

# MIXED-USE TRANSIT- ORIENTED DEVELOPMENT (MU-TOD)

CHAPTER 739 ZONING CODE UPDATE



Cuyahoga  
**COUNTY PLANNING**  
Commission



# ACKNOWLEDGMENTS

## CITY OF SOUTH EUCLID

**Georgine Welo, Mayor**  
1349 South Green Road  
South Euclid, OH 44121

216.381.0400  
<https://cityofsoutheuclid.com/>

## PROJECT TEAM

Michael Love, *Planning and Development Director*  
Fulton Benya, *Planning and Development GIS Specialist*

## CUYAHOGA COUNTY PLANNING COMMISSION

2079 East 9<sup>th</sup> Street  
Suite 5-300  
Cleveland, OH 44115  
216.443.3700

[www.CountyPlanning.us](http://www.CountyPlanning.us)  
[www.facebook.com/CountyPlanning](https://www.facebook.com/CountyPlanning)  
[www.twitter.com/CountyPlanning](https://www.twitter.com/CountyPlanning)

## CONTRIBUTING STAFF

Mary Cierebiej, AICP, *Executive Director*  
Patrick Hewitt, *Planning Manager Design & Implementation*  
Erik Engle, AICP, *Principal Planner*  
Laura Mendez Ortiz, AICP, *Planner*  
Luke Ols, *Senior Intern*

## OUR VISION

Inspiring all of our communities to thrive

## OUR MISSION

To advance Cuyahoga County's social, economic, and environmental health through equitable community planning

## **CHAPTER 739**

### **Mixed-Use Transit-Oriented Development (MU-TOD) District**

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## **739.01 ESTABLISHMENT AND PURPOSE**

I. Establishment. The Mixed-Use Transit Oriented Development District (MU-TOD District) and this associated chapter for regulations are established to guide development and redevelopment in areas where a mix of uses and a diversity of housing types should be promoted as a means of promoting transit use and expanding mobility options.

II. Purpose. The purpose of the MU-TOD District is to further promote development areas along major corridors and transit routes as compact, mixed-use, walkable, and livable neighborhoods to:

- (a) Increase transit use and expand other mobility options by developing an environment that makes using all modes of transportation comfortable, convenient, and safe through enhanced streetscapes, amenities, and pedestrian-oriented buildings;
- (b) Encourage infill development and reuse of existing buildings in a manner consistent with the objectives, standards, and design criteria for this district;
- (c) Permit a mixture of higher density residential and commercial uses in a manner that ensures the City is functionally competitive in today's housing and retail markets while fostering vibrant neighborhoods and efficient transit systems;
- (d) Provide increased opportunities for economic development and expansion of the City's tax base while strengthening the diversity and accessibility of commercial uses to residential areas throughout the community;
- (e) Create a pedestrian-friendly, mixed-use district that imparts a sense of identity and acts as a focal point for the community while reducing auto dependency and roadway congestion;
- (f) Establish design guidelines for new development or redevelopment that reinforces the district's "sense of place" and ensures that an aesthetically pleasing environment is created. Specifically, the design guidelines are intended to:
  - (1) Provide interest along the public streetscape through high-quality construction, public spaces, and engaging environments to establish a sense of identity and attract employers, business, residents, and visitors alike;
  - (2) Protect and preserve the appearance and character of the community;
  - (3) Reduce the impact of new development between zoning districts;
- (g) Encourage an appropriate mix of residential options to promote housing for people of different income levels and at different stages of life.
- (h) Incorporate sustainable and green practices.

- (i) Ensure that development occurs in a unified manner in accordance with an approved development plan while supporting the intent and objectives of plans adopted by the City.

## **739.02 APPLICABILITY**

- I. Geographic Applicability. The MU-TOD District may minimally be considered for areas within the City that are:
  - (a) Along primary streets including, but not limited to, Mayfield Road, Cedar Road, Warrensville Center Road, South Green Road and Monticello Boulevard.
  - (b) Within 0.5 miles of designated transit stations, including, but not limited to bus terminals, bus stops, train stations, light rail stops, or other major public transportation facilities.
  - (c) Identified in any local comprehensive or master plan, or transit development plan as priority areas for higher-density, mixed-use, and pedestrian-friendly development.
  - (d) Identified by the Planning Commission as suitable sites appropriate for higher-density, mixed-use, and pedestrian-friendly development.
- II. Zoning Boundaries. The specific boundaries of the MU-TOD Zoning District shall be established on the official zoning map of the city in accordance with Section 712, where applicable. Modification to the boundaries may be made by the governing body through amendments to the zoning map, in accordance with the procedures outlined in Section 763.02 of the Zoning Code.
- III. Transition Regulations. The following transitional regulations will resolve the status of properties with pending or approved applications upon rezoning.
  - (a) Pending Applications.
    1. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the Planning Commission prior to the effective date of this Chapter and rezoning, if applicable, shall be reviewed in accordance with the provisions of the zoning district in effect on the date the application was deemed complete.
    2. If the Applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Chapter.
    3. Any re-application for an expired project approval must meet the standards in effect at the time of reapplication.
    4. An applicant with a pending application may elect to have the project reviewed under the regulations of this Chapter through a

written letter to the Zoning Administrator, or designee, requesting review under the provisions of this Chapter.

(b) Approved Projects.

1. Approved site plans, variances, conditional use approvals, or building permits that are valid on the Effective Date of this Chapter shall remain valid until their expiration date, where applicable.
2. Plans approved under the previous regulations that are valid on the effective Date of this Chapter shall also remain valid until their expiration date, where applicable.

IV. Conflicts. If any requirements contained within this Chapter present an actual, implied, or apparent conflict with other regulations set forth in this code, the regulations in this Chapter shall prevail.

### **739.03 DEFINITIONS**

- I. Words and terms used in this MU-TOD District code shall be defined in accordance with the provisions set forth in Section 710.08.

## **739.04 USE REGULATIONS**

- I. Permitted Uses. Uses permitted in the MU-TOD District are provided herein in Table 739.04(A): MU-TOD District Use Regulations.
- II. Conditional Uses.
  - (a) Conditional uses in the MU-TOD District are provided in Table 739.04(A): MU-TOD District Use Regulations. All conditional uses provided for in the table may be permitted within the MU-TOD District under the conditions and in the manner prescribed in this Zoning Code (Chapter 762.05), and provided they meet the following requirements:
    - 1. The applicant satisfactorily demonstrates that the proposed use supports the general character and purposes of the district and will not substantially hinder the future development of connected, mixed-use, and livable neighborhoods.
    - 2. The applicant satisfactorily demonstrates that the proposed conditional use is the best use of the parcel of land it is proposed to be built upon due to the lot size, shape, natural features, adjacent uses, or other issue relevant to the location of the proposed use.
    - 3. If part of a larger development proposal, the applicant satisfactorily demonstrates that the proposed use is in harmony with the entire development plan.
- III. Additional Use Standards. Uses identified with an asterisk are permitted only if additional use standards, outlined in 739.04(IX) of this Section, are met.
- IV. Accessory Uses. Accessory uses or structures are permitted in conjunction with allowed principal uses as outlined in this Chapter and in accordance with Chapter 722, if applicable.
- V. Substantially Similar Uses. Any substantially similar use which is classified and approved by the Zoning Administrator, or other designee, to be of the same character, nature, and intensity of use as those in this MU-TOD District, may be permitted subject to the procedure and standards set forth in this Chapter.

