

ORDINANCE NO. 24-35
BY: Ifeolu Claytor

Amending Section 1224.03, and enacting new Chapter 1245, of Part Twelve, of the Zoning Code, of the Codified Ordinances of the City of Shaker Heights, to amend the zoning text and map by creating an Off-Campus Student Housing (OCSH) Overlay District, allowing off-campus student housing as a conditional use in a multifamily zoning district, and including two Fairmount Circle properties in the new overlay district.

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 1224.03 was most recently amended in Ordinance 18-25, enacted April 23, 2018; and

WHEREAS, the City Planning Commission has recommended that Council approve amendments to the City's Zoning Code and zoning map to create an Off-Campus Student Housing (OCSH) Overlay District, allow off-campus student housing as a conditional use in a multifamily zoning district, and include two Fairmount Circle properties in the new overlay district; 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. Section 1224.03 of the Zoning Code in the Codified Ordinances of the City of Shaker Heights presently in effect is hereby repealed.

Section 2. Section 1224.03 of the Zoning Code in the Codified Ordinances of the City of Shaker Heights is hereby enacted as amended, and new Chapter 1245 is hereby enacted, to read as follows:

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 1263.09.
- B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.08.
- C. Home Occupations, pursuant to Section 1263.13.
- D. Municipal service uses, pursuant to Section 1263.12.
- E. Off-Campus Student Housing pursuant to Chapter 1245, Off-Campus Student Housing Overlay District.
- F. Places of Worship, pursuant to Section 1263.19.
- 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.

Chapter 1245
OFF-CAMPUS STUDENT HOUSING (OCSH) OVERLAY DISTRICT

1245.01 PURPOSE.

The purpose of the Off-Campus Student Housing (OCSH) Overlay District is to ensure that any conversion of market rate multi-family housing units to off-campus student housing, or development of new housing, is compatible with the surrounding neighborhood, maintains the harmony and character of existing residential areas, and ensures the conversion or redevelopment of existing housing to or creation of new off-campus student housing occurs in an orderly and desirable manner.

Additionally, the regulations are intended to:

- A. Provide for the allowance of OCSH as a conditional use, provided the proposed development, renovation, or redevelopment complies with the requirements of Section 1263.25, except as may be modified by these regulations, such as but not limited to the location requirement in Section 1263.25.C.
- B. Recognize that OCSH may cause different challenges than traditional single-family and multi-family housing, including the potential displacement of residents, and therefore warrants additional review.
- C. Direct OCSH to locations proximate to a college or university and where public transit service is available so that the need for on-site parking is reduced.
- D. Reduce opportunities for nuisances common to Group Living to

occur, such as noise, litter, and parking problems.

E. Ensure OCSH maintains and enhances the marketability of the neighborhood for nonstudent households to the maximum extent possible.

F. Ensure the neighborhood continues to reflect the scale and character of Shaker Heights in a manner that protects existing housing units from adverse effects.

G. Ensure that any alterations to existing residential structures made to accommodate OCSH do not diminish the ability to convert the units back to market-rate housing in the event the structure is no longer needed for OCSH.

H. Maintain and enhance the overall quality of life of Shaker Heights residents, businesses, and visitors.

I. Establish a review process for expanding the OCSH Overlay District at a property owner's request that considers the OCSH conditional use permit application simultaneously with the request for the OCSH Overlay District zoning map amendment.

J. Ensure that new development or redevelopment occurs in a manner consistent with transit-oriented development (TOD) plan(s) adopted by the City.

1245.02 DESIGNATION OF OFF-CAMPUS STUDENT HOUSING (OCSH) OVERLAY DISTRICT.

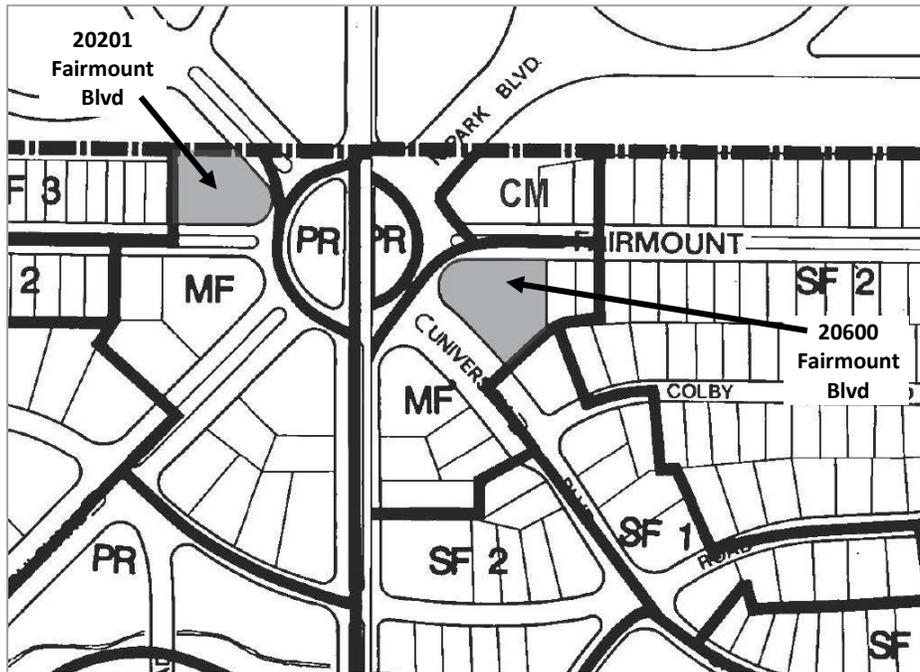
An Overlay District is a mapped zone that establishes a development option with a set of design requirements that are in addition to and in some cases an exception to those of the conventional "base" zoning district, so that any parcel of land lying in an Overlay District shall also lie in one or more conventional zoning districts provided for in this code. The OCSH Overlay District gives property owners the choice of developing according to the conventional "base" district regulations or the OCSH regulations.

