

ORDINANCE NO. 24-02
BY: Sean P. Malone

Amending Sections 1211.02, 1230.04, 1231.03, 1232.03, 1233.03, 1234.03, 1234.07, 1234.08, 1234.10, 1240.04, 1251.02, 1251.13, 1262.12, and 1263.10, and adding new Section 1263.25, of Part Twelve, Zoning Code, of the Codified Ordinances of the City of Shaker Heights to amend the zoning map to rezone the commercial areas at Fairmount Circle and the south side of Chagrin Boulevard west of Lee Road, and to amend the zoning text to add off-campus student housing as a conditional use, and to update definitions, conditional use standards, and drive-through use regulations.

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, Section 1211.02 was most recently amended in Ordinance 13-144, enacted December 16, 2013; Sections 1230.04, 1231.03, 1232.03, 1233.03, 1234.03, 1234.10, and 1240.04 were most recently amended in Ordinance 18-25, enacted April 23, 2018; Sections 1234.07 and 1234.08 were most recently amended by Ordinance 13-16, enacted May 28, 2013; and Sections 1251.02, 1251.13, 1262.12, and 1263.10 were adopted by Ordinance 95-80, enacted July 24, 1995; 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, 1230.04, 1231.03, 1232.03, 1233.03, 1234.03, 1234.07, 1234.08, 1234.10, 1240.04, 1251.02, 1251.13, 1262.12, and 1263.10 of the Zoning Code in the Codified Ordinances of the City of Shaker Heights presently in effect are hereby repealed.

Section 2. Sections 1211.02, 1230.04, 1231.03, 1232.03, 1233.03, 1234.03, 1234.07, 1234.08, 1234.10, 1240.04, 1251.02, 1251.13, 1262.12, 1263.10, and 1263.25 of the Zoning Code in the Codified Ordinances of the City of Shaker Heights are hereby enacted as amended, or newly enacted, to read as follows:

1211.02 DEFINITIONS.

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

Campus A contiguous area of land owned by and constituting the grounds of a college or university containing the primary concentration of main buildings, related institutional buildings, on-campus student housing and/or dormitories provided by the college or university, and ancillary buildings such as a student union, and as noted on the college's or university's campus master plan. For the purpose of this definition, contiguous property means property owned by the college or university sharing a common border and not extending across public right of way or property not owned by the college or university.

College, University A post-secondary institution of higher education that is 1) identified as a state university in the Ohio Revised Code; 2) recognized as a member of the Association of Independent Colleges and Universities of Ohio, or 3) recognized as a member of the Ohio Association of Community Colleges.

Dormitory A building or part of a building used as group living quarters for a student body as an accessory use for and located on the same site as a college or university campus, but not including hotels, assisted living facilities, convalescent or nursing homes, residential care homes, or off-campus student housing. ~~containing a room or rooms forming one or more habitable units which are used or intended to be used by residents primarily for living and sleeping.~~

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

Dwelling A building, or portion thereof, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels or motels, camp cars, trailers, or any other vehicle on or off wheels.

Dwelling Unit Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, and eating by one family. Does not include hotels, dormitories, or off-campus student housing.

Group Living Quarters A place where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. This is not a typical household-type living arrangement. People living in group quarters are usually not related to each other. Group living quarters include such places as college dormitories, off-campus student housing, assisted living facilities, and convalescent or nursing homes.

Off-Campus Student Housing A building or part of a building used as group living quarters, owned and/or operated by, or on behalf of a college or university, or its affiliate, but which is not located on such academic institution's campus, and containing three or more student housing units that are occupied or intended to be occupied by students enrolled at that academic institution and their dependents, or by college or university employees. Unit configuration may include a suite with common space for living and cooking, plus one or more sleeping rooms. The property may offer amenities and services tailored to higher education students, such as study areas, fully furnished units, and/or roommate matching services. Lease terms may allow students to lease by the bed, with options to lease for the months they are attending school (i.e. less than 12 months). Utilities are typically included with the lease rate.

Sleeping Room A room within a student housing unit in an off-campus student housing facility, which contains at least (1) bed and not more than two (2) beds, and may include a private closet or closets and/or a private bathroom.