VI. TABLE 739.04(A): MU-TOD DISTRICT USE REGULATIONS

| PERMITTED AND CONDITIONAL USES                        | USE REGULATION | ADDITIONAL USE REGULATIONS        |
|---|----------------|-----------------------------------|
| <b>COMMERCIAL</b>                                     |                |                                   |
| Amphitheater  | C              |                                   |
| Assembly hall or conference center                    | C*             | <i>Section 739.04(IX)(b)</i>      |
| Bank  | P              |                                   |
| Bar or public house                                   | P              |                                   |
| Bed and breakfast                                     | P              |                                   |
| Bookstore   | P              |                                   |
| Brew pub  | P*             | <i>739.04(IX)(c)</i>              |
| Commercial recreation, indoor                         | P              |                                   |
| Commercial recreation, outdoor                        | C              |                                   |
| Day care facility, child and/or adult                 | C              |                                   |
| Drive-up/Drive-thru windows                           | C*             | <i>739.04(IX)(d)</i>              |
| Funeral home  | C              |                                   |
| Gym, health spa, yoga studio                          | P              |                                   |
| Hospital  | C              |                                   |
| Hotel   | P*             | <i>739.04(IX)(e)</i>              |
| Indoor sales for used or secondhand merchandise       | C              |                                   |
| Cannabis dispensary                                   | C*             | <i>739.04(IX)(g); Chapter 790</i> |
| Medical office or health services clinic              | P              |                                   |
| Movie theater, excluding drive-ins                    | P              |                                   |
| Office  | P              |                                   |
| Outdoor dining  | C*             | <i>739.04(IX)(p)</i>              |
| Outdoor sales for used or secondhand merchandise      | C              |                                   |
| Pet daycare facilities                                | C*             | <i>739.04(IX)(j)</i>              |
| Public or private school                              | C*             | <i>739.04(IX)(l)</i>              |
| Restaurant  | P              |                                   |
| Retail establishment, greater than 40,000 square feet | C              |                                   |
| Retail establishment, less than 40,000 square feet    | P              | <i>Chapter 710</i>                |
| Service establishment, personal and/or business       | P              |                                   |
| Theater   | P              |                                   |
| Veterinary hospital                                   | P*             | <i>739.04(IX)(o)</i>              |
| <b>RESIDENTIAL</b>                                    |                |                                   |
| One and two-family homes                              | C*             | <i>739.04(IX)(i)</i>              |
| Apartments  | P*             | <i>739.04(IX)(a)</i>              |
| Townhouse developments                                | P*             | <i>739.04(IX)(n)</i>              |

|   |    |               |
|---|----|---------------|
| Adult family homes                            | P  |               |
| Adult group homes                             | P  |               |
| Residential facility family houses            | P  |               |
| Residential facility group homes              | P  |               |
| Family day care homes, Type B                 | P  |               |
| Family day care homes, Type A                 | C  |               |
| Live-work units                               | P* | 739.04(IX)(f) |
| <b>MANUFACTURING</b>                          |    |               |
| Manufacturing, artisan                        | P  |               |
| Microbrewery, microdistillery, or microwinery | P* | 739.04(IX)(h) |
| Research laboratory                           | P* | 739.04(IX)(m) |
| <b>PUBLIC FACILITIES</b>                      |    |               |
| Community center building                     | C  |               |
| Government buildings                          | C  |               |
| Museum  | C  |               |
| Place of worship                              | C* | 739.04(IX)(k) |
| Public library                                | C  |               |
| Public Park or playground                     | C  |               |
| Public safety facilities                      | C  |               |
| <b>OTHER</b>                                  |    |               |
| Transit station                               | P  |               |
| Parking lot (as a principal use)              | C  |               |
| Parking structure (as a principal use)        | C  |               |
| Signage                                       | P  |               |

*P = Permitted Use      C = Conditional Use      \* = Additional use Regulations Apply*

## VII. Vertical and Horizontal Mixing of Uses.

- (a) The vertical mixing of uses, including residential uses with nonresidential uses within a single building, is encouraged.
- (b) The horizontal mixing of uses in the district is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

## VIII. Active Uses at Street Level.

- (a) High-activity, non-residential uses such as retail establishments and restaurants must comprise at least 70% of the first floor facing the primary street to a depth of at least 15 feet. Non-residential, accessory uses such as lobbies, gyms, meeting rooms, or other amenity spaces may qualify as high-activity, non-residential uses, as determined by the Zoning Administrator, or designee.

- (b) Stairs, storage, hallways, elevators, and indoor parking do not qualify as active uses.

IX. Additional Use Regulations.

Uses identified with an asterisk in Table 739.04(A) are permitted only if additional use standards, outlined in this Section, are met. Those uses deemed conditional shall adhere to these regulations and the procedures outlined in Chapter 762.05 of this code.

(a) Apartments.

1. Every dwelling unit leased or rented for residential purposes shall have direct access to a public stairway, hallway, corridor, or other means of egress without passing through any other dwelling unit. Every public hallway, corridor, stairway, exit, or other means of egress shall be kept clear and unobstructed at all times, so as to afford safe passage from each dwelling unit to open space at ground level.
2. In every dwelling structure, the owner, operator or his/her/their agent shall be responsible for providing and maintaining suitable approved receptacles, incinerators, or other conveniences for the disposal of rubbish, garbage, refuse, or other waste matter.

(b) Assembly hall or conference center.

1. The proposed conditional use shall not generate excessive noise beyond the premises.
2. Any part of such establishment fronting a primary street should be located so as to minimize the amount of space that is inactive during normal business hours. Such facilities are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.
3. Any other general requirements outlined in Chapter 762.05.

(c) Brew pub. No brewing equipment or storage is permitted on the exterior of the building.

(d) Drive-up/Drive-thru windows.

1. Drive-thru windows shall only be permitted when associated with a use listed in this Section, except for restaurants or eating establishments as such drive-thrus are not permitted in this zoning district.
2. The drive-thru windows shall be located at the rear or side of the building to minimize visual impact on the primary street frontage.

