOLS AND HOT TUBS (OUTDOOR).**

A. Types of Pools and Hot Tubs Permitted.

1. Only below grade or children's swimming pools shall be permitted in the City of Shaker Heights. Children's swimming pools are defined as those which are a maximum of two (2) feet in depth and ten (10) feet in diameter.
2. Hot tubs are also permitted in the City of Shaker Heights, either below or above grade, provided that they do not exceed eight (8) feet in exterior diameter and seven (7) feet in interior diameter or four (4) feet in depth or height as measured from finished grade. Hot tubs that exceed these size requirements shall be considered swimming pools.

B. Conformity with Other Regulations and Permits. Swimming Pools and Hot Tubs shall be regulated subject to the Health Codes of the City of Shaker Heights, Ohio and any applicable state requirements. Mechanical equipment shall require a permit from the Building Department, if applicable.

C. Regulations.

1. Below Grade Pools. Swimming Pools shall be surrounded by a deck measuring at least four (4) feet in width. The entire pool and deck area shall be enclosed by a fence or wall of at least four (4) feet in height with a self-latching gate.
2. Hot Tubs. Hot Tubs shall either be secured with a locked cover or shall be entirely enclosed by a fence or wall of at least four (4) feet in height with a self-latching gate.

D. Landscaped Setback Required. Accessory Swimming Pools and Hot Tubs and their mechanical equipment shall be located no closer than ten (10) feet to a property line. The ten (10) foot setback shall consist of landscaping pursuant to Chapter 1253, Landscaping and Screening Regulations, and to be approved by the Zoning Administrator. No Swimming Pool or Hot Tub or its mechanical equipment shall be located within the twenty-five (25) foot landscaped yard of any lot in the I Institutional or PR Park and Recreation Districts.

~~1262.18 TELEPHONES, PUBLIC.~~

~~A. Public Telephones shall be attached to the principal structure on the lot on which they are located. Public Telephones which are not attached to the principal structure may be permitted by the Zoning Administrator provided that such phone does not interfere with parking spaces or pedestrian or vehicular circulation.~~

~~B. No part of the phone or the structure to which it is attached shall be illuminated.~~

~~C. Public Telephones may have one (1) identification sign of no greater than one (1) square foot in area.~~

~~D. Phones shall not be located in a required setback.~~

~~1263.01 AMUSEMENT DEVICES IN EXCESS OF TWO.~~

~~Amusement devices in excess of two (2) may be granted a Conditional Use Permit only in the C2, CM, and C3 Districts.~~

~~A. Proof of Permit. The applicant shall show proof of an Amusement Device Permit obtained from the Shaker Heights Chief of Police pursuant to 505.02 of the Shaker Heights Business Regulation Code.~~

~~B. Accessory Use. If the amusement devices in excess of two (2) are an accessory use, the Commission, when reviewing the conditional use application, shall consider if the amusement devices in excess of two (2) detract from or interfere with the normal and customary operation of the primary use.~~

~~C. Location and Layout. Amusement devices in excess of two (2) shall be located with respect to the following:~~

- ~~1. Amusement devices shall be located on a business premises in such a manner so as not to impair ingress to or egress from the premises, and so as not to interfere with the~~

~~necessary or customary circulation of customers and employees.~~

~~2. The devices shall be located in a manner that will discourage excessive congregation of persons around the devices.~~

~~3. The devices shall be located in conformity with the floor plan approved in accordance with the Amusement Device Permit.~~

~~4. Amusement devices shall be located where they are visible to the permit holder or his or her authorized representative. Otherwise, separate full-time supervision of amusement devices shall be provided with the capability to isolate the amusement devices from public access when such supervision is not provided.~~

~~D. Expiration of Conditional Use Permit. Conditional Use Permits issued pursuant to this Section shall expire if the Amusement Device Permit is not renewed pursuant to Section 505.04 (d) of the Shaker Heights Business Regulations Code, or if such permit is revoked by the Chief of Police pursuant to Section 505.07(b) of the Business Regulation Code.~~

**1263.021 ANIMAL HOSPITALS AND VETERINARIAN'S OFFICES.**

Animal Hospitals and Veterinarian's Offices may be granted a Conditional Use Permit only in the C2, C3, and CM-1, CM-2, and CM-3 Districts.

A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

B. Such uses shall be located a minimum of one hundred (100) lineal feet from any residential use.

C. Outdoor storage accessory to the use shall be regulated pursuant to Section 1263.16 of this Chapter and to Section 1253.09, Landscape Buffers and Screening.

**1263.0302 ASSEMBLY OF FINISHED GOODS; PACKAGING OF FINISHED GOODS.**

Assembly of finished goods and ~~Packaging~~packaging of finished goods may be granted a Conditional Use Permit only in the C3 and CM-1, CM-2, and CM-3 Districts.

A. The location, configuration, and manner of operating of off-street parking and loading areas, service areas, circulation systems, entrances, exits, lighting, or other similar areas shall be designed to avoid adverse effects on: 1) residential uses adjoining the development, 2) traffic congestion, and 3) hazard to vehicular or pedestrian traffic.

B. Deliveries shall not take place between eleven (11) p.m. and five (5) a.m. and may be further restricted by the City Planning Commission based on their location and other relevant factors.

C. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. In addition, those uses adjacent to a residential district shall be buffered by a brick wall of at least six (6) feet in height.

**1263.0403 ASSISTED LIVING FACILITIES CONVALESCENT, NURSING OR REST HOMES.**

Assisted living facilities may be granted a Conditional Use Permit in the A, C2, CM-1, CM-2, CM-3, and I Districts. Convalescent, nursing, or rest homes may be granted a Conditional Use Permit in the C2 and CM-1 Districts.

A. Location.

1. When assessing the appropriate location for these facilities, consideration should be given to the neighborhood's safety, traffic, and noise level.

