

Beachwood Planning and Zoning Commission Meeting Agenda
Thursday, October 26, 2023, 6:30 PM
at Beachwood City Hall, Council Chambers,
25325 Fairmount Boulevard, Beachwood, Ohio 44122

Agenda Items

1. Roll Call
2. Approval of Minutes of the August 31, 2023 Planning and Zoning Commission Meeting
3. Council Report
4. Citizen's Remarks
5. Planning and Zoning Commission **2023-20** Ordinance 2023-102, Amending Chapter 1121 titled "U-4 Intergrated Business District" and Chapter 1101 titled "Definitions", of the City of Beachwood, Ohio Planning and Zoning Code (referred from Council October 2, 2023).

INTRODUCED BY:

ORDINANCE NO. 2023-102

AN ORDINANCE AMENDING CHAPTER 1121 TITLED “U-4 INTEGRATED BUSINESS DISTRICT” AND CHAPTER 1101 TITLED “DEFINITIONS”, OF THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE

WHEREAS, the City Planner has requested amendments to BCO Chapters 1122 and 1101, of the City of Beachwood, Ohio Planning and Zoning Code; and

WHEREAS, Council desires to refer 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” and Exhibit “B,” place this issue and said proposed amendments on first reading and refers the proposed amendments to the Planning and Zoning Commission for its report and recommendation.

Council, once in receipt of the recommendation of the Planning and Zoning Commission, shall set a Public Hearing or refer to a Committee of the Council, the issue of amending BCO Chapters 1121 and 1101 of the City of Beachwood, Ohio Planning and Zoning Code.

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

AMEND CHAPTER 1121 U-4A INTEGRATED BUSINESS DISTRICT BY ADDING SUBSECTION 1121.06 SPECIAL LOCATIONAL CRITERIA TO READ AS FOLLOWS

**CHAPTER 1121
U-4A INTEGRATED BUSINESS DISTRICT**

- 1121.01 Intent.
- 1121.02 Permitted uses.
- 1121.03 Area, yard and height regulations.
- 1121.04 Off-street parking and loading facilities.
- 1121.05 Site development plans.
- 1121.06 Special Locational Criteria.

CROSS REFERENCES

- Districts established - see P. & Z. 1111.01
- Building lines - see P. & Z. 1145.02
- Nonconforming uses - see P. & Z. Ch. 1147
- Certificates of occupancy - see BLDG. Ch. 1313
- Building permits, fees and deposits - see BLDG. Ch. 1329

1121.01 INTENT.

It is the intent of this Chapter (Class U-4A Districts) to provide for the grouping of local retail shops and services in designated areas near residential neighborhoods primarily for the ordinary shopping needs of a daily and weekly nature, as well as for some of those establishments usually associated with such shopping; to protect both residential and business developments from congestion by requiring off-street parking and loading facilities; and to provide for indoor recreation and athletic facilities located to protect both residential and business developments from traffic congestion. (Ord. 2018-94. Passed 10-21-19.)

1121.02 PERMITTED USES.

- (a) Buildings and land in a Class U-4A District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated as Class U-4A uses in Section 1111.02, except that other similar harmonious and compatible uses as may be determined by the Commission and approved by Council may be permitted.
- (b) Accessory uses customarily incident to the main uses listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:
 - (1) Parking garages and off-street parking and loading areas for employees and customers as provided in this chapter.
 - (2) Maintenance, storage and incineration facilities provided the incinerator is located within the main building and conforms to the regulations of Part III, Sections 3.1 to 3.13, inclusive, Bulletin 82 of the American Insurance Association.
 - (3) All solid waste collection, compaction, storage or container facilities shall be located within the main building and physically separated from other uses by a wall or similar partition. (Ord. 2018-94. Passed 10-21-19.)

1121.03 AREA, YARD AND HEIGHT REGULATIONS.

- (a) Area.
 - (1) The ground area occupied by the building shall not exceed thirty percent (30%) of the total area of the lot.
 - (2) Not less than fifteen percent (15%) of the total lot area shall be developed as planted areas in accordance with a landscape plan as approved by Commission and shall be maintained in good condition.

- (3) The minimum lot width at the building setback line shall be one-hundred-fifty feet (150').
- (b) Yards.
 - (1) A front yard of not less than one hundred feet (100') shall be provided.
 - (2) Where adjoining a residential District, a side yard shall not be less than fifty feet (50'), nor less than twenty-five feet (25') where adjoining a public street. Within a U-4A District, side yards shall be not less than twenty-five feet (25').
 - (3) Where adjoining a residential District, the rear yard shall not be less than fifty feet (50'). In all other locations, the rear yard shall be not less than twenty-five feet (25').
 - (4) The Commission shall require, from each applicant for its approval, a landscape plan depicting the design of the installation of a fence, wall, hedge and/or other suitable screening and/or planting in order to create a buffer area where a residential District adjoins or abuts a rear or side yard of a lot in a U-4A District.
- (c) Off-Street Parking and Loading in Yards.

