

**ORDINANCE NO. 2020-25
INTRODUCED BY:**

**AS RECOMMENDED BY PLANNING COMMISSION
WITH ADDITIONAL REVISIONS IN BLUE
AS PROPOSED BY THE ADMINISTRATION
DECEMBER 23, 2020 MEETING DRAFT**

**AN ORDINANCE
AN ORDINANCE AMENDING CERTAIN SECTIONS OF
THE ZONING CODE OF THE CITY OF PEPPER PIKE TO
MODIFY REQUIREMENTS OF THE U-2 PUBLIC
BUILDING DISTRICT AND ENACTING NEW CHAPTER
1275, SITE DEVELOPMENT PLANS.**

WHEREAS, on December 18, 2019, this Council enacted a moratorium precluding the further development or redevelopment of land zoned in the U-2 District so that the City could establish appropriate processes and standards for permitting developments in the U-2 District in a manner which advances the health, safety and welfare of everyone in the City of Pepper Pike; and

WHEREAS, the City has engaged George Smerigan (“Smerigan”) to study the U-2 District and make recommendations regarding amendments that would benefit the owners of U-2 District property and all of the residents and stakeholders of the City of Pepper Pike; and

WHEREAS, the City has also engaged the Levin Chair Group of the Maxine Goodman Levin College of Urban Affairs at Cleveland State University (“Levin Chair Group”) to perform a study related to development in the City of Pepper Pike, and particularly the economic impacts of developments within the City; and

WHEREAS, based upon, among other things, the reports of George Smerigan and the Levin Chair Group the administration has prepared this ordinance for consideration by Council; and

WHEREAS, this ordinance has been referred to the Planning and Zoning Commission for a report and recommendation; and

WHEREAS, Council has held a public hearing on this Ordinance in accordance with Article III, Section 8 of the Charter of the City of Pepper Pike.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PEPPER PIKE, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. Section 1260.06, Definitions, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1260.06 DEFINITIONS.

As used in this Zoning Code, words used in the present tense include the future, the singular number includes the plural, and the plural the singular. In addition:

- (a) “Accessory use or building” means
 - (1) “Accessory Building” means a building that is:

- A. Subordinate in purpose to the principal building;
 - B. Customarily incident to the use of the principal building;
 - C. Located on the same lot or parcel with the principal building; and
 - D. Approved as an Accessory Building by the Planning Commission.
- (2) “Accessory Use” means a use that is:
- A. Subordinate in purpose to and primarily services the principal use;
 - B. Customarily incident to the principal use;
 - C. Located on the same lot or parcel as the principal use; and
 - D. Approved as an Accessory Use by the Planning Commission.
- (b) "Building" includes "structure."
- (c) "Building line," also referred to as “front yard line” and “setback line” means a line parallel with and measured from the right-of-way line of the street defining the limits of the front yard within which no building, structure, or portion thereof may be erected above the established grade except as otherwise expressly provided herein.
- ~~(d) “Church” see “Places of Worship.”~~
- ~~(e) “Clubhouse” means a building or buildings operated by a private **non-profit** membership organization primarily to provide social and recreational services for its members, and where the principal use and operation is not for the purpose of conducting any trade or business.~~
- (f) "Commission" means the City Planning Commission and all officers, boards or commissions succeeding by law or ordinance to any of its powers or duties.
- ~~(g) “Community Center” means a building open to the public and used for **non-profit** community events of an educational, recreational, or public service nature **but not for the principal purpose of conducting a business.**~~
- ~~(h) “Day School” means buildings used for educational purposes by either~~
- ~~(1) An institution of higher learning, such as a college or university, providing **recognized academic degrees and accredited by the Higher Learning Commission of the North Central Association of Schools and Colleges or successor organization** for undergraduate or graduate students. Degree programs may include associate’s degrees, bachelor degrees, master’s degrees and doctorates; or~~
 - ~~(2) An educational institution chartered by the Ohio Board of Regents or conforming to the minimum standards prescribed by the State Board of Education and any private or parochial educational institution certified by the Ohio Department of Education that offers State approved courses of instruction. It does not include commercial schools intended to provide students job training for a trade or business or training in specialized athletic or physical skills.~~
- ~~(i) “ Dwelling Unit” means one or more connected rooms constituting a separate, independent housekeeping establishment containing independent cooking, bathing, toilet, and sleeping facilities for an individual or group of individuals living together as a single housekeeping unit, and which is physically separated and inaccessible from any other rooms or dwelling units which may be in the same structure.~~
- (j) "Established grade" means the elevation of the street curb as fixed by the City.
- ~~(fm) “Family” means one individual or a number of individuals related by blood, adoption or marriage to the head of the household or to the spouse of the head of the household,~~