2. The site shall be limited in slope to five percent (5%).

B. Accessibility and Safety.

1. The site and structure shall meet the requirements of the Americans with Disabilities Act (ADA) and any applicable state code requirements.
2. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

C. Open Space and Recreation. Such facilities shall provide adequate open space on site.

D. Design. Such facilities should be designed in proportion to their surrounding neighborhood and community.

E. Deliveries. Deliveries shall not take place between eleven (11) p.m. and five (5) a.m. and may be further restricted by the City Planning Commission based on their location and other relevant factors.

### **1263.0504 AUTOMOTIVE RELATED USES.**

Automotive Related Uses may be granted a Conditional Use Permit only in the C2 and C3 Districts.

A. Uses Included. Automotive related uses shall include but not be limited to: auto sales, auto rental and leasing, auto repair shops, automotive fuel stations, car washes, auto upholstery shops, auto part and tire sales, camper installation businesses, van conversion businesses and the like.

B. General Requirements for All Automotive Uses.

1. The proposed use shall not intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses.
2. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site.
3. No curb cuts shall be permitted within forty (40) feet of any public roadway intersection.
4. All utilities shall be entirely enclosed or buried and shall require an electrical permit from the Building Department.
5. Automotive related uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. In addition, automotive uses adjacent to a residential district shall be buffered by a brick wall of at least six (6) feet in height.
6. Outdoor storage accessory to the use shall be regulated pursuant to Section 1263.17, Outdoor Storage, of this Chapter and to Section 1253.09, Landscape Buffers and Screening, except for the display and sale of goods sold on the premises of automotive fuel stations which shall be regulated pursuant to Section 1260.02, Permitted Outdoor Business Activities.

C. Automotive Fuel Sales (with or without Convenience Retail or Food Sales).

1. Convenience retail and/or food sales may be a permitted accessory use to fuel sales, provided that the retail and/or food service uses accessory to an automotive fuel station shall be provided with parking pursuant to Chapter 1251, Off-Street Parking Regulations.
2. Automotive fuel stations shall be located on lots no smaller than fifteen thousand (15,000) square feet, except that automotive fuel stations with convenience retail or food sales shall be located on lots no smaller than thirty thousand (30,000) square feet.
3. At any Automotive Fuel Station, gasoline pump islands shall be erected no closer than twelve (12) feet to any property line or building, and driveways or islands on the premises shall be designed to serve vehicles standing entirely on said premises.

4. No vehicles may be stored at the site for purposes of sale, unless the use is also a vehicle sales lot or for the use as parts for vehicles under repair.
  5. No inoperable vehicle shall be permanently stored on the site for a period of greater than thirty (30) days.
  6. Outdoor storage accessory to the use shall be regulated pursuant to Section 1263.17, Outdoor Storage, of this Chapter and to Section 1253.09, Landscape Buffers and Screening, except for the display and sale of goods sold on the premises which shall be regulated pursuant to Section 1260.02, Permitted Outdoor Business Activities.
- D. Automotive Service and Repair Shops.
1. No vehicles may be stored at the site for purposes of sale, unless the use is also a vehicle sales lot or for the use as parts for vehicles under repair and
  2. No vehicle shall be stored on the site for a period of greater than thirty (30) days.
  3. The temporary storage of vehicles shall be regulated pursuant to Section 1262.~~45~~<sup>16</sup>, Storage of vehicles, and Section 1253.09, Landscape Buffers and Screening.
- E. Automobile Dealerships. Automobile dealerships shall be located on lots no smaller than eighty-five thousand (85,000) square feet.

**1263.~~06-05~~ BAND SHELLS AND AMPHITHEATERS; THEATERS AND ASSEMBLY HALLS.**

Band Shells and Amphitheaters may be granted a Conditional Use Permit only in the C2, CM-1, CM-2, CM-3, I, and PR Districts. Theaters and Assembly Halls may be granted a Conditional Use Permit only in the C2, C3, CM-1, CM-2, CM-3, and I Districts.

A. The location, configuration, and manner of operating of off-street parking and loading areas, service areas, circulation systems, entrances, exits, lighting, sound systems or other similar areas shall be designed to avoid adverse effects on: 1) residential uses adjoining the development, 2) traffic congestion, and 3) hazard to vehicular or pedestrian traffic.

B. Adequate off-street parking shall be maintained for the use.

C. Bandshells and Amphitheaters which are primarily outdoors shall make provisions for adequate maintenance in the off-season.

D. Noise generated by the use shall not create a nuisance as determined by the ordinances of the City of Shaker Heights.

E. Such uses shall be located a minimum of five hundred (500) lineal feet from any single-family or two-family residential use.

**1263.~~0706~~ DAY CARE CENTERS, ADULT.**

Adult Day Care Centers may be granted a Conditional Use Permit only in the C1, C2, C3, CM-1, CM-2, CM-3, and I Districts.

A. Such uses shall meet all applicable federal, state, or local requirements, such as but not limited to, licensing, health, and safety regulations.

B. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

**1263.~~0807~~ DAY CARE CENTERS, CHILD.**

Child Day Care Centers may be granted a Conditional Use Permit only in the C1, C2, C3, CM-1, CM-2, CM-3, I, and PR districts. They are a permitted accessory use in the O Office District. They are a permitted accessory use in the I Institutional District if primarily serving that institution or business. Child Day Care Centers are also permitted as an accessory use to Places of Worship in the A Apartment Residential District.

A. Child Day Care Centers shall meet all applicable federal, state, or local requirements such as, but not limited to, licensing, health, and

safety regulations.

A. If the Child Day Care Center provides an outdoor play area, such play area shall be fully enclosed by a fence, wall, or hedge of at least three (3) feet in height.

B. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

**1263.0908 CHILD DAY CARE HOMES, TYPE A AND B.**

A. Definitions and Number of Children. Child day care homes are defined by the number of children for which they care.

1. Child Day Care Home, Type A. A permanent residence in which child day care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this Zoning Ordinance, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.
2. Child Day Care Home, Type B. A permanent residence in which child day care or child day care homes are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purposes of this Zoning Ordinance, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted.

B. Applicable Districts. Child Day Care Homes, Type A may be granted a Conditional Use Permit only in the SF1, SF2, and SF3 Districts. Child Day Care Homes, Type B may be granted a Conditional Use Permit only in the MF and A Districts. Child Day Care Homes, Type B are a permitted accessory use in the SF1, SF2, SF3, and TF Districts.

C. General Standards for Child Day Care Homes, Type A and B. All Child Day Care Homes, including both Type A and Type B, shall be operated in compliance with the requirements in Section 1262.03, subsections B. through I.

D. Additional Requirements for Child Day Care Homes, Type A:

1. Prior to approval of a conditional use permit the following must be completed:
  - a. The applicant must provide the City with verification from a representative of the Bureau of Child Care Licensing and Monitoring at the Ohio Department of Job and Family Services that adequate interior space is available in the home, and such space shall be maintained during operation of the Home.
  - b. The applicant must demonstrate a track record of having operated a Type B day care without violation of this Chapter and Chapter 1262.03 at the same home.
  - c. A parking, pick up and drop off plan must be submitted to the City, and the plan must be implemented during operation of the Home.
2. Prior to beginning operation, an approved Type A Day Care Home must complete the following:
  - a. All interior Housing Code violations in spaces used by the children shall be corrected.
  - b. The outdoor play area shall be enclosed by a 6 foot tall solid fence, and such fence shall be maintained during operation of the Home.

3. After operation of an approved Type A home begins, the following conditions shall apply at all times during operation:
  - a. The Home shall have a continuing obligation to comply with all city ordinances, including the City's noise ordinances.
  - b. Outdoor play hours are limited to between 9:00 a.m. and 7:00 p.m.
  - c. On Saturdays and Sundays there shall be a maximum of 6 children.
  - d. Inspections may be conducted by the City as the City deems necessary, and an administrative review may be conducted after 1 year from the date of the issuance of a conditional use permit, to include an evaluation of the Home for compliance with all conditions and with Section 1213.05 H., Conditional Use Permit Standards, and neighborhood input.

**1263.1009 DRIVE-THROUGH FACILITIES.**

A drive-through facility may be granted a Conditional Use Permit only in the O, C1, C2, and C3 Districts, when accessory to a principal permitted or conditional use allowed in such district. The purpose of these regulations is to ensure that the design and operation of drive-through facilities are appropriately designed to be compatible with adjacent uses and the neighborhood and effectively mitigate associated problems with traffic, congestion, emissions from idling vehicles, excessive pavement and noise.

A. General Requirements:

1. Drive-through facilities shall be located on lots no smaller than twenty thousand (20,000) square feet.
2. The proposed use shall not intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses.
3. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site.
4. No curb cuts shall be permitted within forty (40) feet of any public roadway intersection, and no additional curb cut shall be provided to specifically service the accessory drive-through structure except as recommended through site plan review.
5. Drive-through facilities should be designed to ensure compatibility with adjacent uses, enhance the streetscape frontage, provide adequate buffers, ensure safe pedestrian accessibility and include outdoor amenities to service patrons.

B. Building Requirements.

1. In O and C1 Districts, the principal building to which the drive-through facility is accessory shall have a minimum gross floor area of 5,000 square feet.
2. Drive-through-related structures, such as menu boards and pick-up windows, shall not be located in front of the principal building.
3. A drive-through structure, such as an awning, shall not cover more than ten percent (10%) of the lot.

C. Drive-through Lanes. The minimum standards for drive-through lanes are as follows:

1. Drive-through lanes shall have a minimum width of 10 feet and a minimum radius of forty-five (45) feet.
2. Each entrance to a drive-through lane and the direction of traffic flow shall be clearly designated by signs and pavement markings.

3. Maneuvering space shall be provided in the rear or side yard.
  4. Design of maneuvering and stacking aisles for the drive-through shall not interfere with circulation or visibility for traffic either on or off site.
  5. Drive-through lanes should be defined by a continuous landscaped area no less than five-feet in width.
  6. The drive-through facility shall comply with the minimum number of stacking spaces required in Table 1251.02 Schedule of Off-street Parking Requirements.
  7. Pedestrian routes should not cross driveways or stacking lanes to get to the building's entrance.
- D. Drive-through Bay.
1. An accessory drive-through facility shall be limited to one drive-through bay.
  2. The drive-through bay should be located away from and out of sight of the public right-of-way.
- E. Menu-Board.
1. The menu board speaker for the drive-through should be oriented and directed away from adjacent residential Uses.
  2. The menu board should be located to allow a minimum of four cars to queue behind the ordering vehicle to prevent vehicles from stacking in the drive-aisle of the parking lot.
- F. Hours of Operation. Attended drive-through facilities shall not be operated between eleven (11) p.m. and five (5) a.m. and may be further restricted by the City Planning Commission based on the location, type of use with which they are associated, and other relevant factors.
- G. Landscaping. Drive-through facilities shall be buffered with landscaping pursuant to Chapter 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.
- H. Additional Standards.
1. Signs associated with a drive-through facility shall be regulated pursuant to Chapter 1250, Sign Regulations.
  2. All utilities associated with a drive-through facility shall be entirely enclosed or buried and shall require an electrical permit from the Building Department, where applicable.

**1263.4110 DWELLING UNITS LOCATED ABOVE THE FIRST FLOOR.**

Dwelling Units Above the First Floor may be granted a Conditional Use Permit only in the C1, C2, and C3 Districts.