3. Entry and exit points for the drive-thru should not obstruct pedestrian walkways, bicycle lanes, or transit stops and must allow safe ingress and egress without impeding vehicular traffic.
4. Drive-thru windows are not permitted on the primary façade of the building that faces the main pedestrian thoroughfare.
5. Drive-thru structures are strictly prohibited.

(e) Hotel.

1. Hotel rooms may include kitchens; however, no room shall be rented to any person for continuous occupancy for more than four months.
2. There shall be provided a separate drop-off area for hotel guests that must not interfere with the principal driveway or road network.

(f) Live-work units.

1. The workspace shall occupy less than 50% of the dwelling unit's gross floor area.
2. The dwelling is in continuous use as the established place of residence and primary dwelling of the business owner.
3. Business operations shall cease when such use is deemed to be detrimental to the public health, safety, and welfare, or constitutes a nuisance, or when the use is in violation of any statute, ordinance, law or regulation.
4. Activities do not include any of the following:
  - i. Use of the dwelling by more than three nonresidents of the dwelling as employees at any one time;
  - ii. Use of the dwelling to produce or sell products that may in themselves, or whose ingredients may, pose a danger to the health of employees or neighbors, or to the integrity of the building itself;
  - iii. Creation of noise, dust, heat, fumes, odors, smoke, vibration, or other nuisances, including electrical or radio frequency interference; and,
  - iv. Generation of excessive amounts of trash, materials, or yard waste placed on the curb for pickup by the city's garbage collection contractor.

(g) Cannabis dispensary.

1. The proposed conditional use shall meet all requirements outlined in Chapter 790 and 762.05.

(h) Microbrewery, microdistillery, or microwinery.

1. No brewing equipment or storage is permitted on the exterior of the building.
2. Facilities shall be no greater than 10,000 square feet of floor area. Additional floor area may be permitted as a conditional use.

(i) One and two-family residences.

1. One and two-family residences shall only be permitted on development sites five (5) acres or greater, which also feature other mixed-use buildings, as defined in Chapter 710. As such, one- and two-family residences are not permitted as the only principal use on site within the MU-TOD Zoning District.
2. Residential structures shall adhere to all design and development regulations outlined in this Chapter, including the required build-to lines and shall be oriented to promote ample walkability and connectivity.
3. Where applicable, one and two-family residential uses shall be divided into blocks and shall maintain a traditional neighborhood grid pattern for improved accessibility to transit lines.
4. Parking and any associated attached or detached parking structures shall be located in the rear of any principal residential structure.
5. Access to parking shall be by alley or secondary thoroughfare as identified on a site proposal.
6. Any other requirements as outlined in Chapter 728.

(j) Pet daycare facilities.

1. Outdoor spaces for animals are limited to supervised play areas and runs, and all animals kept overnight must be located in a fully enclosed, noise-attenuated structure.
2. The facility shall properly manage animal waste, pursuant to applicable local and state regulations, so as to not create a nuisance or health hazard to adjoining or nearby property owners.

3. Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
- (k) Place of worship. The proposed use shall meet all requirements outlined in Chapter 762.05.
- (l) Public or private school. The proposed use shall not generate excessive noise beyond the premises.
- (m) Research laboratory.
1. The use of any hazardous material, or any scientific process that creates hazardous waste must be permitted and approved by the State of Ohio, Federal Government, or other appropriate regulatory authority.
  2. The use, storage, and disposal of any hazardous material or waste must meet all state and federal regulations. Provisions for the appropriate use, storage, or disposal of hazardous materials or waste shall be demonstrated before approval of such use.
  3. The proposed use shall not generate excessive noise, odors, or other such nuisances beyond the premises.
- (n) Townhouse developments.
1. Townhouse developments are only allowed when included as one use in a mixed-use development. The Planning Commission may allow townhouse developments that are not part of a mixed-use development as a conditional use.
  2. Townhouses may not front on primary streets. The Planning Commission may allow townhouse developments to front on a primary street as a conditional use.
- (o) Veterinary hospital.
1. Outdoor spaces for animals are limited to supervised play areas and runs, and all animals kept overnight must be located in a fully enclosed, noise-attenuated structure.
  2. No dead animals may be buried on the premises, and no incineration of dead animals shall be permitted.
  3. The facility shall properly manage animal waste, pursuant to applicable local and state regulations, so as to not create a nuisance or health hazard to adjoining or nearby property owners.
  4. Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

- (p) Outdoor dining.
  - 1. If outdoor seating is located within the build-to zone as shown in Figure 739.05(A), a conditional use permit is required.
  - 2. Outdoor seating shall maintain at least five (5) feet of unobstructed walking space along sidewalks.
  - 3. Encroachment of outdoor dining in any public right-of-way is strictly prohibited unless a conditional use permit has been secured for such use in accordance with this code and Chapter 762.05.
- X. Prohibited Uses. The following uses or uses of a similar nature shall be prohibited in the MU-TOD district:
  - (a) Automobile service stations as defined in Chapter 710.08
  - (b) Automobile repair shops as defined in Chapter 710.08
  - (c) Car wash establishments
  - (d) Drive-thru, restaurant as defined in Chapter 710.08
  - (e) Smoke shop, tobacco store
  - (f) Short-term lending establishments
  - (g) Self-storage facilities or related businesses that primarily store goods on a short-term or long-term basis.
  - (h) Tattoo and body piercing establishments
  - (i) Any other use excluded under the “Retail Establishment” definition as defined in Chapter 710.08
- XI. Nonconforming Uses. Any use deemed nonconforming upon the adoption of this code shall be subject to the provisions set forth in Chapter 751.

## 739.05 DEVELOPMENT STANDARDS.

- I. Development Standards. Every permitted and conditional use of land and structures in the MU-TOD district shall be located on a zoning lot and sited in such a manner as to conform to the development standards outlined in this section.

