

PROPOSED AMENDMENTS TO ZONING CODE – SCHOOL OUTDOOR RECREATION FACILITIES

1211.02 DEFINITIONS.

Athletic Fields An outdoor area designed, constructed, and maintained for organized or informal athletic, physical education, or recreational activities, including but not limited to soccer, football, baseball, softball, lacrosse, track and field, and similar uses, which may include natural or synthetic turf, associated drainage and grading improvements, and accessory features customarily incidental to the use, such as goals, backstops, bleachers, scoreboards, and fencing, subject to applicable zoning standards.

Courts, Outdoor Outdoor, improved playing surfaces specifically designed and dimensioned for court-based recreational or athletic activities, including but not limited to basketball, tennis, pickleball, volleyball, and similar uses. Outdoor Courts may include paving or surfacing, striping, nets, goals, fencing, lighting, seating, and related appurtenances customarily incidental to the use.

Organized or Scheduled Sports or Recreational Activities Sports or recreational activities that are planned, scheduled, supervised, or coordinated in advance, including practices, games, leagues, tournaments, classes, or similar events, whether or not a fee is charged, and whether conducted by a school, governmental entity, nonprofit organization, or private party.

Outdoor Amenities, Incidental Outdoor features and improvements that are accessory to and customarily incidental to a principal use, intended to serve occupants or users of the site, and not designed or intended as a primary recreational, assembly, or event space. Incidental Outdoor Amenities may include, but are not limited to, seating areas, picnic tables, patios, courtyards, plazas, walkways, bicycle racks, landscaping features, shade structures, and similar site furnishings, but do not include athletic fields, playgrounds, recess areas, or other facilities designed for organized or intensive outdoor activity.

Outdoor Recreation Facilities Outdoor areas or improvements designed, constructed, or equipped for recreational or athletic activities conducted outdoors, including athletic fields, tracks, outdoor courts, playgrounds, recess areas, and similar facilities, whether used for organized or informal activities; which may include seating, fencing, surfacing, restrooms, and other accessory features customarily incidental to the use if permitted herein; but not including School Outdoor Recreation Facilities.

Playground An outdoor area designed and equipped primarily for informal play and physical activity, typically intended for children, and featuring fixed or semi-permanent play equipment, such as slides, swings, climbing structures, and similar apparatus, which may include protective surfacing, seating, shade structures, and fencing customarily incidental to the use.

Recess Area An outdoor area located on a school site and used primarily for unstructured, non-organized play by students during the school day, which may include open lawn areas, paved play surfaces, playground equipment, and similar features, but does not include athletic fields, courts, or facilities designed for organized competitive sports.

School Outdoor Recreation Facilities Outdoor athletic fields, outdoor courts, tracks, and similar facilities operated by or in connection with a public or private school and designed for organized or scheduled sports or recreational activities, including practices, competitions, and events, but not including playgrounds, recess areas, or incidental outdoor amenities not intended for organized athletic use.

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 1263.03.
3. Colleges and universities.
4. Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
5. Day Care Centers, Adult, pursuant to Section 1263.06.
6. Day Care Centers, Child, pursuant to Section 1263.07.
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. School Outdoor Recreation Facilities, pursuant to Section 1263.21.
- ~~13.~~ Shelters, emergency.
- ~~143.~~ Similar uses approved by the City Planning Commission and the City Council, pursuant to Section 1213.05.D.2.
- ~~154.~~ Theatres.

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, pursuant to Section 1263.05.
2. Fire and police stations, pursuant to Section 1263.11.
3. Recreational facilities, 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.

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1263.19 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 1263.08, 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 unless approved as a conditional use in accordance with Section 1263.21.

D. Minimum Lot Area. The minimum lot area for Private Schools shall be one (1) acre.

E. 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.

1263.20 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 school outdoor recreation facilities shall be allowed unless approved as a conditional use in accordance with Section 1263.21.

- 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.

