

Mixed Use Districts

Chapter 1149

Sections

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Section 1149.01 Purpose

The purpose of these districts are to designate, regulate and restrict the location, design and use of buildings, structures and interior streets; to promote high standards of exterior appearance of buildings and grounds; to stabilize and improve property value with the smallest possible burden on municipal services and facilities with the highest possible return to the City from tax revenues consistent with maintaining and improving the general character of the City; to promote health, safety, comfort, convenience and general welfare; and thus to provide the economic and social advantages resulting from an orderly planned use of these parcels of land.

Section 1149.02 Minimum Required Area

The minimum required development area in all Mixed Use Districts shall be as follows below:

- A. Mixed Use District A = 10 acres
- B. Mixed Use District C = 20 acres
- C. Mixed Use District D = 20 acres

Section 1149.03 Uses Permitted

Buildings or land shall not be used and buildings shall not be erected or altered except for the uses specified in *Table 1149.03-1*. Furthermore, there shall be no use of land permitted in any Mixed Use District without an approved principal structure.

- A. **Permitted Use (P).** Buildings and land in this district may be used by right, subject to all other applicable provisions of this code. Within Mixed Use District D, however, in order to accomplish the purpose and intent of such districts, each development area shall include uses from at least two of the principal use categories.
- B. **Conditional Use (C).** Buildings and land in this district may be used provided that the general and specific conditions related to that use as found in *Chapter 1118* are met.

Table 1149.03-1, Schedule of Uses				
Use	Mixed Use A	Mixed Use C	Mixed Use D	Specific Conditions
Accommodations, Hospitality and Entertainment				
Bars, taverns and lounges	P			
Convention, banquet and meeting facilities	P		C	
Hotels and motels	P			
Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks	P			
Restaurants without drive-through facilities	P		P	
Public and Institutional				
Clubs and lodges for fraternal organizations		P		
Community centers and senior centers		P		
Cultural facilities such as museums and performing arts centers	C	P		
Day cares, nursery schools and child care establishments	P	C		1118.12.C
Libraries		P		
Places of worship		C		1118.12.D
Parks and playgrounds		P		

Table 1149.03-1, Schedule of Uses				
Use	Mixed Use A	Mixed Use C	Mixed Use D	Specific Conditions
Recreational fields, pools and golf courses		P		
School, commercial and studios including art, dance, martial arts and music	C		P	
Schools, primary and secondary, public or private		C		1118.12.A
Schools, specialized/training/professional	C		P	
Transit stations	C			
Offices and Services				
Business and professional offices	P	C	P	
Dry cleaners and laundromats	P			
Financial institutions and pharmacies without drive-through facilities	P		P	
Health and fitness clubs	P			
Hospitals and medical clinics	P	C	P	1118.12.E
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair			P	
Radio, television and recording studios			P	
Residential				
One and two family dwellings		P		Ch. 1135
Residential cluster dwelling units		C		Ch. 1136
Multiple family dwellings	C		P	Ch. 1137
Senior housing	C	C	P	Ch. 1138
Retail				
General retail 100,000 sq ft or more per business unit	C			1118.15.B
General retail up to 100,000 sq ft per business unit	C			
General retail up to 10,000 sq ft per business unit			P	
General retail up to 5,000 sq ft per business unit	P			
Other				
Medical marijuana dispensaries	Prohibited			
Uses of the same nature as uses listed in Mixed Use Districts but not listed elsewhere in this code	See 1117.03.C for similar use determination process			

Section 1149.04 Development Regulations

- A. **Phased Development.** Development areas in all Mixed Use Districts may be developed in phases if approved by the Planning and Design Commission.
- B. **Setbacks.**
1. Mixed Use District A.
 - a. Building setbacks from dedicated street rights-of-way and boundary lines of the development area shall be 100 feet.
 - b. Parking setbacks from dedicated street rights-of-way, private streets and boundary lines of the development areas shall be 25 feet; except that parking setbacks shall be 50 feet along any boundary lines abutting One and Two Family Residence Districts.
 2. Mixed Use District C and D.