- A. Such uses should be designed in proportion to their surrounding neighborhood and community.
  - B. All dwelling units shall meet the applicable City codes for issues such as, but not limited to, fire and safety.
  - C. The minimum square feet per dwelling unit shall be provided pursuant to the standards of the A Apartment District, Section 1225.05.B, Minimum Area Per Dwelling Unit.
  - D. The site and structure shall meet the requirements of the Americans with Disabilities Act (ADA).
- (Ord. 13-16. Passed 5-28-13.)

**1263.121 FIRE AND POLICE STATIONS MUNICIPAL SERVICE USES, AND UTILITIES.**

Both Fire and police stations and Municipal Service Uses may be granted a Conditional Use Permit only in the C2, CM-1, CM-2, and I Districts. Fire stations also may be granted a conditional use permit in the PR District. Both Fire and police stations and Municipal Service Uses are permitted uses

in the C3 District, and the CM-3 District. Utilities may be granted a Conditional Use Permit in all districts, except for the I District, where only minor support items are allowed as an accessory use.

A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights, and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

B. Such uses shall be located a minimum of five hundred (500) lineal feet from any residential use.

C. Such uses shall be setback a minimum of twenty-five (25) feet from all lot lines.

D. Vehicular storage associated with such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.

#### **1263.13-12 HOME OCCUPATIONS.**

Home occupations may be granted a Conditional Use Permit in the MF, A, and CM-1, CM-2, and CM-3 Districts. They are a permitted accessory use in the SF1, SF2, SF3 and TF Districts. All ~~Home Occupations~~home occupations shall be operated pursuant to Section 1262.09, Home Occupation, except as may be specifically authorized by the City Planning Commission. (Ord. 13-16. Passed 5-28-13.)

#### **1263.1413 HOSPITALS.**

Hospitals may be granted a Conditional Use Permit only in the C3 and CM-1, CM-2, and CM-3 Districts.

A. Site Distance. Hospitals shall be located a minimum of five hundred (500) lineal feet from any residential use.

B. Site Design.

1. The location, configuration, and manner of operating of off-street parking and loading areas, service areas, circulation systems, entrances, exits, lighting, or similar areas shall be designed to avoid adverse effects on: 1) residential uses adjoining the development, 2) traffic congestion, and 3) hazard to vehicular or pedestrian traffic.

2. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

C. Conformity with Other Regulations. Hospitals shall meet all applicable federal, state, or local requirements, such as but not limited to, licensing, health, and safety regulations.

C. No Nuisance. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights, and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

E. Landscaping and Buffering.

1. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.

2. Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping.

#### **1263.154 LABORATORIES AND RESEARCH FACILITIES**

Laboratories and Research Facilities and Limited Production/Processing Facilities are permitted uses in the O Office district, and may be granted a Conditional Use Permit in the C3 and CM-1, CM-2, and CM-3 Districts.

A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

B. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.

C. Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping.

**1263.1615 MID-RISE OFFICE DEVELOPMENT.**

Mid-Rise Office Development may be granted a Conditional Use Permit only in the O Office District.

A. Accessory Uses and Structures. The following uses are permitted as accessory uses only for Mid-Rise Office Development. Such accessory uses shall occupy no more than a combined total of twenty (20) percent of the total floor area of the building and shall have no exterior entrance or identification.

1. Assembly halls.
2. Barber and beauty shops.
3. Newsstands.
4. Pharmacies.
5. Recreation facilities.
6. Restaurants ~~and cafeterias~~.

B. Minimum Lot Width. The minimum lot width shall be one hundred twenty (120) feet or twice the height of the building, whichever is greater.

C. Minimum Yard Requirements.

1. Side Yards. Each side yard shall be one-third (1/3) the height of the principal building or eighteen (18) feet, whichever is greater.
2. Corner Side Yards. Each corner side yard shall be no less than one-third (1/3) the height of the principal building of a Mid-Rise Office Conditional Use or the setback line shown on the City of Shaker Heights Zoning Map, whichever is greater.

D. Maximum Height.

1. Principal Buildings. When a Conditional Use for Mid-rise Office Development is approved, building height shall be limited to one hundred twenty (120) feet or such lesser height as established by the City Council.
2. Rooftop Mechanical Equipment. Rooftop mechanical equipment may extend above the roofline only where a Mid-Rise Office Conditional Use is granted. In such cases, the mechanical equipment shall extend no more than ten (10) feet above the maximum height limit. In all cases, rooftop mechanical equipment shall be designed, constructed or enclosed in such a way as to be integrated with the principal building or completely concealed.
3. Maximum Parking Structure Height. Forty (40) feet or such lesser height as established by the City Council.

**1263.1716 OUTDOOR STORAGE.**

Outdoor Storage may be granted a Conditional Use Permit only in the C3 District.

A. Outdoor Storage areas shall be buffered pursuant to Section 1253.09, Landscape Buffers and Screening.

B. Such areas shall be located behind the building setback line and within ten (10) feet of the principal building, and shall not occupy or interfere with the use of required parking spaces and aisles. Their

exact location shall be approved as a part of the Conditional Use Permit.

C. Such areas shall be set back from any lot line a minimum of ten (10) feet.

D. Such areas shall be limited in area to one hundred (100) square feet.

E. No signs shall be permitted in conjunction with the outdoor storage.

**1263.1817 PARKING STRUCTURES.**

Parking Structures may be granted a Conditional Use Permit only in the O District. They are a permitted accessory use in the CM-District-1, CM-2, and CM-3 Districts. All Parking Structures shall be provided pursuant to Section 1262.12, Parking Structures.

**1263.1918 PLACES OF WORSHIP.**

Places of Worship may be granted a Conditional Use Permit only in the SF1, SF2, SF3, TF, MF, and A Districts. They are a permitted use in the I District.