Accessory off-street parking in a front yard shall be permitted no closer than ten feet (10') from a street line. Accessory off-street loading spaces in a front yard shall be permitted no closer than fifty feet (50') from a street line.

 - (1) Accessory off-street parking and driveways in a side or rear yard shall be permitted no closer than ten feet (10') from a property line or thirty feet (30') from a residential District line. Accessory off-street loading in a side or rear yard shall be permitted no closer than fifteen feet (15') from a property line or fifty feet (50') from a residential District line.
 - (2) All portions of required yards in which no off-street parking or driveways are permitted shall be developed as lawn or planted areas or maintained in an orderly wooded state.
- (d) Height.

Building height shall not exceed forty-two feet (42'), exclusive of towers, cornices or similar features, provided however, that any building exceeding twenty-five (25) feet in height shall be located a minimum of seventy-five (75) feet from any property zoned U-1.
(Ord. 2018-94. Passed 10-21-19.)

1121.04 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in accordance with Chapter 1144.
(Ord. 2018-94. Passed 10-21-19.)

1121.05 SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans are required and shall be prepared for all proposed developments in a Class U-4A District. Site Development Plans shall be prepared and reviewed in accordance with the provisions of Chapter 1108.
(Ord. 2018-94. Passed 10-21-19.)

1121.06 SPECIAL LOCATIONAL CRITERIA.

The following uses shall not be located on any U-4A property that directly abuts property zoned U-1 Single Family Residential District or U-2A Attached Single-Family Residential District:

- (a) Small Box Discount Stores.**
- (b) Second Hand Stores.**
- (c) Pawn Shops.**
- (d) Vape Shops and/or Vaporizer Stores.**
- (e) Hookah Lounges, Smoke Lounges, and/or Vapor Lounges.**
- (f) Tattoo Parlors.**
- (g) Stores selling paraphernalia typically associated with controlled substances.**
- (h) CBD Stores.**

AMEND CHAPTER 1101 DEFINITIONS BY ADDING THE FOLLOWING

1101.37 SECOND HAND STORE/THRIFT SHOP

“Second Hand Store or Thrift Shop” means a retail store that sells, either directly or by consignment, used or damaged merchandise to the general public.


1101.375 SMALL BOX DISCOUNT STORE.

“Small Box Discount Store” means a retail, variety, or discount store up to 15,000 square feet that sells at retail, directly to the consumer, a limited assortment of physical goods and other consumer products, including food or beverages for off premises consumption.

Tactical Planning, LLC

P.O. Box 3163
Cuyahoga Falls, Ohio 44223
Ph: 440-725-1886
geosmerigan@gmail.com

TO: Beachwood Planning Commission

FROM: George Smerigan, City Planner 

DATE: October 13, 2023

RE: **P&Z 2023-20 Ordinance 2023-102**

This proposed code amendment has been referred from City Council. Earlier this year, City Council established a moratorium on certain commercial uses in order to give the Administration time to prepare appropriate regulations for governing such uses. The proposed amendments set forth in Ordinance 2023-102 is the end product of that review process.

There have been numerous studies done by communities and land use professionals that have documented the potential negative impacts generated by certain commercial uses. Pressure to establish some of those uses has increased significantly in the last several years. A number of communities in the northeast Ohio region have determined it necessary and/or prudent to enact legislation to regulate and control the location of such uses.

Ordinance 2023-102 would add two (2) new definitions to Chapter 1101 intended to better identify two of the uses under consideration. In addition, a new Section 1121.06 would be added to Chapter 1121 U-4A Integrated Business District to establish locational criteria for those identified uses. That new code section would prohibit the location of the listed uses on U-4A commercial properties that directly abut single family residential districts. The intent of that requirement is to minimize and control any impacts on the City's residential neighborhoods. There are U-4A zoned properties in the City that do not abut residential districts, so this provision is in fact a locational limitation and not an outright prohibition.



GPD GROUP
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

Cleveland Office

5595 Transportation Blvd
Suite 100
Cleveland, OH 44125

tel 216.518.5544
fax 216.518.5545

www.gpdgroup.com

MEMORANDUM

CITY OF BEACHWOOD

PLANNING AND ZONING COMMISSION MEETING

Meeting Date: October 26, 2023

Report Date: October 13, 2023

2023120.01

To: Mr. William B. Griswold
Building Commissioner

From: Joseph R. Ciuni, P.E. P.S.
City Engineer

AGENDA ITEM NO. 5

P & Z 2023-20 Ordinance 2023-102, Amending Chapter 1121 titled "U-4 Integrated Business District" and Chapter 1101 titled "Definitions", of the City of Beachwood, Ohio Planning and Zoning Code (referred from Council October 2, 2023).

Engineering Department has no comments on this item.