- a. Building setbacks from dedicated street rights-of-way and boundary lines of the development area shall be 50 feet; except that building setbacks shall be 75 when abutting One and Two Family Residence Districts
 - b. Parking setbacks from dedicated street rights-of-way, private streets and boundary lines of the development areas shall be 25 feet; except that parking setbacks shall be 50 feet along any boundary lines abutting One and Two Family Residence Districts.
- C. **Building Materials.** The requirements of this section apply to all Mixed Use Districts where there is construction of new non-residential buildings or where there is substantial improvement proposed to existing non-residential buildings.
1. **Materials.** All non-residential buildings shall be composed of high quality materials and, at a minimum, shall be comprised of 75% of the following: brick, stone (natural or cultured), architectural pre-cast concrete, glass, high-density stratified wood board, fiber reinforced concrete panels, stucco or architectural metal panels. Up to 25% of the building may be comprised of the following: split face block, scored block, exterior insulation finish system (EIFS), wood, vinyl, metal and other similar quality materials. If EIFS is used, it shall not be within 36 inches of grade nor used in entryways or other high activity pedestrian or service areas. Plain concrete block, smooth-faced tilt-up concrete panels and wood sheet goods shall not be permitted. Building material requirements may only be modified with the recommendation of the Planning and Design Commission and approval by City Council.
 2. **Massing.** The articulation of a building shall reduce its perceived overall length and width by dividing the building into smaller masses. The internal function of the building shall provide the rationale for the division of massing. The overall mass of a building shall be reduced by incorporating building undulations of clearly pronounced recesses and projections, wall relief, colonnades, pilasters, piers, fenestration patterns or other techniques as approved by the Planning and Design Commission and City Council. The articulation of a building shall reduce its perceived height by dividing the building into smaller scale elements to provide a “human scale” based on its location. The building design shall incorporate a distinct base, middle and top. Features to clearly define the top of a structure may be accomplished via a defined parapet or cornice elements; distinct eaves; corbeled brick, masonry or stone; architectural roof forms and other elements as approved by the Planning and Design Commission and City Council. Each building shall have a clear, highly visible customer entrance(s) defining the major entry points to the building.
 3. **Mechanical Screening.** Buildings shall have architectural features to fully conceal rooftop equipment, such as HVAC units, exhaust, vents, transformers, roof access, etc. from public view.
- D. **Height.**
1. **Mixed Use District A.** The maximum height for office buildings and hotels shall not exceed seven stories and two stories for all other permitted uses.
 2. **Mixed Use District C.** The maximum height for all buildings shall not exceed two stories for all permitted uses.
 3. **Mixed Use District D.** The maximum height shall be the lesser of:

<u>Use</u>	<u>Feet Above Grade</u>	<u>Stories</u>
Multiple dwelling	36	3

Senior housing	45	4
Office building	36	3
Retail	24	2

- E. **Access Management.** Access and interior roads shall be properly related to any existing or planned public street suitable and capable of handling the types and volumes of vehicular traffic projected to be generated by the various proposed uses so as to promote safety and minimize traffic congestion. Traffic control devices and traffic safety improvements shall be incorporated into the development plan as necessary and appropriate to maintain traffic flows and vehicular and pedestrian safety within public rights of way. To meet this requirement, the developer may be required to submit to the City, at the time it submits its application, a Traffic Impact Analysis in accordance with the requirements of Section 1161.08 to determine the traffic impacts which the proposed development will have upon abutting streets and roads within the City.
- F. **Utilities.** All utilities shall be installed underground.
- G. **Outdoor Speakers.** Use of outside speakers, sound systems or other noise producing devices shall be prohibited.

Section 1149.05 Landscaping

Required landscaping, screening and buffering for all Mixed Use Districts shall be in accordance with the regulations and guidelines provided in this section.