Student Housing Unit A group of rooms located within off-campus student housing forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, and eating by one or more students and their dependents, or by college or university employees.

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 1263.10.
- D. Libraries.
- E. Mid-rise office development, pursuant to Section 1263.16.
- F. Museums.
- G. Places of Worship

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

I. Restaurants, sit-down.

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

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 1263.08.

B. Day care centers, Child, pursuant to Section 1263.09.

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 1263.10.

D. Dwelling units located above the first floor, pursuant to Section 1263.11.

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.

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.

B. Animal Hospitals and Veterinarians' Offices, pursuant to Section 1263.02.

- C. Assisted Living Facilities, pursuant to Section 1263.04.
- D. Automotive fuel stations, with or without convenience retail, pursuant to Section 1263.05.
- E. Automotive rental and leasing, pursuant to Section 1263.05.
- F. Automotive sales, including repair and storage of automobiles, pursuant to Section 1263.05.
- G. Automotive service and repair shops, pursuant to Section 1263.05.
- H. Band Shells and Amphitheaters, pursuant to Section 1263.06.
- I. Car washes, pursuant to Section 1263.05.
- J. Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
- K. Day Care Centers, Adult, pursuant to Section 1263.07.
- L. Day Care Centers, Child, pursuant to Section 1263.08.
- M. Drive-through Facilities accessory to a principal use listed in Sections 1232.02 or 1232.03, pursuant to Section 1263.10.
- N. Dwelling units located above the first floor, pursuant to Section 1263.11.
- O. Fire and police stations, pursuant to Section 1263.12.
- P. Garden centers, including outdoor sales pursuant to Section 1253.09, Landscape Buffers and Screening.
- Q. Hotels and motels.
- R. Job printing and newspaper printing exceeding ten thousand (10,000) square feet.
- S. Libraries.
- T. Municipal service uses, pursuant to Section 1263.12.
- U. Museums.
- V. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- W. Recreation facilities, indoor, public or private.
- X. Schools, Specialized Instructional, pursuant to Section 1263.22.
- 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.

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. Animal Hospitals and Veterinarians' Offices, pursuant to Section 1263.02.
- C. Assembly of finished goods, pursuant to Section 1263.03.
- D. Automotive fuel stations, with or without convenience retail, pursuant to Section 1263.05.
- E. Automotive rental and leasing, pursuant to Section 1263.05.
- F. Automotive sales, including repair and storage of automobiles, pursuant to Section 1263.05.
- G. Automotive service and repair shops, pursuant to Section 1263.05.
- H. Car washes, pursuant to Section 1263.05.

- I. Day Care Centers, Adult, pursuant to Section 1263.07.
- J. Day Care Centers, Child, pursuant to Section 1263.08.
- K. Drive-through Facilities accessory to a principal use listed in Sections 1233.02 or 1233.03, pursuant to Section 1263.10.
- L. Dry cleaning plants.
- M. Dwelling Units.
- N. Garden centers, including outdoor sales, pursuant to Section 1253.09, Landscape Buffers and Screening.
- O. Hospitals and outpatient care facilities; for the treatment and aid of humans, pursuant to Section 1263.14.
- P. Laboratories, pursuant to Section 1263.15.
- Q. Libraries.
- R. Museums.
- S. Outdoor Storage, accessory to a permitted use, in rear yard; only, pursuant to Section 1253.09.B, Buffers for Commercial Uses, and Section 1263.17, Outdoor Storage.
- T. Packaging of finished goods, pursuant to Section 1263.03.
- U. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- V. Recreational facilities, indoor, public or private.
- W. Research Facilities, pursuant to Section 1263.15.
- X. Schools, Primary and Secondary, Private, pursuant to Section 1263.20.
- Y. Schools Specialized Instructional, pursuant to Section 1263.21.
- Z. Self Storage Facilities, pursuant to Section 1263.22.
- 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.