1263.21 SCHOOL OUTDOOR RECREATION FACILITIES.

School Outdoor Recreation Facilities may be granted a Conditional Use Permit only in the I Institutional District when determined to be in compliance with all of the following:

- A. No activities shall take place before 8:00 a.m. or after 10:00 p.m. each day seven days per week.
- B. A traffic and parking plan shall be submitted demonstrating that on-site and off-site impacts will be adequately addressed and traffic adequately and safely accommodated.
- C. A landscape, buffer, and screening plan shall be submitted and approved to mitigate visual, and noise impacts on adjacent properties.
- D. No lighted School Outdoor Recreational Facilities shall be allowed.

~~1263.21~~ **1263.22 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.

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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 knock 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.

1263.221263.23 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.

1263.231263.24 SMOKE SHOPS.

The following conditions shall apply to smoke shops when approved as a conditional use:

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.

1263.241263.25 STUDENT HOUSING, OFF-CAMPUS.

Student housing represents a unique residential type differing in essential characteristics from the City's residential classifications, districts and residential regulations.

A. General Requirements. The following conditions shall apply to off-campus student housing.

1. The property shall be owned or leased by a college or university that conducts a full-time program of

primarily in-person educational instruction, or by an entity affiliated with such institution.

2. The college or university associated with the off-campus student housing shall submit a campus master plan (CMP) for review by the City Planning Commission.
3. The Commission shall review the CMP and other documentation submitted by the institution as part of the Commission's determination of the applicant institution's compliance with the requirements for off-campus student housing set forth in this Section. As part of that determination, the Commission shall consider the location and occupancy of off-campus housing owned and/or operated by the institution, the demand for off-campus housing and parking, the measures the institution will take to ensure that off-campus housing construction and/or conversion maintains the character of the surrounding neighborhood, and the measures the institution will take to assist affected residents.

B. Occupancy and Duration of Occupancy.

1. Occupancy in an off-campus student housing facility shall be limited to students and a student's immediate family members, and persons employed by the associated college or university.
2. If it complies with the minimum area per dwelling unit required pursuant to Section 1225.05.B., A Apartment District, Minimum Area Per Dwelling Unit, then it may be occupied by persons other than students and their dependents and college/university employees.

C. Location. An off-campus student housing facility shall be located on a lot not more than 500 feet from the boundary of the campus of the college or university to which it is associated. For purposes of this section, the distance measurement shall be taken between the nearest boundaries of the parcel on which the off-campus student housing facility is proposed and the nearest boundary of the parcel on which the campus is located.

D. Minimum Lot Requirements.

1. The minimum lot area for off-campus student housing shall be one (1) acre.
2. The minimum lot width requirement for off-campus student housing shall be one hundred (100) feet.

E. Minimum Unit Requirements.

1. The minimum gross floor area of a student housing unit, including closets, bathrooms, and like areas, shall be 400 square feet, but not less than 150 square feet per occupant. A maximum of four sleeping rooms shall be provided in a student housing unit.
2. Each student housing unit shall be provided with a minimum of one bathroom for every four beds.
3. The number of sleeping rooms, the number of beds, the square feet per sleeping room, and the square feet per student housing unit shall be depicted on a floor plan.
4. No unit in a building approved for off-campus student

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housing shall be advertised as a market-rate apartment and/or occupied or intended to be occupied by persons other than students, faculty or residential assistants unless the unit complies with the minimum area per dwelling unit required pursuant to Section 1225.05.B, A Apartment District, Minimum Area Per Dwelling Unit.

F. Site Design.

1. The location and configuration of, and manner of operating off-street parking areas, service areas, circulation systems, entrances, exits, lighting, or similar areas shall be designed to avoid adverse effects on residential uses adjoining the development.
2. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic and otherwise comply with other standards for site plan review and zoning district standards.

G. 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.

H. Required Documentation. No conditional use permit shall be issued to create an off-campus student housing facility unless documentation indicating proof of ownership or control has been submitted to the City, and copies of documents demonstrating that the owner or lessee of the building is an educational institution that provides a course of study that meets the requirements of A.1. of this section, or is an entity affiliated with such institution.

I. Effect on Other Codes. The designation of a building or a part of a building as off-campus student housing shall not by itself be determinative as to the occupancy, construction, or multiple dwelling classifications as determined pursuant to the Building Code, Housing Code or other codes of the City.

~~1263.25~~**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.

~~1263.26~~**1263.27 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.