### Schedule 739.05. MU-TOD District Development Standards

| DEVELOPMENT STANDARDS   |  | METRIC               |
|---|--|----------------------|
| <b>LOT DIMENSIONS</b>   |  |                      |
| Minimum Lot Area (square feet)  |  | None Required        |
| Minimum Lot Width (feet)  |  | None Required        |
| <b>YARD DIMENSIONS</b>  |  |                      |
| Minimum Front Yard Setback of Principal Building (feet)   |  | 5 <sup>(a)</sup>     |
| Maximum Front Yard Setback of Principal Building (feet)   |  | 15                   |
| Minimum Side Yard Setback of Principal Building (feet)  |  | 0 <sup>(b)</sup>     |
| Minimum Rear Yard Setback of Principal Building (feet)  |  | 20 <sup>(c)(d)</sup> |
| <b>LOT COVERAGE</b>   |  |                      |
| Minimum Lot Coverage  |  | None Required        |
| Maximum Lot Coverage (for Buildings)  |  | None Required        |
| <b>OPEN SPACE</b>   |  |                      |
| Minimum Open Space  |  | 20%*<br>(See 739.11) |
| <b>HEIGHT DIMENSIONS</b>  |  |                      |
| Minimum Height of Principal Building (feet)   |  | 22                   |
| Maximum Height of Principal Building (feet)   |  | 45 <sup>(e)(f)</sup> |
| <b>DWELLING UNIT DIMENSIONS</b>   |  |                      |
| Minimum Dwelling Unit Size (square feet)  |  | 300                  |
| <b>BUILDING WIDTH</b>   |  |                      |
| Minimum Building Frontage   |  | 65%                  |
| <p><sup>(a)</sup> Existing buildings may have a minimum front yard setback of 0 feet.</p> <p><sup>(b)</sup> Where the side lot line of the lot adjoins a One- and Two-Family Residential District, the side yard shall not be less than 20 feet</p> <p><sup>(c)</sup> Minimum rear yard setbacks for principal buildings may be waived by the Planning Commission where such waiver would further the purposes of this district as outlined in Section 739.01.</p> <p><sup>(d)</sup> Where the rear lot line of the lot adjoins a One- and Two-Family Residential District, the rear yard shall not be less than 30 feet.</p> <p><sup>(e)</sup> No portion of a building located within 50 feet of an existing one- or two-family dwelling in a residential zoning district shall be permitted to exceed 45 feet.</p> |  |                      |

*<sup>(f)</sup> Planning Commission may conditionally approve a maximum building height of up to 65 feet, where appropriate.*

*\*Applies only to sites one (1) acre or larger.*

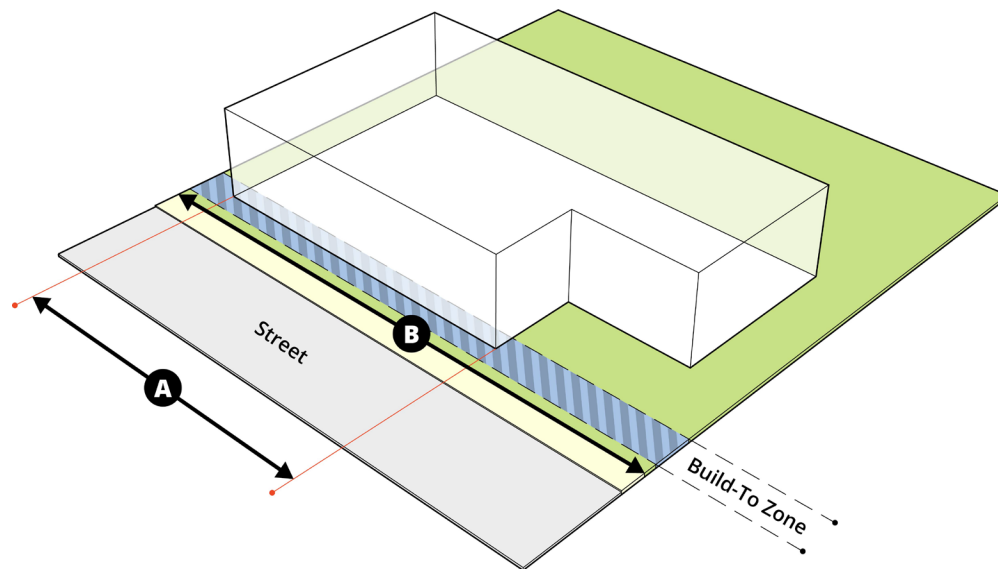
## II. Front Yard Setback.

- (a) The side of the lot that abuts a primary street is considered the front and where the front setback is measured from.
- (b) The sides of a corner lot that abuts two primary streets are both considered the front and shall have front setback regulations apply to both sides.

## III. Minimum Building Frontage.

- (a) The space between the minimum front yard setback (5 feet) and the maximum front yard setback (15 feet) shall be considered the Build-To Zone, as shown in Figure 739.05(A).
- (b) The minimum building frontage requirement specifies the amount of the front building façade (A) that must be located in the Build-To Zone, measured as a percentage of the width of the lot (B), as shown in Figure 739.05(A).
- (c) No building or portion of a building can be located outside of the Build-To Zone until the minimum building frontage requirements have been met.

FIGURE 739.05(A). Minimum Building Frontage



## **739.06 DESIGN REGULATIONS**

- I. Approval by Architectural Review Board (ARB). Projects developed under the regulations and process outlined in this Chapter shall be reviewed according to Schedule 739.13. If a review by the Architectural Review Board is required in accordance with Schedule 739.13, no building permit shall be issued unless plans and specifications therefore have been approved in writing.
- II. Design Guidelines. The ARB should use the following items as guidelines when reviewing plans and projects being developed in the MU-TOD district.

### **(a) Architectural Elements.**

1. Building design should provide contextual references to its surrounding built environment, including existing architecture, natural features, and cultural contexts.
2. Primary and accent building materials should visually complement each other in terms of color, texture, and pattern.

### **(b) Massing and Scale.**

1. The massing and scale of new construction should consider its surrounding context. Where larger scaled buildings are located next to smaller ones, steps should be taken to visually transition down in terms of size, massing, and scale, which can be achieved using any of the following techniques:
  - i. Stepping back upper stories or adjusting the roof pitch of larger massed buildings on the side where they are adjacent to smaller massed buildings.
  - ii. Including additional buffer space between larger massed buildings and smaller massed buildings. This buffer space is an appropriate area for driveways, landscaping, and open space.
  - iii. Including horizontal architectural details such as cornices and window frames on larger massed buildings that align with the roofline of the adjacent smaller massed buildings.
  - iv. Using trees and other greenery to soften hard edges between differently massed buildings.
2. Large-scale commercial and mixed-use buildings should include architectural or material-based articulation to reduce the perceived mass of the building while still aligning with the built context of the block, which can be achieved using any of the following techniques:

- i. For larger buildings, particularly buildings that fill an entire block, using engaging ground-level design and providing multiple pedestrian entry points along the frontage.
- ii. Avoiding large, monolithic buildings by breaking the facade down to appear as multiple smaller buildings.
- iii. Incorporating architectural elements such as recessed or protruding entrances, balconies, bay windows, brick patterns, etc.
- iv. Ensuring the pattern or repetition of any chosen architectural feature, recess, projection, or break is regular, intentional, and predictable.

(c) Front Facades, Entrances, and Building Orientation.

- i. Ground-floor facades facing the street should include at least 50% transparent windows and doors. Transparency should be evenly distributed to avoid long stretches of blank wall.
- ii. The orientation and placement of buildings should contribute to a sense of enclosure and defined space by maintaining consistent building frontage along a primary street.
  - a. Up to 50% of the building frontage may be set further back to incorporate public spaces, plazas and parks in a way that centralizes and activates those spaces, such as by having windows and entrances face into the public spaces.
- iii. The front facade of new construction should orient towards the street by having the building's main entrance, primary windows, and facade details facing the street.
- iv. For corner lots, entrances could be oriented at a 45-degree angle to emphasize the corner and encourage pedestrian access from both the principal street and secondary street.