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 District:

- A. Amusement devices, as defined by the Business Regulation Code, in excess of two, pursuant to Section 1263.01.
- B. Animal hospitals and veterinarian's offices, pursuant to Section 1263.02.
- C. Assembly of finished goods and packaging of finished goods, pursuant to Section 1263.03.
- D. Assisted living facilities, pursuant to Section 1263.04.
- E. Band shells and amphitheaters, pursuant to Section 1263.06.
- F. Convalescent, nursing or rest homes, pursuant to Section 1263.04.
- G. Day care centers, adult, pursuant to Section 1263.07.
- H. Day care centers, child, pursuant to Section 1263.08.
- I. Drive-through facilities/facility accessory to a pharmacy/drug store, bank or other financial institution, or similar use, pursuant to Section 1263.10.
- J. Dwelling, multiple family, 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.

- K. Fire and police stations, pursuant to Section 1263.12.
- L. Home occupations, pursuant to Section 1263.13.
- M. Hospitals and outpatient care facilities for the treatment and aid of humans, pursuant to Section 1263.14.
- N. Hotels and motels.
- O. Laboratories and research facilities pursuant to Section 1263.15.
- P. Limited production/processing, pursuant to Section 1263.15.
- Q. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- R. Recreational facilities, indoor, public or private.
- S. Schools, primary and secondary pursuant to Section 1263.21.
- T. Schools, specialized instructional, pursuant to Section 1263.22.
- U. Student Housing, Off-Campus, pursuant to Section 1263.25.
- V. Theaters and Assembly Halls, pursuant to Section 1263.06.
- ~~W~~. Utilities (including substations, transmission facilities and related facilities).
- ~~X~~. Wine bars and brew pubs.
- ~~Y~~. Work/live units, pursuant to Section 1263.23.
- ~~Z~~. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05 D.2.

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 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, ~~and~~ 1234.08-B, and 1234.08-C 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 Commercial Mixed Use District

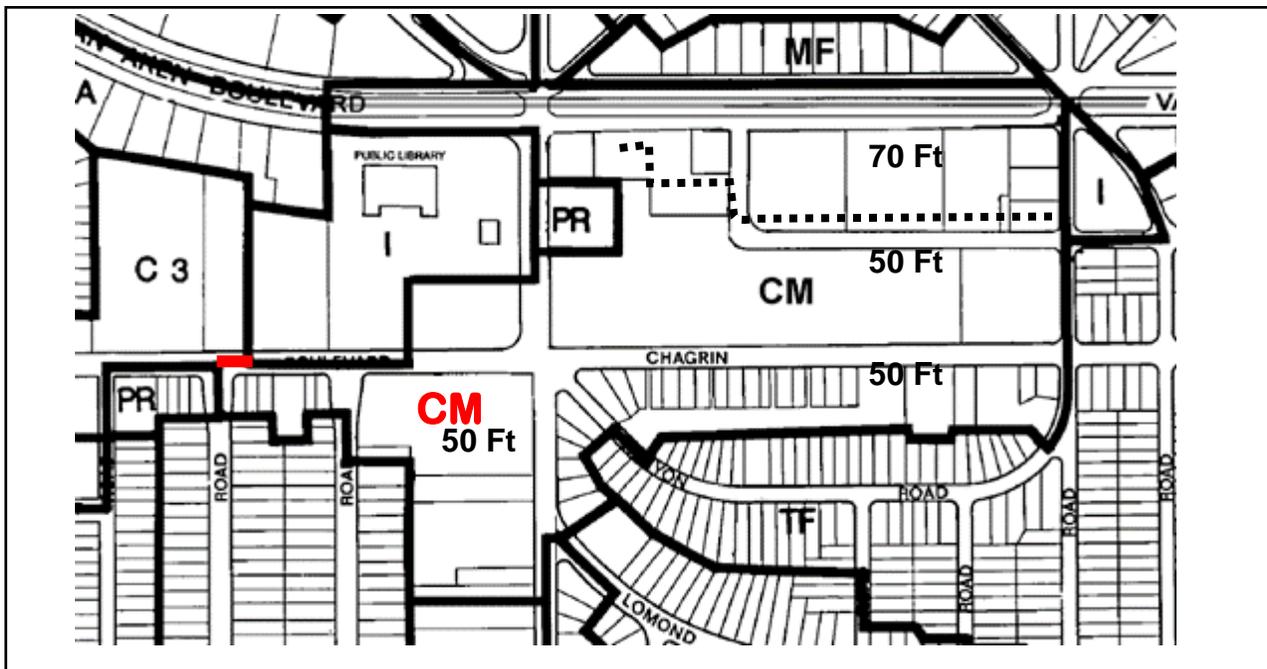
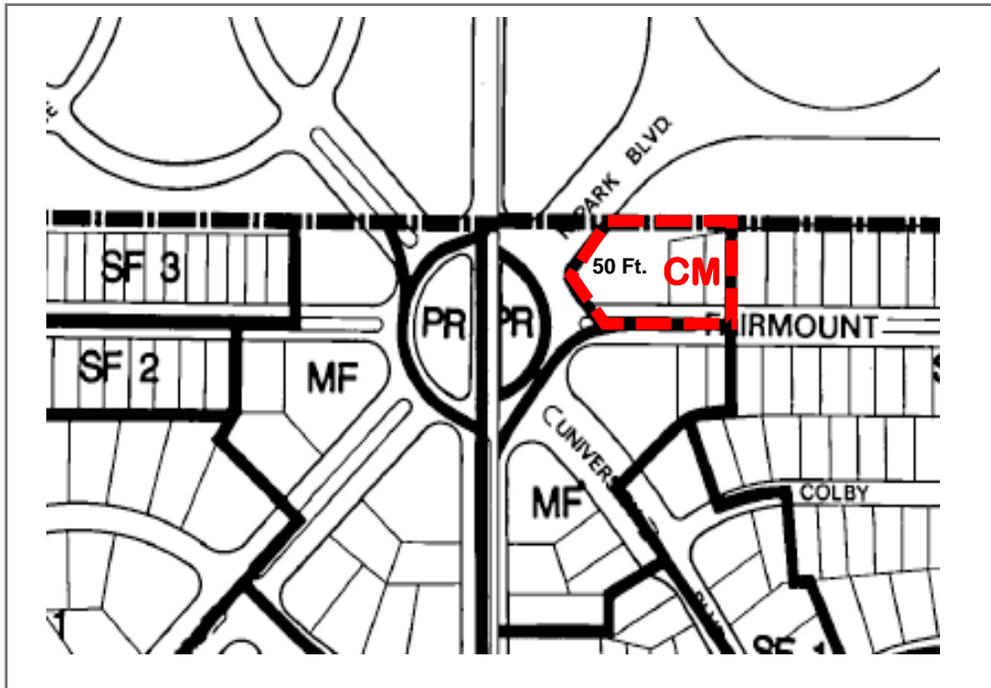