~~living, sleeping, cooking and eating together as a single housekeeping unit, except that a family may include not more than two additional persons not related within the scope of the foregoing definition of "family," whether or not otherwise related to the head of the household or to the spouse of the head of the household, provided that:~~

~~(1) Such "additional" persons shall be at least eighteen years of age; or~~

~~(2) If such "additional" persons are less than eighteen years of age, such persons must be:~~

~~A. Foster children placed with the head of the household, or with the spouse of the head of the household. "Foster child" means a person under eighteen years of age who is placed in a residential dwelling unit by an institution or agency, licensed or approved by an appropriate State regulating agency to place foster children; or~~

~~B. Children for whom a "family" member has been appointed legal guardian by a court of competent jurisdiction; or~~

~~C. Not more than one "additional" person under eighteen years of age who is the child or ward of an "additional" person over eighteen years of age. In order for a person under eighteen years of age to be considered the ward of another, such other person must have been appointed legal guardian by a court of competent jurisdiction.~~

~~The "head of household" shall be that person who customarily furnishes the greatest percentage of financial support to the maintenance of the family.~~

- (k) "Gross Floor Area" means the horizontal area of all floors contained within the interior wall faces of the perimeter walls of a building excluding basements and garages.
- (l) "Height of a building" means the vertical distance measured from the established grade, or the natural grade if higher than the established grade, to the highest point of the coping of the street wall for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, gambrel or hip roofs.
- (m) "Inspector of Buildings" includes all persons succeeding him or her, by whatever title known, in the duties and powers provided for him or her in this Zoning Code.
- (n) "Least dimension of a yard" means the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, the horizontal dimensions between them shall be deemed to be the mean distance between them.
- (o) "Library" means a building with a curated collection of sources of information and similar resources made accessible either physically or digitally to a defined community for reference or borrowing.
- (p) "Livable area" means the horizontal area of usable and habitable space within a dwelling unit and is measured from the interior wall faces of the dwelling unit. In order to qualify as livable floor area, the sidewalls shall have a minimum height of seven feet on the first floor and five feet on the second floor and the window area shall be a minimum of ten percent of the livable floor area.
- (q) "Lot" includes "plot" and means a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Code and such open spaces as are arranged and designed to be used in connection with such building.

- (r) "Main building" means the building or space occupied by the chief principal use or activity on the premises.
- ~~(s) "Multi-Family Dwelling" means a building consisting of three or more dwelling units with varying arrangements of entrances and party walls.~~
- (t) "Natural grade" means the elevation of the undisturbed natural surface of the ground adjoining the building.
- (u) "Nonconforming use" means a use of a building that does not comply with the regulations of the use district in which it is located.
- (v) "Notice" means a written announcement ~~delivered~~ to the person ~~addressed or left~~ at his or her usual residence, including delivery by registered mail, a reasonable time, not less than five days, before the event or action to which it refers.
- ~~(w) "Open Space" means areas of land and/or water that are not improved with structures or pavement. Open Space includes:~~
 - ~~(1) Natural areas that are, or which are left to become and remain undisturbed and unimproved;~~
 - ~~(2) Landscaped and lawn areas which are completely or partially covered with grass, trees, shrubs, or other vegetation or which contain plazas, fountains, ponds, trails, and similar features designed for passive enjoyment or recreation including some hardscape improvements and/or furnishings such as walkways, benches, picnic tables, or unenclosed gazebos or shelters;~~
 - ~~(3) Landscape buffers, which may include areas of natural land, fencing, walls, mounding, and screening vegetation; and~~
 - ~~(4) Plazas, fountains, ponds, trails, and similar features designed for passive enjoyment or recreation which may include some hardscape improvements and/or furnishings such as walkways, benches, picnic tables, or unenclosed gazebos or shelters; and~~
 - ~~(4) Areas designed for active recreation such as playing fields, playgrounds, and community gardens, but not including stadiums or similar structures designed to accommodate spectators.~~

~~Open space shall not include streets, driveways, parking areas, de minimis or isolated strips of land, or required minimum setbacks between buildings and street rights-of-way.~~
- (x) "Places of Worship" means buildings or land, including, but not limited to, churches, synagogues, mosques, or temples, operated by a ~~non-profit~~ religious organization and designed and used for religious ~~services and worship~~ by a congregation that gathers together for prayer.
- (y) "Public Notice" means notice given by publication at least once in a newspaper of general circulation in the City and posting on the City's web site, not less than thirty days before the event or action to which it refers.
- ~~(z) "Single-Family Attached Dwelling" means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities a building containing more than one (1) dwelling unit where each dwelling unit has a separate access directly to the outside and where the dwelling units in the building~~

are located side by side and are physically separated and inaccessible from each other by means of one or more common walls extending from the ground to the roof.