(d) Transit.

- i. Existing and future transit stops should be considered in the layout of new developments to ensure convenient transit access and use.
- ii. The location of entrances, walkways, and pedestrian amenities should allow for convenient, safe, and comfortable pedestrian access from a transit stop to the site.

(e) Pedestrian Amenities.

- i. Outdoor dining and seating areas are encouraged and shall be in accordance with the provisions set forth in 739.04(IX)(p) and Chapter 762.05.
- ii. Pedestrian amenities such as benches, lighting, and trash and recycling receptacles should be conveniently placed together.
- iii. Overhead weather protection—such as awnings, overhangs, and arcades—are encouraged and should be appropriately located to clearly define building entries and orient towards pedestrian areas. Where possible, overhead weather protection should be located to provide shelter for waiting transit users.

(f) Parking.

- i. Garages, parking spaces, and driveways should be designed to be as discreet as possible and limit impediments to the walking environment.
  - a. Garage openings should be placed where it will have the least disruption to pedestrian walkways and limit potential conflict points between car traffic and pedestrians.
- ii. Buildings should be arranged on the site such that garages should be placed behind buildings whenever possible, and parking entrances should be accessed via secondary streets.
- iii. Whenever garages face a primary street, they should be lined by buildings that screen the parking structure from view and incorporate other uses such as residential, retail, and active uses.
- iv. Garages that are visible from a public street should avoid blank walls. These garages should be screened using landscaping or public art or should incorporate architectural design that complements the primary structure through the use of facade articulation, architectural elements, color, and elements that break up the mass of the garage. Fabric screening of parking garages is discouraged.

- III. Consistency with Adopted Plans and Guidelines. Where a plan or design guidelines or standards have been adopted by the city, the arrangement and design of land uses, buildings, open spaces, and streets should be consistent with the intent of that plan. Developments that include single and two-family residential structures should adhere to the design guidelines in Chapter 728.

## 739.07 PARKING REGULATIONS.

- I. General Provisions. Off-street parking shall conform to the parking requirements set forth in this section for the MU-TOD District.
- II. Modified Parking Standards. These minimum and maximum parking ratio requirements shall apply to all land in the MU-TOD.
  - (a) Parking minimums. The following parking minimums shall be used for development in the MU-TOD Zoning District.

Table 739.07 – Off-Street Parking Minimums

| Off-Street Parking | Use  | Proposed min parking ratio for MU-TOD District      |
|--------------------|--|---|
| Vehicle Parking    | <b>Residential</b>   |   |
|                    | Single and Two family*   | 1 space per DU                                      |
|                    | Multi-family*  | 0.50 spaces per DU                                  |
|                    | Senior or Assisted Living*   | 0.50 spaces per DU                                  |
|                    | *Parking shall not be required to be enclosed in the MU-TOD District |   |
|                    |  |   |
|                    | <b>Commercial</b>  |   |
|                    | Retail/Commercial (over 40,000 sf)                                   | To be determined during the conditional use process |
|                    | Retail/Commercial (under 40,000 sf)                                  | 1 space per 500 sf of gross floor area (GFA)        |
|                    | Office (under 50,000 sf)   | 1 space per 1,000 sf of GFA                         |
|                    | Restaurants, Bars, Cafes   | 1 space per 300 sf of GFA                           |
|                    |  |   |
|                    | <b>Civic, Cultural, and Institutional</b>                            |   |
|                    | Libraries, Museums, Civic/Cultural Centers                           | 1 space per 1,000 sf of GFA                         |
|                    |  |   |
|                    | <b>Manufacturing</b>   |   |
|                    | Artisan Manufacturing  | 1 space per 1,000 sf of GFA                         |
|                    | Light Manufacturing  | 1 space per 1,000 sf of GFA                         |

1. Where parking requirements result in a fractional parking space calculation, the numbers may be rounded down to the nearest whole number.
- (b) Parking maximums. The maximum amount of parking provided shall not exceed 125% of the standards outlined herein and those contained in Chapter 772 of this code. The maximum provision shall not apply to park-and-ride facilities, public parking garages, or other parking provided as part of a transit facility.
- III. Location of Off-Street Parking.
  - (a) No designated parking is permitted in the front yard of a principal building.
  - (b) Parking may be located in the rear or side yard of a building or below the building, however, no more than 40% of the width of the lot along the primary street shall be devoted to parking or driveways.

- (c) Below grade garages must meet the minimum setback requirements of the principal building.

#### IV. Parking Design Standards.

- (a) Parking lots shall provide separate designated pedestrian walkways to building entrances and other existing paths surrounding the project site.
- (b) Shared parking lots accommodating multiple parcels shall have access points a minimum of 200 feet apart on any primary street block.
- (c) Parking facilities shall be shared between residential, commercial, and office uses, where feasible on mixed-use lots.
- (d) Electric Vehicle (EV) Charging. A minimum of 5% of parking spaces shall be equipped with EV charging stations.

#### V. Transit and Pedestrian Considerations.

- (a) Pedestrian Pathways. Safe, clearly marked pedestrian pathways connecting transit nodes and entrances to buildings shall be provided, if applicable.
- (b) Transit Stop Access. Developments shall ensure direct and convenient pedestrian access to nearby public transit stops or stations.

#### VI. Parking Reductions for TOD Benefits.

- (a) Proximity to Transit. Developments within 1/8 mile of a major transit stop may be eligible for up to a 30% reduction in parking space requirements except for single and two-family residential uses. Parking reductions are subject to review and approval of the Planning Commission.
- (b) Car-Share. Projects that provide a minimum of 20% dedicated car-share parking spaces are eligible for up to a 15% reduction in parking space requirements. Parking reductions are subject to review and approval of the Planning Commission.
- (c) On-Street Parking. Any designated on-street parking abutting frontage of the development may count toward the total number of parking spaces required one-for-one.

#### VII. Monitoring and Adjustments.

- (a) Parking demand studies. Planning Commission, as part of the site plan review and approval process, reserves the right to require parking demand studies for larger developments (over 50,000 sf) to assess whether additional reductions to parking minimums are appropriate.

- (b) Adjustments. Pre-existing structures or historic structures may maintain existing or reduced parking ratios regardless of changes of use. Final parking ratio determination for existing structures shall be determined by the Planning Commission.
  - (c) At the discretion of the Planning Commission, a reduction in required parking spaces may be considered where shared parking agreements have been implemented by adjacent property owners.
- VIII. Enforcement. Developers must submit a parking plan demonstrating compliance as part of the general development plan for review and approval by the Planning Commission. The parking plan shall be included with the application for site plan review.