Figure 1234.08-B
Maximum Height Requirements
Van Aken/Warrensville Area CM Commercial Mixed Use District

[OMITTED IN THIS LEGISLATION]

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



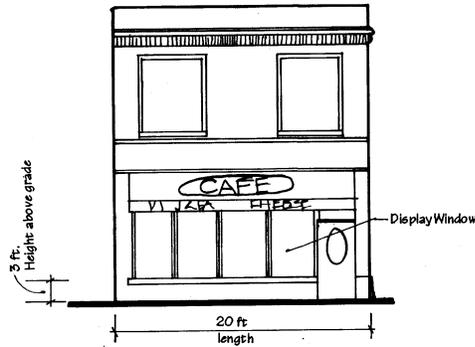
1234.10 DESIGN STANDARDS AND PRINCIPLES.

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.
 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.
 - f. Dark colored cabinets are preferred, white backgrounds are discouraged.
 - 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. 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. Preferred materials and graphic elements include:
- a. Mixed media signs incorporating multi-dimensional forms and combinations of colors, shapes, materials, and lighting;
 - b. Application of innovative technologies;
 - c. Dimensional letter forms with seamless edge treatments;
 - d. Reverse channel halo lettering;
 - e. Cut or fabricated steel, painted and finished;
 - f. Etched metal or glass, sandblasted glass;
 - g. Polished metal;
 - h. Screens, lattice, or mesh;
 - i. Glazed ceramic tile work forming patterns and/or fields;
 - j. Etched or carved stone;
 - k. Fiber optics; and
 - l. Silhouette illumination.
8. 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; illumination of sign backgrounds shall not be permitted.

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.

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 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 1263.04.
3. Colleges and universities, and associated dormitories.
4. Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
5. Day Care Centers, Adult, pursuant to Section 1263.07.
6. Day Care Centers, Child, pursuant to Section 1263.08.
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.