A. General Requirements. The following conditions shall apply to churches and other Places of Worship designed and intended primarily for religious worship:

1. A master plan for long-range development shall be submitted.
2. Any proposed addition or new construction shall conform to the development standards required for principal uses within the district.

B. Conditional Uses. Day care centers and schools, operated not by the Place of Worship but a lessor of the space which the Place of Worship owns, pursuant to Section 1263.09. Child Day Care Centers.

C. Accessory Uses and Structures.

1. Day care centers and schools operated by the place of worship, pursuant to Section 1263.0908, Child Day Care Centers.
2. Community recreational and meeting facilities.
3. Bookstores and giftshops operated by the Place of Worship.

D. Hours of Operation.

1. Outdoor group activities other than those related to worship shall not be allowed after ten (10) p.m.
2. The facility may not be used as a regular overnight domicile or shelter for the homeless. This provision does not limit the church from being used for overnight retreats or events for church members and guests.
3. No lighted outdoor recreation facilities shall be allowed.

E. Minimum Lot Area. The minimum lot area for Places of Worship shall be one (1) acre.

F. Minimum Lot Width. The minimum lot width requirement for Places of Worship shall be one hundred and twenty (120) feet.

G. Minimum Yards.

1. Front Yards. The minimum front yard for Places of Worship shall be regulated by the setback building line established by the zoning map.
2. Side and Rear Yards. Side and rear landscaped yards of no less than twenty-five (25) feet shall be provided. Where abutting residential districts, such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening, as applicable.

H. Parking. Off-street parking for Places of Worship shall be located either in the side or rear yard behind the required building setback line, and shall be landscaped pursuant to Chapter 1253, Landscape and Screening Requirements.

**1263.2019 SCHOOLS, PRIMARY AND SECONDARY, PRIVATE.**

A. General Requirements. The following conditions shall apply to Private Primary or Secondary Schools:

1. A master plan for long-range development shall be submitted.
2. Any proposed addition or new construction shall conform to the development standards required for principal uses within the district.

B. Accessory Uses and Structures.

1. Recreational structures.
2. Community recreational and meeting facilities.
3. Day care centers operated by the school, pursuant to Section 1263.0908, Child Day Care Centers.

C. Hours of Operation.

1. Outdoor group activities shall not be allowed after ten (10) p.m.
2. The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.
3. No lighted outdoor recreation facilities shall be allowed.

D. Minimum Lot Area. The minimum lot area for Private Schools shall be one (1) acre.

C. Minimum Lot Width. The minimum lot width requirement for Private Schools shall be one hundred and twenty (120) feet.

F. Minimum Yards.

1. Front Yards. The minimum front yard for Private Schools shall be regulated by the setback building line established by the zoning map.
2. Side and Rear Yards. Side and rear landscaped yards of no less than twenty-five (25) feet shall be provided. Where abutting residential districts, such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening , as applicable.

G. Parking. Off-street parking for Private Schools shall be located either in the side or rear yard behind the required building setback line, and shall be landscaped pursuant to Chapter 1253, Landscape and Screening Requirements.

#### **1263.2120 SCHOOLS, SPECIALIZED INSTRUCTIONAL.**

Specialized Instructional Schools include but are not limited to places for the teaching of art, music, and dance lessons technical or vocational schools, and facilities which hold lessons for athletic pursuits such as swimming or riding.

A. Hours of Operation.

1. Outdoor group activities shall not be allowed after ten (10) p.m.
2. The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.
3. No lighted outdoor recreation facilities shall be allowed.

B. Schools with Outdoor Facilities. Schools with outdoor facilities shall conform to the following:

1. Minimum Lot Area. The minimum lot area for Specialized Instructional Schools shall be one (1) acre.
2. Minimum Lot Width. The minimum lot width requirement for Specialized Instructional Schools shall be one hundred and twenty (120) feet.
3. Minimum Yards.
  - a. Front Yards. The minimum front yard for Specialized Instructional Schools shall be regulated by the setback building line established by the zoning map.

- b. Side and Rear Yards. Side and Rear landscaped yards of no less than twenty-five (25) feet shall be provided.

**1263.2221 SELF STORAGE FACILITY.**

Self Storage Facilities may be granted a Conditional Use Permit only in the C3 District when found to be in compliance with the following:

A. The minimum area of a zoning lot shall be three (3) acres and the minimum lot width at the right-of-way line of the principal street shall be a minimum of 170 feet.

B. The total maximum surface coverage of all above grade structures on a lot shall not exceed sixty-five (65) percent of the lot area.

C. No door openings shall face any residential zoning district unless screened by an additional building or a masonry wall.

D. In lieu of the required minimum six (6) ft. high masonry wall required by Section 1233.07B.3., buildings that are equal to or less than twelve (12) feet in height may be placed no closer than ten (10) feet from a residential district property line, and may be placed on a property line adjacent to a non-residential zoning district, provided that:

1. The wall facing the adjacent property line is a solid wall made of a material approved by the Planning Commission and Architectural Board of Review, as applicable;
2. No equipment of any kind is placed on the roof;
3. The roof and therefore related drainage slopes away from the adjacent property line;
4. New landscaping is placed on the outside of the wall as approved by the Planning Commission.

E. The following uses are prohibited and shall be included in leases for all self-storage units:

1. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.
2. The use of property for such activities as the sale, repair, fabrication, or servicing of goods, motor vehicles, appliances, equipment, or materials stored in or brought to the self-storage units.
3. No one shall be permitted to reside in storage areas or inside storage units.