## 739.08 BICYCLE PARKING REGULATIONS

- I. Purpose. To promote sustainable transportation, community accessibility, and the uses of bicycles as a viable mode of transportation by integrating cycling infrastructure into proposed developments.
- II. General Provisions.
  - (a) Applicability. The Bicycle Parking Regulations shall apply to all projects developed in the MU-TOD District.
- III. Standards.
  - (a) Number of Required Bicycle Parking Spaces.

1. Bicycle parking shall be provided in accordance with the regulations outlined in Table 739.08 below:

|                     |  |                                     |
|---------------------|--|-------------------------------------|
| <b>Bike Parking</b> | <b>Residential*</b>  |                                     |
|                     | All Residential  | 1 bicycle space per 2 DU's          |
|                     |  |                                     |
|                     | <b>Commercial or Manufacturing</b>   |                                     |
|                     | All Commercial and Manufacturing   | 1 bicycle space per 1,000 sf of GFA |
|                     |  |                                     |
|                     | <b>Public/Civic</b>  |                                     |
|                     | All Civic, Cultural, Institutional   | 1 bicycle space per 500 sf of GFA   |
|                     | *Developments with fewer than 4 dwelling units are not required to provide bicycle parking for residential uses. |                                     |

2. When bicycle parking requirements result in a fractional bicycle parking space, fractions of ½ or more are counted as one (1) space.
3. No development shall be required to provide more than 40 spaces.
4. Required bicycle parking space requirements may be fulfilled with short-term or long-term parking

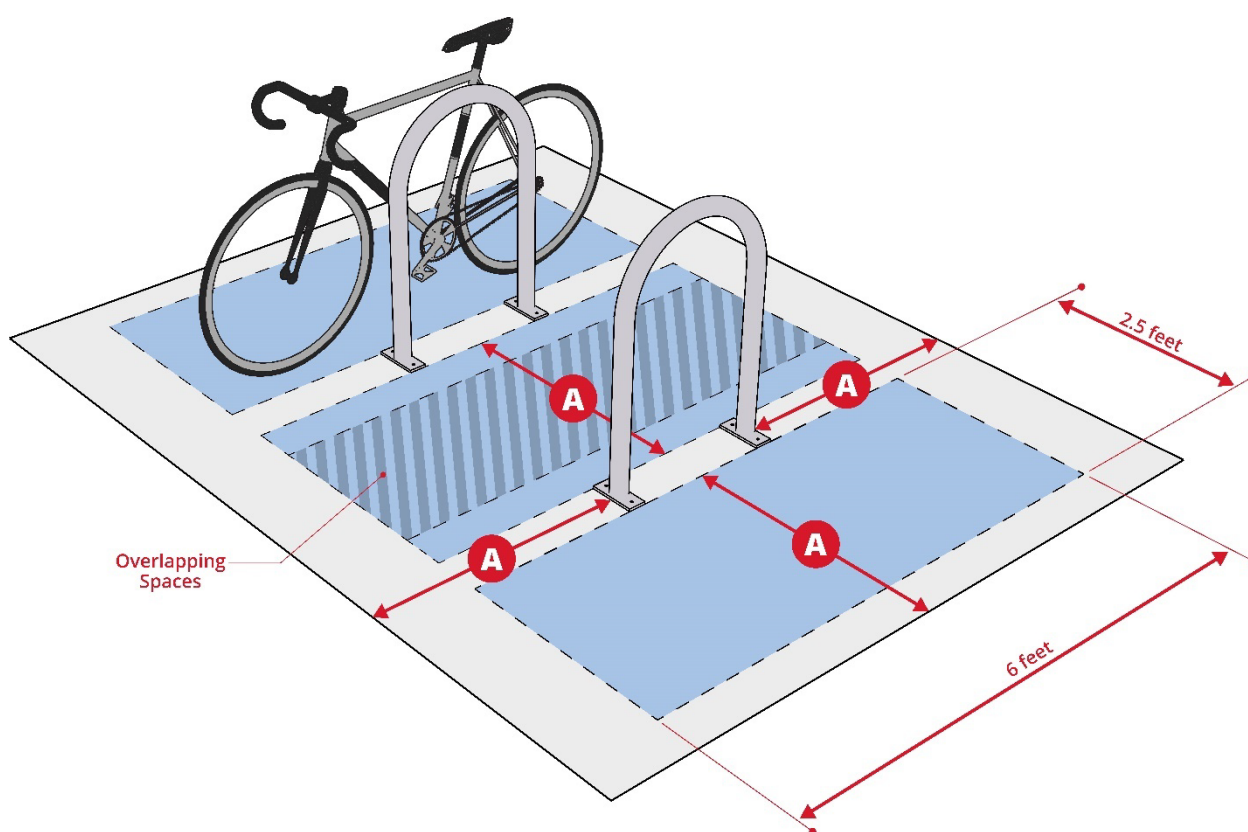
### (b) Design of Bicycle Parking Spaces.

1. Bicycle parking shall consist of bicycle racks that support the bicycle frame at two points and allow for the bicycle frame and at least one wheel to be locked to the rack.
2. Bicycle spaces shall be no less than 2.5 feet wide by 6 feet in length, with a vertical clearance of at least 7 feet, as shown in Figure 739.08.
3. If bicycles can be locked to each side of the rack, each side can be counted as a required space. Where bicycle racks are placed in a

parallel series, with each rack 36" apart, bicycle spaces may overlap up to two feet, as shown in Figure 739.08.

4. Bicycle parking must be well lit if accessible to the public or bicyclists after dark.
5. All bicycle parking spaces must be located on a surface with a slope no greater than 3%.
6. Bicycle racks used for short-term bicycle parking must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.

Figure 739.08: Bicycle Parking Design



(c) Placement of Bicycle Parking Spaces.

1. All bicycle racks must be located at least 36 inches in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or exterior or interior landscaping, as shown in "A" in Figure 739.08.

2. Bicycle parking spaces shall be clearly marked and sited to ensure significant visibility to the public or by building users, except in the case of long-term bicycle parking that is in secure areas only accessible to employees, staff, or residents.
3. Short-term bicycle parking shall be located either (a) within 100 feet of the main public entrance of the building or facility or (b) no farther than the nearest non-accessible motor vehicle parking space to the main public entrance, whichever is closer. If the development contains multiple buildings or facilities, the required bicycle parking shall be distributed so as to maximize convenience and use.
4. Short-term bicycle parking spaces may be located either (a) on-site or (b) in the public right-of-way, provided the necessary permit is obtained for the installation and it meets all other requirements of the law. If bicycle racks are located on public sidewalks, they must provide at least five feet of pedestrian clearance and be at least two feet from the curb.
5. Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet the combined requirements. A copy of such agreement shall be provided to the City for its records.
6. When automobile parking spaces are provided in a structure, all required bicycle parking spaces shall be located inside that structure or in other areas protected from the weather.