- A. **Street Lawn.** Street lawns are required yards abutting a public right-of-way. Street lawns shall be designed in accordance with the following guidelines, except as may be provided elsewhere in this section:
1. Except for necessary driveways, frontage roads, service drives or walkways, a required street lawn within a yard abutting a public road shall extend the full length of the lot line.
 2. At a minimum, a required street lawn along a road shall be landscaped in accordance with the following:
 - a. One canopy tree plus one additional canopy or ornamental tree for each 75 feet, or fraction thereof, of road frontage.
 - b. Six shrubs per each 50 feet, or fraction thereof, of road frontage.
 3. The minimum depth of the street lawn shall correspond to the minimum parking setback requirement for the district.
 4. Landscaping shall be located so it does not obstruct the vision of drivers entering or exiting a site and shall also meet the provisions of pertaining to clear vision triangles.
 5. The required street lawn landscaping, except for the sight-obscuring parking lot screen, need not be evenly spaced. Clustering of trees and planting beds is encouraged to provide a more aesthetic and natural appearance; provided, the purposes of this section are achieved.
 6. Existing trees located within the required street lawn shall be counted toward meeting the minimum requirements of this section provided they are in a healthy condition, as determined by the City.
 7. If berms are appropriately incorporated into the street lawn, the Planning and Design Commission may reduce the required quantities of plant material by up to one-third

where it is determined that the purpose of the street lawn will still be achieved.

8. A detention/retention area shall not be located within any front yard unless the Planning and Design Commission determines that it is designed as a prominent aesthetic feature that will enhance the appearance of the site and will be properly maintained as such.
- B. Buffer Zone.** Buffer zones are required yards abutting boundary lines adjacent to any residential zoning district.
1. Requirements.
 - a. A buffer zone shall be required, even where the adjacent property is undeveloped, except that the requirement may be reduced or waived where the property abuts an interstate highway.
 - b. Prior to changing the use of a property to a more intense land use, or when a property is rezoned to a more intense district, a buffer zone meeting the applicable requirements of this section shall be installed.
 2. Standards.
 - a. Buffer zones shall be planted with a combination of canopy trees, ornamental trees, evergreen trees and shrubs to constitute a dense visual buffer at plant maturity.
 - b. Buffer zones may be required to include screening or berms as provided for in (c) or (d) below based upon existing natural conditions and the proximity of residential uses as determined by the Planning and Design Commission.
 - c. All areas of the buffer zone outside of planting beds shall be planted with grass or other living ground cover or preserved in a natural wooded state.
 - d. Landscape materials shall conform to all applicable standards of this section.
 - e. Stormwater detention/retention areas may be located within a required buffer zone provided they do not reduce the screening effect.
- C. Screening.** Screening shall be required as follows, except as may be provided elsewhere in this section.
1. Requirements. Screening shall be required:
 - a. Around all trash dumpsters in all districts;
 - b. Around any loading/unloading area visible from an adjoining street or parking area;
 - c. Around heating and cooling units and generators for all non-residential uses;
 - d. Around detention ponds and other related storm water management facilities that are not integrated into the landscape design as site amenities; and
 - e. Around essential public services and related accessory structures.
 2. Standards. A required screen shall be comprised of a solid, sight-obscuring fence or wall and also the following minimum specifications:
 - a. The screen shall be six feet in height;
 - b. The screen shall be enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use. This full enclosure requirement, however, shall not apply to screening of loading/unloading areas;
 - c. The screen shall be constructed of masonry, treated wood or other approved material determined to be durable, weather resistant, rust proof and easily maintained. Chain link, split rail and wrought iron fences shall not be permitted to meet the screening requirement;
 - d. If approved, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall when it is determined that the alternate solution will provide the same degree, or better, of opacity and screening