F. The Fire Department shall be provided with 24-hour access to the grounds. A knox box shall be provided for its use.

G. The maximum size of individual storage compartments shall be 600 square feet.

H. Outside storage is strictly prohibited, and all storage shall be within a completely enclosed building.

I. The parking requirement for Self Storage Facilities shall be equal to no more than 1 parking space per 15,000 square feet of gross floor area of self-storage, and shall otherwise be in compliance with all other design standards for parking spaces as required in the Code, including standards for any retail space included in the use.

J. Accessory uses of Self Storage Facilities may include the following in addition to the accessory uses in Section 1233.04: (1) sell merchandise ancillary to their business (such as moving supplies, locks, etc.), (2) to rent or lease moving trucks and (3) establish satellite United States Postal Services or other consumer mail shipping/receiving services (UPS, Fed-Ex, etc.) within such facilities.

K. A demonstrated means of security and management shall be provided.

L. No nuisance shall be created in terms of their smell, noise, or any other reason, and shall comply with the applicable Codes of the City of Shaker Heights, and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

**1263.232 WORK/LIVE UNITS.**

The following conditions shall apply to work/live units in a commercial building when approved as a conditional use.

- A. The exterior appearance of the commercial structure shall be compatible with adjacent nonresidential uses.
- B. Work/live units located on the first floor of a commercial building are subject to the development standards for first floor establishments as provided in this Zoning Ordinance.
- C. When a work/live unit is located on the first floor of a commercial building, a minimum of 80% of the linear first floor façade of the work/live unit shall be occupied by the nonresidential use.
- D. For new construction, where work/live units are permitted on the first floor, the first floor space shall have a minimum floor to floor height of 10 feet.
- E. Parking for work/live units of less than 2,000 square feet may be approved at one space per unit.

**1263.243 SMALL LOT INFILL DEVELOPMENTS.**

A Small Lot Infill Development may be granted a Conditional Use Permit in a TF Two-Family District where a Small Lot Infill Development Overlay District has been established, pursuant to Chapter 1244, Small Lot Infill Development Overlay District, and Section 1213.09, Planned Development Review.

**1263.24 SMOKE SHOPS.**

The following conditions shall apply to smoke shops when approved as a conditional use:

- ~~A.~~ A. No smoke shop shall be located within 1,500 feet of another smoke shop, measured in a straight line from property line to property line.
- B. No smoke shop shall be located within 500 feet of a school, university, child day care, library, or a place of worship.

**1263.26 WINE BARS, BREW PUBS, AND COCKTAIL BARS.**

Wine bars, brew pubs, and cocktail bars may be approved as a condition use in the CM-1, District. The following conditions shall apply to wine bars, brew pubs, and cocktail bars when approved as a conditional use:

- A. A security plan shall be established and complied with at all times.
- B. Remain free from a pattern of criminal activity or other public nuisance, including but not limited to charges under the Criminal Activity Ordinance Chapter 109.

Section 3. Applications submitted to and/or pending before the City Planning Commission or the Board of Zoning Appeals prior to the effective date of this ordinance shall be deemed governed by Part Twelve, the Zoning Code of the Codified Ordinances of the City of Shaker Heights, in effect prior to the effective date of this ordinance.

Section 4. The effect of this ordinance shall not be to make legal any use that is presently illegal, except where such use is expressly permitted in Part Twelve, the Zoning Code of the Codified Ordinances of the City of Shaker Heights, as enacted in this ordinance.

Section 5. The current Setback Map of the City of Shaker Heights shall remain in full force and effect, except that to the extent building setback lines have been amended by the adoption of this ordinance, the setback line, as so amended, shall prevail.

Section 6. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted

Approved this \_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Mayor David E. Weiss

Attest:

\_\_\_\_\_  
MATTHEW P. CARROLL  
Clerk of Council

Coun26/0112zoningcode-LEEROAD-AMNDCODORD



# SHAKER HEIGHTS

## Memorandum

To: Members of City Council

From: William M. Ondrey Gruber, Director of Law

Cc: Mayor David E. Weiss  
Matthew P. Carroll, Chief Administrative Officer

Date: January 12, 2026

Re: **Gas Aggregation Program Supply Contract**

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### Summary

Council is asked to enact legislation to authorize the Mayor to enter into a contract with IGS Energy for natural gas supply for the City's gas aggregation program for a two-year period, starting April 1, 2026.

On March 31, 2026, the City's current 1 year contract with IGS Energy as the supplier for the City's gas aggregation program expires, and the City's Program would end unless the City enters into a new contract with a supplier.

The City's aggregation consultant, AMPO, with Palmer Energy as their sub-consultant, conducted a competitive process to select a supplier starting in July 2025 and has refreshed rates through today.

Based on the Palmer Energy's results and recommendation, I am recommending that the City enter into a contract with IGS Energy for a contract of 2 years, with the price to be determined based on the market pricing and the IGS pricing proposal. The deadline for entering into a new contract is the last week of January 2026, in order to comply with Public Utilities Commission of Ohio (PUCO) notice requirements and the time it takes to enroll customers.

In Ordinance 25-02, enacted on January 21, 2025, City Council granted the Mayor the authority to contract with IGS for up to two years for the gas aggregation program supply. Due to market conditions at that time, the City entered into a one year contract with IGS, with the pricing split into two 6-months segments. Thus, the Mayor could enter into another one year contract with IGS based on the Council approval in Ordinance 25-02. However, due to current pricing, it is recommended that we enter into a 2-year contract, which requires Council approval.

In the past few years, we have taken the Gas Aggregation contract to the Administration Committee. However, that Committee is not scheduled to meet in January. We have not previously taken the contract to the Finance Committee since there is no cost to the City for the Program.

The pricing in the market was at about \$4.80 per thousand cubic feet (MCF) in July, and then went up over \$5.00 until the past week. The prices appear to be falling now, but we do not know how long that will last. So now is the best time to buy.