(d) Modification of Requirements.

1. In the event that satisfying all of the bicycle parking requirements would be infeasible due to the unique nature of the site or cause an unintended consequence that undermines the purpose of these requirements, a property owner (or designee) may submit a written request to the Zoning Administrator for a modification of the requirements.
2. The Zoning Administrator, or designee, may reduce the number of bicycle parking spaces required; however, in no case shall the requirement be less than two spaces.

## **739.09 ACCESS, CIRCULATION, AND CONNECTIVITY REGULATIONS**

- I. Purpose. To optimize urban functionality, ensure safe and efficient movement of people and vehicles, and foster a well-connected built environment by regulating the placement, size and connections of pedestrian and vehicle areas.
- II. General Provisions.
  - (a) Applicability. These regulations shall apply to all projects developed under the regulations of the MU-TOD District.
- III. Standards.
  - (a) Driveways.
    1. Number of Driveways Permitted.
      - i. All existing and proposed developments that provide on-site parking or loading must provide satisfactory means of vehicle access to and from a street, alley, or adjacent parking lot.
      - ii. The number of driveways shall be limited in accordance with the regulations outlined in Table 739.09(A).

TABLE 739.09(A)

| <b>Development Size</b>            | <b>Maximum Number of Driveways</b> |
|------------------------------------|------------------------------------|
| Developments of one acre or less   | 1                                  |
| Developments of more than one acre | 2                                  |

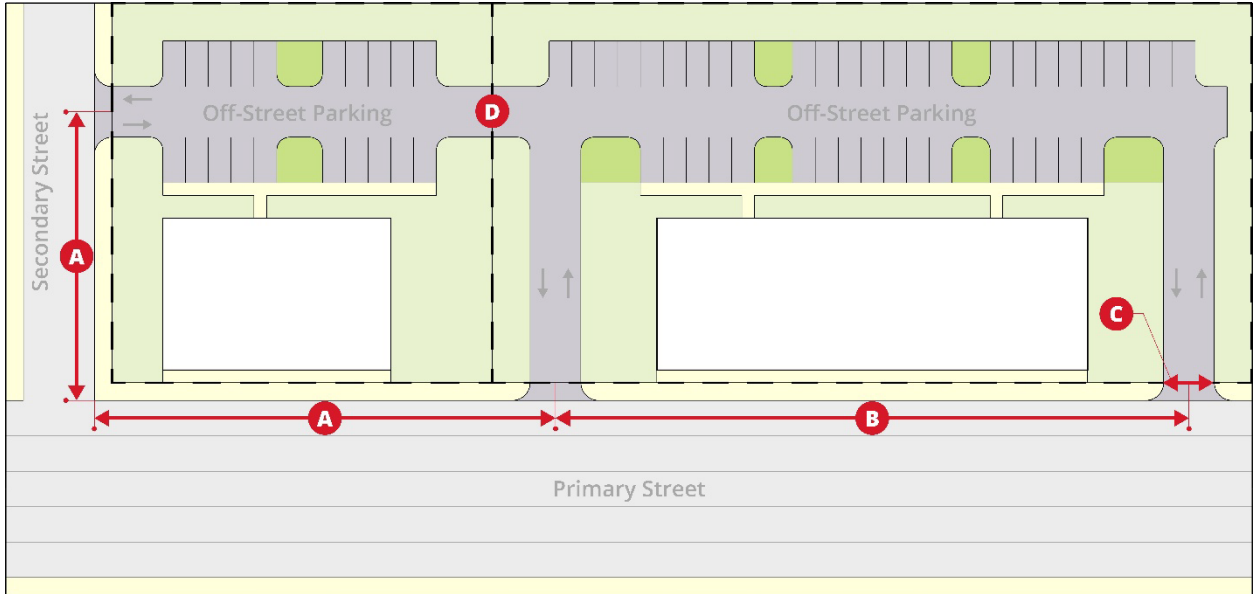
### **(b) Driveway Location and Spacing.**

1. All surface parking lots shall be designed so that driveway access is off of a secondary street or alley, when such secondary street or alley can be accessed from the site. Driveway access to a parking lot may be achieved through inter-parcel connection to a street or alley, with approval of the Planning Commission through the site plan review process.
2. Driveways shall be a minimum of 100 feet from any intersection, as measured from the driveway center line to any intersection, as shown in Figure 739.09(A).
3. Driveways must be located a minimum of 250 feet away from any other existing or proposed driveway along the same street frontage, provided,

however, that all developments are allowed at least one driveway, as shown in “B” in Figure 739.09(A).

4. Distances between driveways shall be measured along the right-of-way line from the center line of the proposed driveway at the right-of-way to the center line at the right-of-way of any other proposed or existing driveway.

Figure 739.09(A)



(c) Design of Driveways.

1. Driveway width shall be measure at the intersection of the public ROW, as shown in “C” in Figure 739.9(A).
2. Driveways shall be designed in accordance with the regulations outlined in Table 739.09(B)

Table 739.09(B)

| Metric                   | Design Standard |
|--------------------------|-----------------|
| RESIDENTIAL              |                 |
| Driveway width (maximum) | 24 feet         |

|   |                 |
|---|-----------------|
| Driveway lane width (minimum/maximum)             | 8 feet/12 feet  |
| <b>ALL OTHER DEVELOPMENT, INCLUDING MIXED-USE</b> |                 |
| Driveway width (maximum)                          | 36 feet         |
| Driveway lane width (minimum/maximum)             | 10 feet/12 feet |

(d) Drive aisles.

1. The width of any one-way drive aisle shall not be less than 10 feet.
2. The width of any two-way drive aisle shall not be less than 20 feet.

(e) Parking Space Design.

1. The depth of any parking stall measured perpendicularly to the parking aisle shall not be less than 17 feet.
2. The width of any parking stall measured perpendicularly to the parking aisle shall not be less than 9 feet.

(f) Pedestrian Connectivity. A minimum of five feet wide sidewalk or internal pedestrian path, physically separated from traffic, shall be provided to connect all areas of the parking lot to convenient pedestrian-oriented building entrances on the site and to any existing adjacent sidewalk networks and transit stops.

(g) Inter-parcel Connectivity. Wherever possible, parking lots on adjacent properties shall be designed to allow for shared driveway access and internal circulation between the parking areas so as to reduce the number of curb cuts along the street, as shown in “D” in Figure 739.09(A).

1. The design of any new parking lot shall anticipate and not preclude future inter-parcel connections from adjoining lots, if at all possible.