~~(aa)~~ “Single Family Dwelling” or “Single-Family Detached Dwelling” means a free-standing building containing a single dwelling unit designed for or used exclusively for residence purposes by a single housekeeping unit.

(bb) “Single Housekeeping Unit” means

- (1) An individual or group of individuals related by blood, marriage or adoption; or
- (2) A group of individuals who live as the “Functional Equivalent of a Family.” In determining whether a group of individuals constitutes the Functional Equivalent of a Family, the Building Inspector shall consider whether:
 - A. The individuals live as a single, cohesive household sharing full access to the entire premises of the dwelling;
 - B. The individuals have previously resided together as a single cohesive household on a continuing basis, which fact may be demonstrated by proof of co-residency by the individuals at one or more locations prior to residing at the current location;
 - C. The individuals have established the dwelling as their permanent residence.
- (3) “Single Housekeeping unit” does not include:
 - A. Occupancy in any boarding house, hotel, lodging house, dormitory, fraternity house, sorority house or similar occupancy arrangement that customarily provides commercial, institutional or social housing for individuals who are not related by blood, marriage or adoption or are not the functional equivalent of a family as defined in this section; or
 - B. Occupancy in any dwelling by more than four unrelated adults; or
 - C. Occupancy by one or more individuals who have a right to occupy the dwelling or a portion of the dwelling as a boarder, lodger, room renter, sublessee or any other right of occupancy which is different than the other occupants of the residence separate and not as part of a single cohesive household.

(cc) “Street” includes all public highways and all privately owned streets on which any subplot in a recorded subdivision has a frontage.

~~(dd)~~ “Street line” means the lot line dividing the lot from the street.

(ee) “Yard” means an existing or required space on the same lot with the main building and lying along the adjacent lot line open and unobstructed from the ground to the sky, except as otherwise provided herein.

“Front yard” means a yard across the full width of the lot extending from a building or front yard line to the street line.

“Side yard” means the yard along the sideline of a lot and extending from the front yard or lot line to the rear or lot line.

“Rear yard” means a yard across the full width of the lot immediately in the rear of the main building.

- (ff) “Zone Map” means the map of the City herein adopted and made a part of this Code, and all additions, corrections or substitutions hereafter made.
- (gg) “Zoning Code” means Ordinance 1963-59, passed November 20, 1963, as amended, codified herein as Title Six of this Part Twelve – the Planning and Zoning Code.”

SECTION 2. Section 1266.01, In General, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1266.01 IN GENERAL.

For the purposes of this Zoning Code, the various uses of buildings and premises are divided into classes ~~or districts~~ as set forth in the following sections. ~~Each use district listed herein is deemed and declared to be a more restricted use than any of those following it, and less restricted than any of those preceding it, in the same or other classes. Only those uses specifically identified in Sections 1266.02, 1266.03, 1266.04, 1266.05, or 1276.02 as being a principal use, an approved conditional use, or an approved accessory use in a particular district may be permitted in that district. Any use not specifically listed as a permitted, approved conditional, or approved accessory use in a district shall be considered a prohibited use in the zoning district.”~~

SECTION 3. Section 1266.03, Class U-2 Uses: Public and Institutional, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1266.03 CLASS U-2 USES; PUBLIC BUILDINGS.

- (a) Permitted Uses. The following uses are permitted in a Class U-2 Public Buildings District pursuant to an approved Site Development Plan pursuant to Chapter 1275:
 - (1) ~~Public or private day schools, churches and libraries.~~
 - (2) ~~Libraries.~~
 - (3) ~~Places of Worship.~~
 - (4) ~~Clubhouses. Community centers and parish houses.~~
 - (5) ~~Community Centers.~~
 - (6) ~~City Hall and~~ City of Pepper Pike ~~Municipal departments Facilities.~~
- (b) Accessory Uses. ~~The same accessory uses permitted in the Class U-1 District are permitted in the Class U-2 District. Accessory uses as defined in Section 1260.06(a) may be permitted as-if authorized and approved by the Planning Commission as part of Site Development Plan approval. When authorized as accessory uses, off-street parking shall conform to the provisions of Chapter 1272 and signs shall conform to the provisions of Chapter 1269. The Commission may establish standards for other accessory uses, as it deems necessary and appropriate to ensure compliance with the terms of this Zoning Code and to protect the public health, safety, and general welfare.”~~

SECTION 4. Section 1269.07, Signs Permitted in U-2 Public ~~and Institutional Buildings~~ Districts, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1269.07 SIGNS PERMITTED IN U-2 PUBLIC BUILDING DISTRICTS.

