

INTRODUCED BY:

**AMENDED** ORDINANCE NO. 2023-11

AN ORDINANCE AMENDING CHAPTER 1124 TITLED “U-5 PUBLIC AND INSTITUTIONAL” AND CHAPTERS 1101, 1111, 1113, 1144 AND CHAPTER 1155, OF THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE

WHEREAS, the City Planner has requested several amendments to BCO Chapters 1124, 1101, 1111, 1113, 1144 and 1155 of the City of Beachwood, Ohio Planning and Zoning Code; and

WHEREAS, Council has referred said requested amendments to its Planning and Zoning Commission for study and a report and recommendation in accordance with BCO 1107.01.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood, having received a request from the City Planner for amendments to the City’s Planning and Zoning Code, a copy of which are attached hereto and incorporated herein as Exhibit “A”, Exhibit “B”, Exhibit, “C”, Exhibit “D”, Exhibit “E”, and Exhibit “F” placed this issue and said proposed amendments on first reading on January 23, 2023 and referred the proposed amendments to the Planning and Zoning Commission for its report and recommendation.

Council is in receipt of the recommendation of the Planning and Zoning Commission. The issue of amending Chapters 1124, 1101, 1111, 1113, 1144 and 1155 of the City of Beachwood, Ohio Planning and Zoning Code shall be set for Public Hearing or referred to the Planning and Zoning Committee of Council.

If referred to a Public Hearing, said Public Hearing shall be held no less than 30 days after referral.

If referred to a Committee of Council, a Public Hearing shall be set after receipt of the report of the Committee.

This Ordinance shall be read by Council on three separate occasions and its passage shall cause the Proposed Amendment to become effective upon operation of the law.

Section 2: The Clerk of Council shall advertise said hearing one time in a newspaper of general circulation in the City at least thirty (30) days prior to the Public Hearing, setting forth the substance of the amendments which are proposed.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the \_\_ day of \_\_\_\_\_, 2023 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the day of \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this \_\_ day of \_\_\_\_\_, 2023 and filed it with the Clerk.

\_\_\_\_\_  
Mayor

CHAPTER 1124  
U-5 PUBLIC AND INSTITUTIONAL

- 1124.01 Intent.
- 1124.02 Permitted uses.
- 1124.03 Lot dimensions.
- 1124.04 Area, yard and height regulations.
- 1124.05 Landscaping and screening.
- 1124.06 Parking and loading facilities.
- 1124.07 Site lighting.
- 1124.08 Wireless telecommunications facilities.
- 1124.09 Development plans.
- ~~1124.13 Rezoning.~~

**1124.01 INTENT.**

This chapter is established to provide appropriate regulations for the operation, expansion, and maintenance of existing educational, religious, cultural and governmental uses, and to provide for the development of institutional uses which serve the needs of the residents of the City in a manner consistent with the overall land use and zoning plan of the City; compatible and harmonious with established residential neighborhoods; and designed to minimize impacts on adjacent properties.

**1124.02 PERMITTED USES.**

(a) Buildings and land in a Class U-5 District shall be used and buildings shall be designed, altered, moved or intended only for the uses specifically designated as Class U-5 uses in Section 1111.02.

(b) The following accessory uses shall be permitted provided such uses are incidental and subordinate to a principal use listed in Section 1111.02, and further provided that such accessory uses are planned and developed in connection with said principal use:

- (1) Child Day Care Center subject to Section 1155.02.
- (2) Adult Day Care Center subject to Section 1155.03.
- (3) Parking Facilities.
- (4) Assisted Living Facilities provided such facilities are operated in conjunction with a licensed nursing home.
- (5) Wireless Telecommunication Facilities on parcels in excess of one acre and subject to Section 1124.09.
- (6) Signs subject to Chapter 1141.
- (7) Satellite dish antennas subject to Chapter 1153.

**1124.03 LOT DIMENSIONS.**

The minimum area of any U-5 District shall be ~~three acres~~ 18,000 square feet and the minimum street frontage shall be ~~250-100~~ feet.

**1124.04 AREA, YARD AND HEIGHT REGULATIONS.**

(a) Area Regulations. The ground area occupied by buildings shall not exceed twenty-five percent (25%) of the total area of the lot. Provided, however, that the maximum ground area covered by buildings may be increased to thirty percent (30%) of the total site area with the approval of the Planning and Zoning Commission and the consent of City Council in instances where structured parking is provided within 200 feet of the principal use. Not

less than twenty-five percent (25%) of the total lot area shall be developed as planted areas.