That is why the Administration is bringing to Council legislation that would authorize a two-year contract at the January 12<sup>th</sup> meeting, which is scheduled to be a work session and special meeting.

## **Background**

In November 2003, Shaker Heights voters approved a ballot measure authorizing the City to form an “opt-out” natural gas aggregation program. Ohio law allows a community to hold an election to authorize the establishment of an “opt-out” aggregation program, which means that a community’s program automatically includes all eligible residential and small business customers in the program, unless a customer “opts-out” of the program.

In January 2004, the City solicited proposals from natural gas suppliers, but the City was unable to secure a natural gas price that would provide a reasonable certainty of savings compared to the prices of Dominion, the traditional natural gas provider in our region. The City considered joining the program of the Northeast Ohio Public Energy Council (NOPEC), but decided to form its own program instead.

Ultimately, the City contracted with AMPO in October 2005 to assist in establishing a natural gas aggregation program. Thus, the City has never been a member of NOPEC’s gas program, though the City was a member of NOPEC’s electric aggregation program for many years until 2023.

On February 27, 2006, City Council approved the City’s Plan of Operation and Governance for the City’s Natural Gas Aggregation. On April 23, 2006, the City was certified by the PUCO as a municipal aggregator, and the Program began.

The City has considered whether to join NOPEC several times over the years. Experience with the City’s Program has found that the City’s gas rate has generally been competitive with NOPEC’s gas rates over the years. Partly this is due to lower overhead for the City’s program. NOPEC costs -- administrative, advertising, legal, and programmatic (including some grants) --- are paid for through the rates charged to participants in the aggregation programs (gas and electric). On top of those costs are the energy costs of and profit for the supplier, which is determined partly by the market and partly by the supplier.

The City’s Program includes a fee for the City’s consultant (AMPO) and the energy costs of and profit for the supplier. There are no other overhead costs, and the City does not receive any fee or payment from participants in the City’s Program.

AMPO, Inc., the City’s Program consultant, is a for-profit subsidiary of American Municipal Power, Inc. (AMP). AMP is a nonprofit corporation that serves as a trade group for municipally owned electric distribution companies, such as Cleveland Public Power. AMP also owns and operates electric facilities with the purpose of providing generation, transmission and distribution of electric power and energy to its members. AMP has 130 members in 9 states, including 83 members in Ohio.

AMPO, Inc. was formed in 1998, and it provides natural gas aggregation services for Ohio communities in the Columbia Gas of Ohio, Enbridge (formerly Dominion East Ohio Gas), and Vectren Energy Delivery of Ohio service territories. Currently, AMPO, Inc. actively serves about 38 communities with gas aggregation services.

### **The City’s Gas Aggregation Program**

The City’s Natural Gas Aggregation Program averaged 6,445 residential and small business participants between June 2023 - May 2025. Recent average participation (Sept-Nov 2025) is at ~6,750 participants. Recent peak enrollment has been at around 7,250 participants.

The City’s program participants receive gas distribution service from Enbridge East Ohio Gas Co. (formerly Dominion Energy Ohio), and the supplier rates are billed through Enbridge. The Program is available to most residential customers and small business customers.

## Current Natural Gas Supply Contract

The current contract with IGS Energy called for purchasing the natural gas supply for the contract in 6 month amounts, in order to avoid locking in a 12-month price due to the market at the time of the initial supply purchase. The initial purchase established the rate of \$4.21 per MCF of gas supply for a 6-month period from April 1, 2025 through September 30, 2025. The rate was set at \$4.98 for the period October 1, 2025 through March 31, 2026. That meant that the 1-year weighted fixed rate was \$4.824.

### Renewal Process

The City's energy consultants, AMPO, Inc. and their partner, Palmer Energy, sent out a request for proposals (RFP) in July 2025 for the City's Program for the new contract period starting April 1, 2026. The RFP requested rate proposals for term lengths of 12 and 24 months.

The RFP was sent to 14 suppliers. While several proposals were received, IGS was once again the lowest proposal. NOPEC was asked but chose not to submit a proposal.

IGS Energy pricing continues to be extremely competitive in the Enbridge/Dominion service area. As always, the suppliers propose a price that includes the supplier's base price, that includes costs and profit, and the market price for gas at the time they submit their proposal. Palmer Energy has sought updated price proposals several times since July as the market has changed. IGS has consistently proposed the lowest prices.

### Pricing

The most recent IGS proposed pricing on December 31, 2025 for contracts starting April 1, 2026, was as follows:

12-month term = \$4.76 per MCF  
24-month term = \$4.83 per MCF

The pricing over the past week is the lowest it has been since before July.

For comparison as to what the pricing is currently being offered by other suppliers and aggregations:

- **Current City Aggregation Price = \$4.98**
- **Most Recent Proposed IGS Price (12-31-25) =**
  - 12-month Fixed Price - IGS = \$4.76
  - 24-month Fixed Price - IGS = \$4.83
- **NOPEC Gas Price**
  - Opt-Out – Jan. – May 2026 = \$5.59
  - 12-mo. fixed Jan. – Dec. 2026 = \$5.25
  - 24-mo. fixed Jan. 26 – Dec. 27 = \$5.50
- **Enbridge SCO\* valid to 1-11-26 = \$4.9248**
- **Individual Supplier Rates from PUCO Website – 12-31-25:**
  - 12 mo. rates – 24 offers
    - Average = \$5.57
    - Median = \$5.49
    - Lowest = \$4.17
  - 24 mo. rates – 12 offers
    - Average = \$5.57
    - Median = \$5.45
    - Lowest = \$4.58

\* The “SCO” is the Standard Choice Offer, which is the cost for the natural gas supply for consumers who get their natural gas through their utility (Enbridge in this case). This price is set annually by a competitive auction.