- (a) The total area of wall signs shall not be greater than one (1) square foot in area for each two (2) lineal feet of building frontage.
- (b) Each building shall be permitted one permanent free-standing sign not to exceed twenty-four (24) square feet in area nor six (6) feet in height. Each permanent free-standing sign shall be designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each free-standing sign shall be landscaped with plant material as approved by Architectural Review Board. One free-standing sign on any site under common ownership and /or control may be a changeable copy sign in conformance with Section 1269.04(g).
- (c) No more than two (2) permanent free-standing directional signs shall be permitted at each access drive to the site. Such directional signs shall not exceed three (3) square feet in area and three (3) feet in height.
- ~~(d) On a campus containing multiple buildings, free-standing directional or wayfinding signs within the site may be permitted in such number, sizes and locations as may be approved by the Planning Commission as part of the approved final Site Development Plan.~~
- (e) Signs in U-2 Districts may be illuminated only in conformance with Section 1269.04(f).
- (f) One temporary free-standing sign not more than twelve (12) square feet in area nor six (6) feet in height.”

SECTION 5. Section 1270.01, Classification of Heights, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1270.01 CLASSIFICATION OF HEIGHTS.

- (a) Classes. For the purposes of this Zoning Code the various heights of buildings and structures are divided into classes as set forth in the following list corresponding to the same numbered use classifications set forth in Chapter 1266 :
 - (1) H-1 heights. In an H-1 District, no building or structure shall be erected to a height in excess of two and one-half stories or thirty-five feet, except as hereinafter provided.
 - (2) H-2 heights. In an H-2 District, no building or structure shall be erected to a height in excess of three stories or forty-five feet, ~~except that a church, school or library building may be erected to a height of not in excess of four stories or fifty feet, and~~ - except as hereinafter provided.
 - (3) H-3 heights. In an H-3 District no building or structure shall be erected to a height in excess of two and one-half stories or forty feet, ~~except that a church, school or library building may be erected to a height of not in excess of four stories or fifty feet, and~~ except as hereinafter provided.
 - (4) H-4 heights. In an H-4 District, no building or structure shall be erected to a height in excess of two and one-half stories or forty feet, ~~except that a church, school or library building may be erected to a height of not in excess of four~~

~~stories or fifty feet, and~~ except as hereinafter provided.

- (b) Exceptions. This section shall not apply to restrict the height of a ~~church~~ spire on a house place of worship, belfry, clock tower, radio tower, chimney flue, water tank, elevator bulkhead, stage tower, scenery loft or other necessary mechanical appurtenances when erected upon and as an integral part of the building, nor to prevent the erection above the height limit of a parapet wall or cornice solely for ornament and without windows, extending above such height limit not more than three feet. Free-standing radio, telephone or communication towers shall be erected at the rear of the house and shall be securely and firmly attached thereto.”

SECTION 6. Section 1270.02, Classification of Areas, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1270.02 CLASSIFICATION OF AREAS.

For the purposes of this Zoning Code the various areas and proportions of lot occupancy of buildings are divided into classes as set forth in the following list corresponding to the same numbered use classifications set forth in Chapter 1266.:

- (a) A-1 Areas. In an A-1 District, no building shall be erected, altered or used to accommodate or make provision for one family upon an area of less than one acre, or have a width at the line of the building nearest the street of less than 125 feet, except upon a subplot separately owned or being a subplot of a recorded subdivision on record on January 21, 1970.
- (b) A-2 Areas. In an A-2 District, no building ~~public~~ shall be erected which occupies or covers more than twenty percent ~~(20%)~~ of the total lot area in accordance with an approved Site Development Plan. ~~nor any single family dwelling for one family on less than one acre of lot area.~~ A minimum of thirty percent (30%) of each parcel in an A-2 District shall be maintained as open space.
- (c) A-3 Areas. In an A-3 District, no public building or office building shall be erected which occupies or covers more than twenty percent of the total lot area, ~~nor any single family dwelling for one family on less than one acre of lot area.~~
- (d) A-4 Areas. In an A-4 District, no public building, office building or commercial building shall be erected which occupies or covers more than twenty percent of the total lot area, and no multiple-family dwelling shall be erected, altered or used to accommodate or make provision for more than one family for each 10,000 square feet of lot area, nor any single-family dwelling for one family on less than one acre of lot area.”