- (b) Yard Regulations Building Setbacks.
- (1) Front. For building conversions, the existing building setback may be maintained. For all new buildings constructed the front building setback shall not be less than ~~seventy-five~~fifty (50) feet ~~in depth~~ as measured from the street right-of-way line ~~and shall be used only for access drives and landscaping.~~
  - (2) Side and Rear. Each ~~lot building~~ shall have side ~~and rear~~ yards each of which shall be not less than ~~fifty-two~~twenty (20) feet. The minimum rear yard setback shall be thirty (30) feet, provided that any .Any side or rear yard which abuts a residential district shall be a minimum of eighty ~~forty~~(40) feet. ~~No buildings, drives or parking areas shall be located within the required side or rear yards.~~
- (c) Height Regulations. Height of buildings shall not exceed two stories or forty feet exclusive of towers, steeples, cornices, or similar features as approved by the Planning Commission with the concurrence of City Council.
- (d) Parking Setbacks. Off-street parking shall meet the following minimum setbacks:
- (1) Twenty (20) feet from any street right-of-way line. The Commission may require landscaping of parking areas located between the building and the street right-of-way.
  - (2) Ten (10) feet from any side lot line, provided that, where a side line abuts a single-family residential district, the parking area shall be screened in a method approved by the Planning and Zoning Commission. Where the Commission determines that screening is sufficient to adequately protect adjacent properties, it may reduce the side yard parking setback and designate such lesser setback as part of the final site plan approval.
  - (3) Twenty (20) feet from any rear lot line provided that, where the rear line abuts a single-family residential district, the parking area shall be screened ~~with~~ in a manner approved by the Planning and Zoning Commission as part of the final site development plan approval.

#### **1124.05 LANDSCAPING AND SCREENING.**

(a) Whenever a U-5 District is located adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face residentially zoned property by an acceptably designed wall, fence, mound or planting screen as approved by the Planning and Zoning Commission. Such wall, fence, mound or planting screen shall be not less than six feet in height and shall be maintained in good condition.

(b) Required yard areas shall be landscaped in accordance with a landscape plan as approved by the Planning Commission and shall be maintained in good condition.

(c) Dumpsters and/or garbage collection facilities shall be enclosed by a solid wall or fence at least six feet in height and constructed of materials which are compatible in type, texture, style, and color with the main building.

(d) All buildings shall have appropriate foundation plantings, installed in conformance with an approved landscape plan, which complement the architectural treatment and provide for year-round interest.

#### **1124.07 PARKING AND LOADING FACILITIES.**

Off-street parking and loading facilities shall be provided in conformance with Chapter 1144.

#### **1124.07 SITE LIGHTING.**

Parking areas and walkways which are intended to be used during non-daylight hours shall

be properly illuminated to adequately provide for safety. Lights shall be so designed and arranged as to direct light away from the adjoining property and shall be installed in conformance with a lighting plan approved by the Planning Commission. There shall be no light spillage onto adjoining properties. Light poles shall not extend more than thirty feet in height above the finished grade of the parking area or walkway.

**1124.08 WIRELESS TELECOMMUNICATIONS FACILITIES.**

(a) For the purpose of this chapter the following terms shall have the meanings set forth below:

- (1) “Wireless Telecommunications Facilities” means equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines.
- (2) “Antenna” means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

(b) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except, where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels, or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

(c) Wireless telecommunications antennas, including dipole antennas over two inches in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet above the roof and shall be setback from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

(d) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety miles per hour.

(e) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

(f) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

(g) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03(y).

(h) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Planning Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Planning Commission for consideration.

**1124.09 DEVELOPMENT PLANS.**

Preliminary and final site development plans are required and shall be prepared for all

proposed developments in a Class U-5 District. Site development plans shall be prepared and reviewed in accordance with the provisions of Chapter 1108.

**1124.13 — REZONING.**

~~In order to protect established single family residential neighborhoods, to preserve the single family residential character of the City, and to otherwise carry out the purposes of this zoning code, no land shall be rezoned from a Class U-1 Single Family House District to a Class U-5 Public and Institutional District where such rezoning involves the consolidation of existing single family lots and/or the demolition, destruction, or removal of existing single family residences.~~

## EXHIBIT B

### ***AMEND CHAPTER 1101 DEFINITIONS BY MODIFYING SECTIONS 1101.11 AND 1101.22, DELETING SECTION 1101.221, AND ADDING SECTIONS 1101.37 AND 1101.347 AS FOLLOWS:***

#### 1101.11 ~~CHURCH; SYNAGOGUE; TEMPLE.~~PLACES OF WORSHIP

“Places of Worship” means any buildings or land, including, but not limited to, churches, synagogues, mosques, or temples designed and/or regularly or customarily used for religious services and worship by a congregation that gathers together for prayer. “Places of worship” may include customary ancillary activities commonly associated with religious practice such as theological education and training and accessory facilities such as incidental living quarters.