A. Location of OCSH Overlay District. The City Planning Commission and City Council may, through the zoning amendment procedures in Section 1213.07, approve an OCSH Overlay District for an area that meets the location criteria established below.

1. Areas where an OCSH Overlay District has been established are as follows:

a. The location of the Fairmount Circle OCSH Overlay District is limited to the specific parcels designated on Figure 1245.02.A.1. below.

Figure 1245.02.A.1. Fairmount Circle OCSH



2. An OCSH Overlay District shall meet the following location criteria:
 - a. It must be located in a base zoning district of MF Multi-Family Residential District.
 - b. The location must be in close proximity to the campus of the college or university that owns or manages the OCSH facility, and where there are no Single-Family or Two-Family Districts located along the typical walking path between the OCSH facility and the college or university campus. Section 1263.25.C does not apply to the OCSH Overlay District.
 - c. The OCSH facility must have vehicular access to, or frontage on, an arterial street, as classified by the City of Shaker Heights.

B. OCSH as a Conditional Use. Once an OCSH Overlay District is established, OCSH shall be regulated as a conditional use.

1. Conditional Uses are uses that have some special characteristic or uniqueness that requires a careful review of their location, design, configuration, and impact to determine the desirability of permitting their establishment on any given site.
2. Conditional use standards for OCSH are found in Chapter 1263, Conditional Uses, and elsewhere as referenced herein.
3. Approval of an OCSH application is obtained pursuant to the requirements of Section 1213.05, Conditional Uses, with a determination based on the specific criteria set forth in Section 1213.05.H. Standards for Conditional Use Permits.

C. Relationship to Base District and Other Development Standards.

1. All provisions of the Shaker Heights Zoning Ordinance that are applicable to the base district shall apply to OCSH projects except as specifically modified in this Chapter.
2. Where there is a conflict between a provision in this Chapter and a provision in another section of the Zoning Ordinance, the requirements of this Chapter shall prevail.
3. If a provision found elsewhere in this Zoning Ordinance has not been explicitly modified by this Chapter, the standard shall govern unless such standard is waived by the Planning Commission and/or Council.

D. Limitations on Flexibility of OCSH. The City Planning Commission shall only approve an OCSH application that is consistent with the objectives set forth in Section 1245.01. Therefore, the City Planning Commission may require as a condition of approval any reasonable condition, limitation or design factor that will promote proper integration of an OCSH site with the existing residential neighborhood.

1245.03 REQUEST FOR EXPANSION OF OCSH OVERLAY DISTRICT.

A. In the event a property owner requests to rezone their property to apply the OCSH Overlay District, the property owner shall file an application to have the zoning map amended pursuant to Section 1213.07.

B. Simultaneously, the applicant shall file an application for a Conditional Use Permit with associated development plans for one or more existing apartment building(s) to be repurposed or redeveloped for OCSH consistent with the requirements of this Chapter.

C. Simultaneously with their review of the requested zoning map amendment, the City Planning Commission and City Council shall review the application for a Conditional Use Permit and associated development plans to determine if the proposal is for an appropriate location and is described in a manner that complies with the requisites of these regulations.

D. Approval of the requested zoning map amendment shall be contingent on approval of the application for a Conditional Use Permit and associated development plans.

E. If the zoning map amendment and application for a Conditional Use Permit and associated development plans are approved, the district designation of OCSH shall be reflected on a map in Section 1245.02.A., which shows the OCSH Overlay District designation superimposed over the existing base district designation on the Zoning Map.

1245.04 APPROVAL OF OCSH DEVELOPMENT.

The City Planning Commission and City Council shall review a proposed OCSH application to ensure that:

A. The proposal advances the purposes spelled out in Section 1245.01.

B. The existing building(s), parking areas and vehicular/pedestrian access are located and sufficiently screened so as to reduce any adverse influences of renovation or redevelopment and to protect the character of areas adjacent to the proposed development.