SECTION 7. Section 1270.03, Width of Lots, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1270.03 WIDTH OF LOTS.

In a Class U-1 ~~or U-2 District,~~ no single-family dwelling shall be erected on a lot having a width of less than 125 feet at the building line, and less than sixty-five feet along the street line, except on a subplot separately owned or being a subplot of a recorded subdivision on record on January 21, 1970. In a U-3 District, no office building shall be erected on a lot

having frontage at the street line of less than 200 feet and a width of less than 225 feet at the building line. In a U-4 District, no multiple-family dwelling or apartment shall be erected on a lot having frontage or minimum width of less than 125 feet. In U-2 Districts, the width of lots shall be as determined to be appropriate by the Planning Commission as part of the Site Development Plan approval based upon massing, scale, level and hours of activity, noise and light generation, and similar factors."

SECTION 8. Section 1270.04 Access of Dwelling to Public Streets; Rear Dwellings of the Codified Ordinances is hereby amended, which shall read and provide as follows:

SECTION 1270.04 ACCESS OF DWELLING TO PUBLIC STREETS; REAR DWELLINGS

In a Class U-1 ~~or U-2~~ District every dwelling erected shall have access to a public street, and if located wholly or partially in the rear of other buildings, an easement for access shall be provided over an unoccupied strip of land at least 125 feet in width, and such strip may not form a part of any yard or lot areas required by this Zoning Code.

SECTION 9. Subsection (b) of Section 1270.05 Required Areas Not To Be Diminished; Density On Unsubdivided Parcels; Subdivision Requirements of the Codified Ordinances is hereby amended, which shall read and provide as follows:

SECTION 1270.05 REQUIRED AREAS NOT TO BE DIMINISHED; DENSITY ON UNSUBDIVIDED PARCELS; SUBDIVISION REQUIREMENTS

(b) Only one single family or one single ~~two~~ family attached ~~duplex~~ or multiple family dwelling, whichever is the permitted use, shall be allowed on any lot or parcel of land not subdivided by a plat duly approved and filed for record in the office of the County Recorder.

SECTION 10. Section 1270.06, Building and Setback Lines, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

"1270.06 BUILDING AND SETBACK LINES; STRUCTURES AND VEGETATION BETWEEN BUILDING AND STREET LINES.

- (a) Building and setback lines are hereby established as follows:
 - (1) The building lines set forth on the Zone Map accompanying this Zoning Code and made a part thereof are hereby established.
 - (2) In cases where no setback or building lines are set forth on the Zone Map, they shall be located as follows:
 - A. On a street frontage on each side of the street between two successive intersecting or adjoining streets, but excluding the frontage along the side lines of the corner lots, the building line shall be a line parallel with the street line and distant therefrom thirty percent of the average or normal depth of the lots having their front lines along such street, but not more than fifty ~~(50)~~ feet from the street line.
 - B. For properties fronting upon Cedar Road, Fairmount Boulevard, Shaker Boulevard, South Woodland Road, Chagrin Boulevard,

Brainard Road, Lander Road, S.O.M. Center Road, or Gates Mills Boulevard, the building setback line shall be parallel to the street line and distant seventy-five (75) feet therefrom.

C The setback line on the south side of Pinetree Road, formerly Kinsman Road, between Lander Circle and Lewis Road, within the City, shall be a line parallel with the south line of Pinetree Road, formerly Kinsman Road, and seventy-five feet distant therefrom.

D. The building setback line on Shaker Boulevard shall be seventy-five (75) feet, except as provided in Subsections E and F hereof.

E. The building line on the north side of Shaker Boulevard between Edgedale Road and Lander Road shall be parallel to the tree line and 200 feet therefrom with respect to Parcels 111, 112, 29, 157, 156, 155, 154, 153, 152 and 151 only, as shown on the Zone Map of the City, and the building line on the south side of Shaker Boulevard, between Bolingbrook Road and Lander Road, shall be parallel to the street line and 100 feet distant therefrom.

F. The building line on the north side of Shaker Boulevard, west of Lander Road, with respect to Sublots 136 to 141, inclusive, and 149 to 150, inclusive, shall be parallel to the street line and 100 feet distant therefrom.

G. On a street frontage on either side of a street between two successive intersecting or joining streets, but excluding the frontage along the side lines of the corner lots. Where twenty percent or more of such frontage is improved with buildings, the alignment of the existing buildings along such frontage shall be the building line.