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 1263.06.
2. Fire and police stations, pursuant to Section 1263.12.
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.

1251.02 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

A. Except as provided elsewhere in this Zoning Ordinance, each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in Table 1251.02, Schedule of Off-Street Parking Requirements. When the intensity of use of any structure or lot is increased through a change in use or the addition of dwelling units, gross floor area, seating capacity, or other units of measurement used in Table 1251.02, Schedule of Off-Street Parking Requirements, additional parking facilities shall be provided as required for the entire use as increased.

B. Minimum requirements shall be computed per dwelling unit or on the gross square footage of the building or buildings excepting space used exclusively for mechanical equipment necessary for lighting, heating or air conditioning the building.

C. When any calculation results in a fraction of a parking space, any fraction shall be rounded to the nearest whole number.

D. In the event this Zoning Ordinance does not specify the number of parking spaces for a specific use, the Zoning Administrator shall determine the number of spaces required. In making this determination, the Zoning Administrator shall consider the following criteria:

1. The number of off-street parking spaces required for a use listed in Table 1251.02, Schedule of Off-Street Parking Requirements, that is the most similar to the proposed use in terms of the parked vehicles that are anticipated to be generated.
2. The square footage to be occupied by the proposed use.
3. The number of employees and patrons that are anticipated for the proposed use.

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 (1/2) 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	<u>The minimum required spaces for the principal use, 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.</u>
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.
<u>Off-Campus Student Housing Unit</u>	<u>One (1) space per two sleeping rooms.</u>
CULTURAL/ENTERTAINMENT	

USES	OFF-STREET PARKING SPACES REQUIRED
Amusement Establishments	One (1) space per one hundred (100) square feet of gross floor area.
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.

1251.13 BICYCLE PARKING FACILITIES.

New public, hospital, university or college buildings, off-campus student housing, and shopping centers shall provide bicycle parking facilities. The number and size of such facilities shall be established through site plan review but shall be no less than one (1) bicycle space for every twenty (20) automobile spaces.

1262.12 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, except when otherwise specifically regulated in the District in which the structure is located.

C. Parking Structures may be located up to the lot line, only within the rear yard setback, except when otherwise specifically regulated in the District in which the structure is located, provided that for any parking structure located on a lot line provided the wall of such garage shall be constructed of fire proof material in accordance with the ordinances of the City of Shaker Heights.

Table 1262.12. Summary of Regulations for Parking Structures

Zoning District -	MF	A	O	C2	C3	CM
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 - <u>From both the Side and Rear</u> <u>Lot Line ← Side</u> - Rear	3 ft., or property line if wall is fireproofed, <u>per Section 1262.12 C.</u>
Maximum square footage	None

1263.10 DRIVE-THROUGH FACILITIES.

~~A dDrive-tThrough fFacilityies~~ may be granted a Conditional Use Permit only in the O, C1, C2, C3, and CM 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 effectively mitigate associated problems with traffic, congestion, emissions from idling vehicles, excessive pavement and noise. Such facilities may typically be associated with the following: fast-food restaurants, dry cleaners, banks and other financial institutions, and freestanding automatic teller machines.

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, C1 and CM 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.

~~A. Location. Drive-through facilities shall not be located in front of the principal building.~~

~~FB. 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.~~

~~C. Lot Coverage. A drive-through structure shall not cover more than ten percent (10%) of the lot.~~

~~D. Site Design and Layout.~~

~~1. A drive-through structure shall not be provided additional curb cuts except as recommended through site plan review.~~

~~2. Maneuvering space shall be provided in the rear or side yard.~~

~~3. Design of maneuvering and stacking aisles for the drive-through shall not interfere with circulation or visibility for traffic either on or off site.~~

~~4. The radius of drive through lanes shall be a minimum of forty five (45) feet.~~

~~5. A minimum of five (5) stacking spaces shall be provided within the drive through lane.~~

~~GE. 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.~~

~~HF. 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.~~

1263.25 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 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.

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 February 12, 2024

Approved this ____ day of _____, 2024.

Mayor David E. Weiss

Attest:

JERI E. CHAIKIN
Clerk of Council

Coun24/0116zoningcode-JCU-AMNDCODORD