## **Analysis of IGS Energy**

The City has always considered the following in selecting a supplier:

1. Price;
2. Customer service:
  - customer call center track record and experience;
  - responsiveness to complaints and issues;
  - satisfaction of residents and businesses;
  - willingness to offer a notice to customers of other suppliers (an “opt-in” notice), so all City residents have an opportunity to join the aggregation;
  - flexibility on re-opening the aggregation to allow new members (e.g. new residents); and
  - policy on early cancellation and whether there is an early termination fee (IGS charges no early cancellation fee);
3. Ease of working with the City (including flexibility in pricing; i.e. will allow a mix of variable and fixed, and/or different summer and winter rates, in order to respond to market fluctuations and volatility);
4. Responsiveness to City concerns; and
5. Working with the City closely on notices to customers.

The City and its residents have received excellent service from IGS over the past twenty years, and the City has been able to offer competitive rates for natural gas. IGS has been very flexible in its willingness to work with our consultant AMPO and the City to make gas purchases for various periods to take the best advantage possible of market conditions. The IGS competitive rates, combined with its flexibility and excellent service, present a good reason to remain with IGS.

## **Timing**

In order to continue the City’s Program without any disruption requires that a contract be entered into with IGS by the last week of January 2026. The PUCO and Enbridge require a long lead time relative to an aggregation program renewal date.

For an April 1 start date to renew the Program, customers must be enrolled on their respective March meter reads (which generally occurs anywhere from March 3 to April 4). To accomplish this, the supplier must submit account enrollments to Enbridge around February 27 to March 2. In order to enroll participants, the supplier must first send out an opt-out letter advising eligible residents and small businesses of the rate, terms, and their right to opt-out if they wish.

Ohio law requires that the opt-out letter to prospective participants must be mailed out 21-days prior to enrollment. Thus, for enrollment by the end of February, the opt-out letter must be issued around the first week of February (with the deadline for residents to opt-out being the final week of February). The letter must first be filed with the PUCO 10 days prior to issuance (around the final week in January). The opt-out letter is created by the supplier and approved as to its form by the City. The letter must first be sent to the supplier's printer to prep for mass mailing.

## **Recommendation**

Based on the proposals of IGS providing the lowest rates, AMPO/Palmer recommend that the City contract with IGS Energy for a period of two years, with the rate to be set as soon as possible based on the market pricing. The key points in support of this recommendation are:

1. The City has 19 years' experience with IGS as the City's supplier, and their track record for customer service and responsiveness to the City's and customers' needs has been excellent.
2. There is no cost directly to the City in contracting with IGS to serve the Program. The City's facilities that are on the Program may be switched to alternative suppliers if the City finds a better rate.
3. IGS has, through an RFP process, offered a rate that is the most competitive.
4. Participants in the Program may opt out or join at any time without a cancellation or sign-up fee.

Council is requested to enact legislation authorizing a supply contract with IGS Energy for 2 years on first reading and as an emergency to enable the City to work with our energy adviser to make the gas purchase as soon as possible, depending on market conditions.

ORDINANCE NO.  
BY:

Authorizing renewal of the Master Services Agreement with Interstate Gas Supply, Inc. for provision of Retail Natural Gas Services for the City's Natural Gas Aggregation Program, for a period of up to two years, from April 1, 2026 through March 31, 2028, and declaring an emergency.

WHEREAS, in November 2003, the City's voters authorized the City to form a Natural Gas Aggregation Program to provide an opportunity for residential and small business customers collectively to participate in the potential benefits of the competitive retail natural gas market; and

WHEREAS, in Ordinance No. 06-21, enacted on February 27, 2006, City Council approved the City's Plan of Operation and Governance for the Municipal Natural Gas Aggregation Program; and

WHEREAS, on March 24, 2006, the City first applied to and was certified by the Public Utilities Commission of Ohio ("PUCO") as a Governmental Aggregator, and the City has renewed its PUCO Certification each year thereafter; and

WHEREAS, in Ordinance No. 25-02, enacted on January 21, 2025, this Council authorized the City to enter into a contract with Interstate Gas Supply, Inc. ("IGS") for up to two years, and the contract thereafter entered into by the City and IGS on January 22, 2025 was for a period of one year, from April 1, 2025 through March 31, 2026; and

WHEREAS, in July 2025, the City's gas consultant AMPO, through its sub-consultant Palmer Energy, sent out a Request for Proposals (RFP) for the City's natural gas provider for the City's Aggregation Program to fourteen gas suppliers; and

WHEREAS, the proposal of IGS Energy was the lowest and best proposal; and

WHEREAS, the City's consultants from AMPO-Palmer Energy have recommended that the City enter into a contract with IGS Energy for a period of up to two years as the City's Program supplier; and

WHEREAS, IGS is certified by the PUCO as a Competitive Retail Natural Gas Service ("CRNGS") Provider to sell competitive retail natural gas and related services to consumers and governmental aggregation programs in the State of Ohio; and

WHEREAS, the City desires to renew the Master Services Agreement with IGS to provide natural gas supply and related services necessary to serve the natural gas accounts of residential and small business customers enrolled in the City's Natural Gas Aggregation Program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby authorizes a renewal or renewals of the Master Services Agreement with Interstate Gas Supply, Inc. for provision of Retail Natural Gas Services, for a period of up to two years, from April 1, 2026 through March 31, 2028.

Section 2. The Mayor is hereby authorized to enter into a renewal or renewals of the Master Services Agreement with Interstate Gas Supply, Inc. Said renewal or renewals of the Master Services Agreement shall be as approved by the Director of Law.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City in order to continue the City's Natural Gas Aggregation Program without interruption for customers of the Program, and therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
DAVID E. WEISS, Mayor

Attest:

\_\_\_\_\_  
MATTHEW P. CARROLL  
Clerk of Council

coun26/0112IGSagreementrenewal-2026-2028