H. On a corner lot in a U-1 ~~or U-2~~ District, the building line along each street shall be a line parallel to the street line and distant therefrom fifteen percent of the average depth of the next adjoining lot except as follows:

1. The building line shall in no case be more than seventy-five feet nor less than fifty feet from the street line.
2. On corner lots, one street frontage of which (excluding turnouts) is less than one-half of the street frontage, the building line along the shorter frontage shall be a prolongation of the building line of the next adjoining lot and parallel to the street line.

I. In a U-3 District, the building line shall in no case be less than seventy-five feet from the street line.

(b) Between the building line and the street line no building or structure, including walls and fences, or portion thereof, extending above the established grade, may be erected except as otherwise provided in these Codified Ordinances and as follows:

- (1) In a U-1 ~~or U-2~~ District, a one-story unenclosed porch may be constructed between the building line and the street line, but all porches of more than one story in height, enclosed porches, and balconies over porches, must conform to the building line.

- (2) Cornices, belt courses, entrance canopies or similar overhanging roofed spaces covering not more than twenty square feet of horizontal area for each forty feet of lot of frontage, porticoes or bays projecting not more than three feet exclusive of cornices and aggregating a vertical area in any story of not more than twenty percent of the area of the front of that story, shall be exempt from the front yard restrictions of this section on buildings not nearer the street line than ten feet.
- (c) No shrubs or foliage shall be maintained between the building line and the street line which will obstruct the view of a driver of a vehicle approaching an intersection or junction and within seventy-five feet of the center of the intersection or junction of approaching traffic on the intersecting or joining street.”
- (d) For lots in any District not otherwise subject to a street setback described above, the Planning Commission shall determine the setback based upon building massing, scale, level and hours of activity, noise and light generation, and similar factors

SECTION 11. Section 1270.07, Side Yards, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1270.07 SIDE YARDS.

- (a) Every building erected in a U-1 District shall have a side yard along each lot line other than a street line or rear line. Each single-family dwelling and each multiple-family dwelling shall be deemed a separate building and shall have side yards as above prescribed. The least dimension of the side yards in a U-1 ~~or U-2~~ District shall not be less than ten feet (10') plus one- half the height of the building. For the purpose of this measurement, the height of the building shall be taken on the wall nearest the side line, measuring from the natural grade to the highest point of the coping of the wall for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, gambrel or hip roofs.
- (b) Buildings and structures, including accessory structures and uses, in U-2 Districts shall be setback from side lot lines such distance as shall be approved by the Planning Commission as part of the Site Development Plan approval based upon their massing, scale, level and hours of activity, noise and light generation, and similar factors, but in no case shall the side yard setback be less than the height of the building or structure. The Planning Commission may require buffering of adjacent properties as it deems necessary to mitigate potential impacts from such factors. Buffers may include, but are not limited to, strips of land, mounding, fencing, and vegetative screening as determined by the Planning Commission.
- ~~(bc)~~ Every building erected in a U-3 District shall have a side yard along each lot line. The dimensions of the side yards in a U-3 Use District shall be not less than thirty feet, or a distance equal to the height of the building, whichever is greater.
- ~~(ed)~~ In a Class U-4 District, where the side line of a lot adjoins a U-1 or U-2 District, no building, unless it is located fifty feet or more back from the street line, shall stand within ten feet of such adjoining Class U-1 or U-2 District.

- (de) The side yards herein provided for shall be open for their full required dimensions from the ground to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features, to the extent of not over six inches, except that within five feet of the street wall a cornice may project not over three feet into such yard, provided that if the building is not more than two and one-half stories in height, the cornice may project not over three and one-half feet into such yard.”

SECTION 12. Section 1270.08, Rear Yards, of the Codified Ordinances is hereby amended, which shall read and provide as follows:

“1270.08 REAR YARDS.

- (a) In a U-1 ~~or U-2~~ District, and on lots in U-4 Districts, the rear line of which adjoins a U-1 or U-2 District or on which a multiple-family dwelling is erected, every main and accessory building erected shall have a rear yard extending the full width of the lot. The least dimension of such rear yard for the main building shall be at least the sum of twenty percent of the depth of the lot plus one-half the height of the building. The least dimension of such rear yard for an accessory building shall be fifteen feet, except that the rear yard setback for an accessory building that has a wall greater than twenty-five feet in length facing an adjoining property, shall be increased by an additional one foot for every three feet of accessory building wall length greater than twenty-five feet. No accessory building shall be erected closer to any street line than the main building.
- ~~(b) In a U-2 District buildings and structures, including accessory structures, shall be setback from rear lot lines such distance as shall be approved by the Planning Commission as part of the Site Development Plan approval based upon their massing, scale, level and hours of activity, noise and light generation, and similar factors, but in no case shall such rear setback be less than the height of the building or structure. The Planning Commission may require buffering of adjacent properties as it deems necessary to mitigate potential impacts from such factors. Buffers may include, but are not limited to, strips of land, mounding, fencing, and vegetative screening as determined by the Planning Commission.~~
- (bc) In a U-3 District, every building erected shall have a rear yard extending the full width of the lot. The least dimension of such rear yard shall be at least twenty percent of the depth of the lot and at least one-half the height of the building.
- (ed) The rear yards herein provided for shall be open for their full required dimensions from the ground, or other level permitted by this section, to the sky unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other ornamental fixtures, or eaves, not more than two feet wide.”