~~“Church,” “Synagogue,” “Temple” or word of similar import expressed in English or another language means a building originally designed and constructed for religious worship. (Ord. 1987-125. Passed 11-16-87.)~~

#### 1101.22 ~~FAMILY.~~

~~“Family” means one (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, excluding however, both for profit and non-profit group homes, halfway houses, drug and substance abuse treatment facilities, and other rehabilitation or residential, multiple person treatment facility, unless specifically exempted from zoning regulations and restrictions by the Ohio Revised Code or Federal Housing Laws.~~

1101.37 “Single Housekeeping Unit” means an individual or group of individuals related by blood, marriage or adoption; or a group of individuals who live as a single, cohesive household sharing full access to the entire premises of the dwelling and have established the dwelling as their permanent residence. “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; 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 separate and not as part of a single cohesive household.

#### ~~1101.221 — FAMILY HOME.~~

~~“Family Home” means a residence licensed according to Chapter 5119 of the Ohio Revised Code to provide accommodations to not more than five (5) unrelated adults and which provides supervision and personal services to at least three (3) of those adults, where the adults live as a single housekeeping unit and the residence serves as the adults' sole, bona fide permanent residence, but which does not provide nursing care or include~~

~~residents who require "Skilled Nursing Care" or "intermediate nursing care" and shall not include "homes" and "homes for the aging" as defined in ORC Chapter 3721.~~

1101.347 RESIDENTIAL CARE FACILITY.

"Residential Care Facility" means a licensed facility by a State of Ohio Agency that meets one of the following criteria:

- (a) "Class Two" A facility licensed by the Ohio Department of Mental Health and Addiction Services that provides accommodations, personal care services, and supervision, in a family setting, to one or two persons with mental illness; or one or two unrelated adults who are receiving payments under the residential state supplement program; or one to five unrelated adults.
- (b) "Developmental Disabilities" A licensed facility by the Department of Developmental Disabilities that provides room and board, personal care, rehabilitation services and supervision in a family setting for at least six and not more than 8 individuals with developmental disabilities.
- (c) "Foster Family Home" A licensed facility by the Department of Ohio Jobs and Family Services that is a private residence in which up to five children are received apart from their parents, guardian or legal custodian by an individual reimbursed for providing the children with nonsecure care, supervision or training twenty-four hours a day. The limit of five children may be exceeded for siblings, previous foster children or children of foster children.



## EXHIBIT C

### ***AMEND CHAPTER 1111 DISTRICT AND USE CLASSIFICATION; ZONE MAP BY MODIFYING SECTION 1111.02(A) AS FOLLOWS:***

#### 1111.02 CLASSIFICATION OF USES.

For the purpose of this Code, the various uses to which buildings and premises can be devoted are divided into groups, classes and subdivisions as set forth in the following classification. These uses, hereinafter classified as Class U-1, Class U-2A, Class U-3, Class U-3A, Class U-3C, Class U-4A, Class U-4B, Class U-5, Class U-7A, Class U-8, Class U-8A, Class U-9 and Class U-10, are permitted under regulations herein set forth in the respective Use Districts allotted to such uses.

- (a) Class U-1 Uses.
  - (1) Single-Family Dwellings.
  - (2) Residential Care Facilities as defined in Section 1101.347 and subject to the provisions of Section 1155.07.
- (c) Class U-2A Uses.
  - (1) Attached Single-Family Dwellings.
- (d) Class U-3 Uses.
  - (1) Multi-Family Dwellings.
- (e) Class U-3A Uses.
  - (1) High-rise Multi-Family Dwellings.
- (f) Class U-3C Uses.
  - (1) Multi-Family Dwellings.  
(Ord. 2011-170. Passed 3-19-12.)
- (g) Class U-4A Uses.
  - (1) Stores selling commodities at retail such as, but not necessarily limited to:
    - A. Groceries; supermarkets; bakeries; delicatessens. Such uses may be permitted curbside pickup provided that they first obtain Site Development Plan approval. The number of spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
    - B. Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
    - C. Drug stores.
    - D. Wearing apparel stores.
    - E. Variety stores.
    - F. Paint and wall paper; hardware stores.
    - G. Furniture; household appliances; draperies; floor coverings.
    - H. Electronic appliances.
    - I. Florist; gift; jewelry, sporting goods stores.
  - (2) Service establishments such as, but not necessarily limited to:
    - A. Barbers; beauty shops, and nail salons.
    - B. Dry cleaning; laundries; tailor shops.
    - C. Appliance repair.
    - D. Banks and other financial institutions.
    - E. Exercise and training facilities.
    - F. Private schools and colleges.
    - G. Dance studios; photographic studios.
    - H. Printing shops; copy centers.
    - I. Child Day Care Centers pursuant to Section 1155.02.
    - J. Adult Day Care Centers pursuant to Section 1155.03.