C. The bulk and height of any proposed building addition or new construction is compatible with the surrounding development.

D. Parking areas, service areas, entrances, exits, and pedestrian

walkways on the parcel are designed to minimize traffic hazards, congestion, and any other potentially adverse influences so that the existing character of the area is preserved.

E. The proposal complies with the minimum requirements in Section 1245.05.

1245.05 MINIMUM REQUIREMENTS.

A. Compliance with OCSH requirements. The proposed OCSH shall comply with the conditional use requirements in Section 1263.25 unless specifically noted otherwise in this Chapter.

B. Minimum Unit Floor Area Requirements. OCSH units shall comply with the minimum floor area requirements for multi-family units established in the base district.

C. Building Construction/Alterations.

1. New construction. All new construction, including building additions, shall comply with the requirements in the base district for multi-family buildings.

2. The development shall include no rooftop amenity areas or access, other than for emergency access.

D. Parking Requirements.

1. Parking for Conversion of Existing Multi-Family Building.

a. The amount of off-street parking shall not be increased, except in compliance with the requirements for the base district.

b. Bicycle parking shall be provided in compliance with Section 1251.13. Bicycle parking facilities shall be located so as to not interfere with pedestrian movement.

2. Parking Standards for New Construction. Off-street parking and associated driveways for the new construction, including the addition to an existing building that increases the number of housing units, 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.

a. New construction shall provide parking spaces in compliance with the off-street parking requirements for Multiple-Family Dwellings and Apartments set forth in Table 1251.02.

b. 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.

c. The maximum amount of parking provided shall not exceed 100% of the standards contained in Chapter 1251.

d. Bicycle parking facilities shall be provided in compliance with Section 1251.13 and shall be located so as to not interfere with pedestrian movement.

3. Location of Off-Street Parking Spaces and Parking Structures.

- a. No new off-street surface parking shall 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.
- b. When located on a lot adjacent to a Single-Family or Two-Family District, a parking structure shall be located as far as practicable from the side or rear lot line abutting the Single-Family or Two-Family District.

4. Tenant leases/rental agreements shall include a provision that requires tenants to comply with the applicant's parking regulations and policies, including compliance with the applicant's assignment of a tenant vehicle to a parking location or lot, and indicating that a tenant may not park a vehicle in OCSH parking unless assigned a location or lot at an OCSH location.

E. Buffering. OCSH and associated parking shall be buffered with landscaping pursuant to Chapter 1253.09, Landscape Buffers and Screening and shall be approved upon the finding that landscaping plans are adequate to properly screen off-street parking and outdoor areas from neighboring properties so as to reduce nuisances from light and noise.

1. Where abutting a Single-Family or Two-Family Residential District, such buffer shall include a fence of at least six (6) feet in height or a solid evergreen hedge of at least six (6) feet in height to adequately screen the development from view.
2. 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.

F. School Year Move-In Move-Out Activities.

1. The college or university shall schedule stagger move-in/move-out dates and provide the schedule to the City's Chief Administrative Officer and Chief of Police at least 30 days before the start of each semester.
2. The college or university shall notify neighbors within 300 feet of the lot line of the OCSH a minimum of seven days before such student move-in/move-out dates.
3. The college or university shall designate a staging area for loading and unloading to be used for moving in and moving out.

G. Outdoor Activities. Outdoor organized or group activities, such as parties, sports or game activities, and other similar activities, and outdoor gathering spaces, when provided, shall be located in the rear yard. The City Planning Commission may further restrict the location of outdoor activity/ outdoor gathering space at the time of the Conditional Use Permit review, or at any time subsequent to issuance of the CUP if necessary to protect an adjoining single-family or two-family residential district from nuisances or to ensure that such activities and/or spaces do not unreasonably

interfere with the peaceful enjoyment of surrounding properties or adversely impact the public health, safety or welfare.

H. Good Neighbor Plan. The college or university shall establish rules and provide educational material to tenants to proactively address the potential for undesirable student behavior, such as loud music and parties that disturb neighborhoods close to the OCSH.

1. The Good Neighbor Plan shall be submitted for review and approval as part of the conditional use application and shall include the following:

a. The college's or university's residency rules.

b. A code of conduct and enforcement plan. The college or university shall develop a code of conduct and enforcement plan to ensure any violator is held accountable by the college or university.

c. City ordinance information. The information shall include material to educate the student population about their responsibilities as citizens.

d. Best practices for reporting issues and concerns to the college or university, building management and the City of Shaker Heights, including contact information for appropriate campus and city personnel.

2. The material shall be provided to tenants at the lease signing.

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. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted May 28, 2024.

Approved this ____ day of _____, 2024.

Mayor David E. Weiss

Attest:

JERI E. CHAIKIN
Clerk of Council

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