SECTION 13. That new Chapter 1275 Site Development Plans, is enacted and incorporated into Title Six, Zoning Code, of Part Twelve, Planning and Zoning Code, of the

Codified Ordinances of the City of Pepper Pike, and the Chapter shall read as provided in “Exhibit A” attached hereto and incorporated herein.

SECTION 14. That existing sections 1260.06, 1266.01, 1266.03, 1269.07, 1270.01, 1270.02, 1270.03, 1270.06, 1270.07, and 1270.08 of the Codified Ordinances of the City of Pepper Pike are repealed, and any other ordinances in conflict with this ordinance are repealed to the extent of the conflict.

SECTION 15. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 16. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2020 _____
Council Presiding Officer

Submitted to the Mayor for approval on this __ day of _____, 2020

Approved by the Mayor this _____ day of _____, 2020

ATTEST:

Clerk of Council

Mayor

EXHIBIT "A"

CHAPTER 1275
SITE DEVELOPMENT PLANS

- 1275.01 Site Development Plans Required.
- 1275.02 Preliminary Site Development Plans.
- 1275.03 Final Site Development Plans.
- 1275.04 Approval Of Site Development Plans.
- 1275.05 Time Limitation On Site Development Plan Approval.
- 1275.06 Occupancy.
- 1275.07 Compliance Required.
- 1275.08 Amendments To Approved Development Plans.

1275.01 SITE DEVELOPMENT PLANS REQUIRED.

Preliminary and final Site Development Plans are required in U-2 Public Buildings Districts, U-3 Office Building Districts, and U-4 Retail Business Districts and shall be prepared for all proposed developments. Preliminary and final Site Development Plans shall be prepared by persons professionally qualified to do such work and shall be submitted to the Planning Commission. Applicants shall submit both hard copy and digital versions of proposed plans. Plan submission shall be accompanied by a plan review fee and deposit as established by City Council.

1275.02 PRELIMINARY SITE DEVELOPMENT PLANS.

Preliminary Site Development Plans shall be prepared at an appropriate scale and shall include the following **either on the drawings or as part of the application package:**

- (a) Property Description. A boundary description based on deed records showing the land owned and proposed for development and topographic contours at an interval acceptable to the Engineer.
- (b) Proposed Uses. A description of the proposed uses of all land and buildings.
- (c) Buildings. The locations, size, heights and proposed uses of all main and accessory buildings and structures and their general design.
- (d) Setbacks. All required setbacks and yard areas.
- (e) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume; and plans for control of traffic in and around the development.
- (f) Utilities. A schematic plan for all utility installations.
- (g) Economic Impact. An evaluation of the likely economic impact on the City of the proposed project.
- (h) Parking Facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.
- (i) Storm Water Management Plan. Conceptual plans for grading, drainage and storm water management, including identification of the intended outlet in conformance with the provisions of Chapter 1510.
- (j) Landscaping. Conceptual plans showing the areas to be landscaped, the locations and dimensions of buffer areas, and proposed parking lot planter strips and/or islands. Plans shall include information regarding the general landscape treatment and, the nature of

- buffer and/ or screening treatments.
- (k) Lighting. A schematic site lighting plan.
- (l) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.
- (m) Phasing. Anticipated development phasing.
- (n) Tree Preservation and Management Plan. A Tree Preservation and Management Plan provided at an appropriate scale and prepared by a qualified individual shall identify all areas of the site to remain natural and undisturbed and protected as permanent open space and/or buffer areas and those areas of the site where vegetation will be disturbed as part of the proposed development. Within the areas of the site to be disturbed a tree survey shall be provided which identifies all trees with a Diameter at Breast Height (D.B.H.) of six (6) inches or greater that are to be disturbed, destroyed, or removed. The Tree Preservation and Management Plan shall provide for replacement of ~~each~~ such trees removed with ~~a minimum 1.5~~ trees having a minimum D.B.H. of two and one-half (2.5) inches. ~~unless~~ The location, number and species of replacement trees shall be as determined and approved by the Planning Commission determines that a different number of trees is required to comply with the intent of this Section. Tree Preservation and Management Plans shall comply with the provisions of Chapter 1494.