- K. Indoor recreation and athletic facilities,
- L. Day spas, tanning salons, and massage therapy.
- (3) Offices including medical offices.
- (4) Hotels.
- (5) Multi-Family Dwellings above the first floor with a Conditional Use Permit.
- (6) Banks and drug stores may be permitted accessory drive-thru, drive-up, or pickup arrangements and facilities provided they first obtain a Conditional Use Permit.
- (i) Class U-4B Uses.
  - (1) Shopping centers.
- (j) Class U-5 Uses.
  - (1) Governmental facilities.
  - (2) Parks and public recreation facilities.
  - (3) Public and private schools and colleges.
  - (4) Nursing homes.
  - (5) Places of worship.
  - (6) Libraries.
  - (7) Museums.
  - (8) Community Centers.

**EXHIBIT D**

***AMEND CHAPTER 1113 U-1 SINGLE-FAMILY RESIDENTIAL DISTRICT BY MODIFYING SECTION 1113.01 AS FOLLOWS:***

CHAPTER 1113  
U-1 Single-Family Residential District

1113.01	Permitted uses.	1113.07	Projections into and uses of required yards.
1113.02	Accessory uses.	1113.08	Height regulations.
1113.03	Rear yards.	1113.09	Cluster development alternate.
1113.04	Location of building line.		
1113.05	Side yards.		
1113.06	Required house sizes.		

1113.01 PERMITTED USES.

In a Class U-1 District, no building or premises shall be used, and no building shall be erected which is designed, constructed or used, for any purpose other than a single-family detached dwelling, occupied and used by one family as defined in Section 1101.22, or a residential care facility as set forth herein provided, however, that other similar, harmonious, and compatible uses may be permitted as determined by the Commission and confirmed by Council. ~~The Commission may recommend and Council may attach such conditions, stipulations, or requirements to the approval of such similar uses as deemed necessary to ensure their compatibility, mitigate potential impacts, and otherwise carry out the intent of this Code.~~

## EXHIBIT E

### ***AMEND CHAPTER 1155 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES BY ADDING SECTION 1155.07 AS FOLLOWS:***

#### 1155.07 RESIDENTIAL CARE FACILITIES.

- (a) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and shall maintain said home as their bona fide long-term residence with the intent to live at the home on a continuing basis.
- (b) The application for a permit shall demonstrate that adequate supervision will exist in the home based on the functional needs of the residents.
- (c) Not more than four (4) non-resident persons may be at the residential home at any one time for the purposes of providing direct care to the handicapped residents of the home.
- (d) The interior and exterior design of the home and yard shall maintain the single-family character, appearance, utilization, equipment and materials, and shall have only one central dining and kitchen facility.
- (e) No signs or other means of identification shall be permitted on the exterior of the home to indicate that it is anything but a single-family residence.
- (f) The facility shall comply with the applicable parking regulations of the Zoning District for the type of residential structure used and the number of residents and, shall make adequate provisions for on-site parking of vehicles in sufficient number to accommodate residents, guests, and home supervisors.
- (g) The application for a permit shall include a copy of the facility's current license and/or certificate from the Ohio Department of Developmental Disabilities, Ohio Department of Jobs and Family Services, Ohio Department of Mental Health and Addiction Services or other governmental authority.
- (h) The application shall include a statement as to the maximum number of residents to reside in the facility, the nature of their functional impairments, and the type of assistance, support, including number of support staff, and supervision to be provided, and assurances that staff and supervision will be reasonably adequate to meet the needs and safety of the residents.

**EXHIBIT F**

**AMEND SECTION 1144.07(A) REQUIRED PARKING FOR PLACES OF WORSHIP AS FOLLOWS:**

1144.07 REQUIRED OFF-STREET PARKING.

(a) Off-street parking spaces shall be provided in accordance with the following schedule:

<b>SCHEDULE OF REQUIRED OFF-STREET PARKING</b>	
<b>USE</b>	<b>MINIMUM PARKING SPACES</b>
<b>INSTITUTIONAL</b>	
Government Facilities	1 Space for each 300 Square Feet of Gross Floor Area
Recreation Facilities and Community Centers	1 Space for each 400 Square Feet of Gross Floor Area
Primary Schools	2 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Secondary Schools	6 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Colleges	10 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Nursing Homes	1 Space per Bed
Assisted Living Facilities	1 Space for each 1.5 Living Units
Places of Worship	1 Space for each 300 Square Feet of Gross Floor Area <b>with a minimum of 10 spaces</b>
Libraries	1 Space for each 300 Square Feet of Gross Floor Area
Museums	1 Space for each 400 Square Feet of Gross Floor Area
Child Day Care Centers	Per Section 1155.02
Adult Day Care Centers	Per Section 1155.03
Licensed Health Care Facilities	1 Space for each 150 Square Feet of Gross Floor Area