- required by this section;
- e. When a screen wall or fence has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site; and
 - f. Screen walls or fences shall not be constructed in a way that alters drainage on site or adjacent properties, or obstructs vision for safety or ingress/egress.
- D. **Berms.** Where a berm is used it shall meet the following requirements:
1. It shall have a minimum height of 3 feet and maximum height of 6 feet above grade. The crest shall gently curve with a level crown at least 2 feet wide;
 2. Berms shall be constructed so as to maintain a side slope not to exceed a 1-foot rise to a 3-foot run ratio. When topography or other site conditions prevent construction of berms at this ratio, the Planning and Design Commission may permit retaining walls or terracing. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
 3. Berms shall be designed to vary in height and shape to create a more natural appearance. Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
 4. Required plant material shall be placed on the top and side slope facing the adjoining property.
 5. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- E. **Plant Material Standards.** All required landscaped areas shall comply with the following plant material standards, in addition to all other applicable requirements of this section:
1. All plant materials shall be hardy to Cuyahoga County and free of disease and insects. Acceptable trees may be selected from the list of acceptable species in Appendix A or as approved by the Planning and Design Commission.
 2. Landscaped areas shall be maintained in a neat, healthy and orderly condition following accepted horticultural practices. Withered, dying and/or dead plants and trees shall be replaced within a reasonable period of time, but not longer than one growing season.
 3. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, pine needles or similar accent materials within planting beds.
 4. All plant material shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
 5. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
 6. Existing plant material which complies with the standards and intent of this ordinance and the provisions of this section may be credited toward meeting the landscape requirements. Scrub, dying, diseased or prohibited trees and shrubs shall be removed and shall not be counted toward any requirement of this section.
 7. The overall landscape plan shall not contain more than 33 percent of any one plant species, unless determined to be appropriate by the Planning and Design Commission.
 8. Landscaping shall be installed prior to issuance of a certificate of occupancy, unless the

owner demonstrates that unforeseen circumstances beyond his/her control prevented the installation. In such case, the Building Official may issue a conditional certificate of occupancy for a time limit not to exceed 120 days to complete the landscaping.

9. Plant material shall conform to the standards found in the American Standard for Nursery Stock (ANSI Z60.1 – 2014, as amended from time to time) published by AmericanHort and conform to the minimum plant sizes at time of planting shall conform to the standards in Table 1149.05-1, unless a greater requirement is specified elsewhere in this ordinance. Larger sizes may be required by the Planning and Design Commission, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, street lawn or screen based on the size of the development, its location and/or the character of the surrounding area.
10. Healthy and viable existing trees within a required setback shall be preserved unless their removal is shown, to the satisfaction of the Planning and Design Commission, to be infeasible due to existing site characteristics, necessary grading, location of future site improvements, species of tree or other similar conditions that make their preservation unreasonable or undesirable. Financial hardship or development expediency shall not be considered valid rationale for such tree removal.
11. Landscaping shall be provided adjacent to all buildings in order to provide shade, minimize energy demand, screen mechanical equipment and enhance the general appearance of the building and property.

Plant Type	Minimum Size
Deciduous canopy tree	2.5 inch caliper
Deciduous ornamental tree	2.5 inch caliper
Evergreen tree	7 feet in height
Deciduous shrub	24 inches in height
Upright evergreen shrub	24 inches in height
Spreading evergreen shrub	24 inch spread

Section 1149.06 Parking and Loading

Parking and loading in all Mixed Use Districts shall be required in accordance with the provisions of Chapter 1161.

Section 1149.07 Exterior Lighting

Exterior lighting in all Mixed Use Districts shall be permitted in accordance with the provisions of Chapter 1161.

Section 1149.08 Signage

Signage in all Mixed Use Districts shall be permitted in accordance with the provisions of Chapter 1163.

Section 1149.09 Development Plan Review

Development Plan Review in all Mixed Use Districts shall be carried out in accordance with the provisions of Chapter 1126.