1275.03 FINAL SITE DEVELOPMENT PLANS.

Final Site Development Plans shall be prepared at an appropriate scale and shall include the following:

- (a) Use Summary. A summary of all proposed uses.
- (b) Buildings. The location, size, height and uses of all proposed main and accessory buildings and structures and their general design, color and external building materials.
- (c) Streets. The proposed system of circulation of vehicular traffic, including delivery trucks; details for connections to present streets; type of pavement; and estimates of traffic volumes. Traffic studies will be required if the Planning Commission or City Engineer so request.
- (d) Utilities. The plans for all proposed utility installations and connections.
- (e) Parking And Traffic Circulation Plan. A layout and estimate of the number of spaces, design features and type of pavement, as well as a parking and traffic circulation Plan.
- (f) Landscape Plan. Proposed designs of landscaping, planting areas, identification and location of principal trees and plants shall be submitted with the building plans.
- (g) Lighting Plan. All site lighting shall be low in scale and unobtrusive and without glare to persons in passing motor vehicles, other buildings, or pedestrians and designed to interfere as little as possible with surrounding development. Sources of illumination shall be shielded with full cut-off fixtures and light spillage at property lines shall not exceed 0.1 foot candles. The lighting plan shall include a photometric plan.
- (h) Signs. Signs, in accordance with Section 1269.07.
- (i) Grading and Storm Water Management Plans. Final grading and drainage arrangements, including storm water management provisions and drainage calculations in conformance with the provisions of Chapter 1510.
- (j) Tree preservation plan. Trees within areas identified as permanent open space shall not be disturbed, destroyed, or removed other than as necessary and as approved by the Planning Commission to locate and construct pedestrian pathways. Trees with a

Diameter at Breast Height (D.B.H.) of six (6) inches or greater that are to be disturbed, destroyed, or removed shall be replaced with a minimum of 1.5 trees for each identified tree removed or as otherwise stipulated by the Planning Commission in accordance with a Tree Preservation and Management Plan designed to maintain an appropriate tree canopy cover and approved by the Planning Commission. Each replacement tree shall have a minimum D.B.H. of two and one-half (2.5) inches. The Tree Preservation and Management Plan shall conform to the provisions of Chapter 1494.

1275.04 APPROVAL OF SITE DEVELOPMENT PLANS.

If the Planning Commission finds that a Site Development Plans is in accordance with this Code and other ordinances of the City, then the Commission may grant approval of the Site Development Plan. The Planning Commission may attach conditions to the approval of any Site Development Plan as it may deem reasonable and appropriate to ensure compliance with the spirit and intent of this Chapter and to protect the public health, safety and general welfare. The Planning Commission shall reject any Site Development Plan that it determines not to be in compliance with the specific requirements of this Chapter, the spirit and intent of this Chapter, or consistent with protecting the public health, safety, and general welfare. When reviewing Site Development Plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant. No building permits shall be issued until a final Site Development Plan has been approved by the Planning Commission as provided herein.

1275.05 TIME LIMITATION ON SITE DEVELOPMENT PLAN APPROVAL.

Failure to apply for a building permit within two (2) years from the date of final Site Development Plan Approval shall render such Site Development Plan approval null and void and shall require submission of a new Site Development Plan prior to the commencement of any construction. Failure to begin construction of the Site Development Plan within six (6) months after the issuance of a building permit shall void the Site Development Plan as approved unless an extension of time is granted by the Commission. Construction is deemed to have begun when all necessary excavation and the piers or footings for one or more principal buildings included in the plan have been completed.

1275.06 OCCUPANCY.

No use or occupancy shall be permitted until the Site Development Plan for which a building permit has been issued is substantially completed and until a certificate of occupancy has been obtained from the Building Department.

1275.07 COMPLIANCE REQUIRED.

Subsequent to the approval of a final Site Development Plan, all development or construction on the subject site shall be in substantial compliance with the approved final Site Development Plan, and any conditions of such approval adopted by the Planning Commission. Any departure from the approved final Site Development Plan shall be deemed to be a violation of this Code.

1275.08 AMENDMENTS TO APPROVED DEVELOPMENT PLANS.

An approved Site Development Plan may be modified or amended by the same procedures and

approval process as the original plan approval. The time limits set forth in Section 1275.05 shall apply to amended plans or approved plan modifications.