(h) Abutting Parking lots. On lots utilizing a cooperative parking agreement, or part of a common development, parking areas may abut or cross lot lines and shall have a cross-access easement in place, a copy of which shall be provided to the City for its records.

IV. Modification of Requirements.

- (a) In the event that satisfying all of the access, circulation, and connectivity requirements would be infeasible due to the unique nature of the site or cause an unintended consequence that undermines the purpose of these requirements, a property owner (or designee) may submit a written request to the Zoning Administrator for a modification of the requirements.
- (b) The Zoning Administrator may increase the number of allowed driveways by up to one, may decrease the number of required off-street loading spaces by up to two, may adjust the spacing of driveways up to 10% of the distance required, and may increase the maximum width of driveways and lanes up to 10% of the allowed width, with the Planning Commission reserving the right to accept or reject modifications as part to the site and parking plan review and approval process.

## **739.10 OPEN SPACE, LANDSCAPING, AND SCREENING REGULATIONS**

- I. Purpose. To enhance the aesthetic quality and environmental sustainability of new developments through enhanced greenery while protecting pedestrian spaces and sensitive uses from negative impacts.
- II. General Provisions.
  - (a) Applicability. The Open Space, Landscaping, and Screening Standards shall apply to all projects developed under the regulations of the MU-TOD District.
  - (b) Landscaping Plan Required. A Landscaping Plan shall be submitted for the entire site. The Landscaping Plan shall demonstrate compliance with the standards of this section and Chapter 771, Landscaping and shall include the following items:
    - 1. A site plan showing the location of all existing and proposed landscaping, open space, screening, and other site features.
    - 2. Property boundaries, building location(s), parking lot layout, service areas, mechanical equipment, pedestrian paths, adjacent rights-of way, north arrow, and scale.
    - 3. The location, quantity, size at planting and at maturity, and name, both botanical and common names, of all proposed planting materials, including ground cover.
    - 4. Any other information and data deemed necessary by the Zoning Administrator and/or the City's Landscape Architect.
    - 5. The Landscape Plan shall be reviewed and approved by the Architectural Review Board (ARB).
  - (c) Streetscaping Plan Required. A Streetscaping Plan shall be submitted for the entire site. The Streetscaping Plan shall demonstrate compliance with the standards of this section and shall include the following items:
    - 1. A plan showing the location and relationship between vehicular and pedestrian traffic, and all existing and proposed pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, lighting fixtures, trash receptacles, and transit stops.
    - 2. Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of way, north arrow, and scale.
    - 3. Specifications and drawings or photographs for all street furniture, trash receptacles, and transit stops.

4. The location, quantity, size at planting and at maturity, and name, both botanical and common names, of all proposed planting materials, including ground cover.
5. Any other information and data deemed necessary by the Zoning Administrator.
6. The Streetscaping Plan shall be forwarded to the City's landscape architect for review. Further, a recommendation shall be forwarded to the ARB and Planning Commission for approval.

(d) Selection, Installation, and Maintenance of Plant Material.

1. Plant materials shall be selected that are of good quality, require minimal maintenance, are native or naturalized, and are capable of withstanding the extremes of individual site microclimates.
2. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials.
3. All landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.
4. All trees must be a minimum caliper of 1.5 inches at time of planting.
5. Large trees must have a minimum canopy spread at maturity of at least 30 feet.
6. Small trees must have a minimum canopy spread at maturity between 15 feet and 30 feet.
7. All shrubs must be at least two feet in height at time of planting.

III. Standards.

(a) Landscaping.

1. Landscaping, such as ornamental trees, flowering shrubs, and perennials, should be used to define public entrances, to soften walls and fences, and to line foundations.
2. Landscaping should be designed to promote sustainable practices of on-site water management and infiltration such as through the use of native plants, swales, and filter strips.
3. Landscaping should seek to incorporate existing natural features, especially large, existing trees, where possible.

4. Tree preservation and protection strategies, such as fencing and other structures, shall be employed to preserve existing trees during construction.
5. Where commercial developments, mixed-use developments, or residential structures of more than four units abut properties zoned for single-, two-, or three-family dwellings, required setbacks (on the property of the commercial, mixed-use, or residential structure of more than four units) shall be sufficiently landscaped to provide a year-round visual screen along those boundary lines.
6. All other requirements in Chapter 771 shall be met. If a conflict arises between Chapter 771 and this section, this section shall prevail, per recommendations made by the City's landscape architect and approval of the ARB.

(b) Open Space.

1. Developments on sites of 40,000 square feet or larger shall dedicate 10% of the site to open space.
  - i. Sites located within 600 feet of an existing, publicly owned open space that provides comparable or greater recreational or open space amenities are exempt from this requirement.
2. Required open space shall be in the form of designated areas for active or passive recreation, such as parks, plazas, courtyards, landscaping, rooftop gardens, playgrounds, and pedestrian streets.
  - i. To count toward open space requirements, rooftop gardens must be made available to all tenants of a building, at no cost, from sunrise to sunset daily or during the hours of operation of the building, whichever results in a longer period of time.
3. The required open space shall be conveniently accessible by sidewalk or internal pedestrian path to all buildings on the site. To the extent feasible, linear open space corridors shall be provided to facilitate pedestrian and bicycle connectivity.
4. Open space may incorporate a mixture of hardscapes and planting zones.
5. Areas required for screening cannot be counted toward open space requirements, and the open space shall not be used for parking, loading, or vehicular access except emergency or maintenance vehicular access.

6. Mechanical and utility equipment cannot be located within required open space areas.

(c) Streetscaping.

1. Where a streetscape plan has been adopted, the arrangement and design of streetscapes should be consistent with the intent of that plan.
2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.
3. Street trees shall be planted within tree lawns along all public rights-of-way. A minimum of one large tree shall be planted for every development site, and street trees shall be planted at intervals of no more than 30 feet on-center, on average. Where overhead utilities exist, one small tree must be planted every 20 feet on-center, on average. Tree spacing is measured as an average to account for driveways, utilities, bus boarding and alighting areas, and other potential conflicts.
4. Where a street tree is not possible or where tree lawns are less than three feet wide, a tree shall be planted in the required front yard space, if such front yard is at least 10 feet deep.
5. Streetscaping shall preserve the minimum clear walking space of a sidewalk. The pedestrian zone must be constructed to meet all local standards and ADA specifications. Transit shelters may encroach into the pedestrian zone as long as ADA requirements are met.

(d) Parking Lot Landscaping and Screening.

1. Perimeter Screening.
  - i. All surface parking lots must meet perimeter screening requirements.
  - ii. Where a parking lot (or drive aisle or other type of area designed for motor vehicles) is located within 20 feet of a lot line, perimeter screening of Type A or Type B is required, in accordance with Table 739.10(A) Perimeter Screening Types and Figure 739.10(B) Perimeter Screening Types.

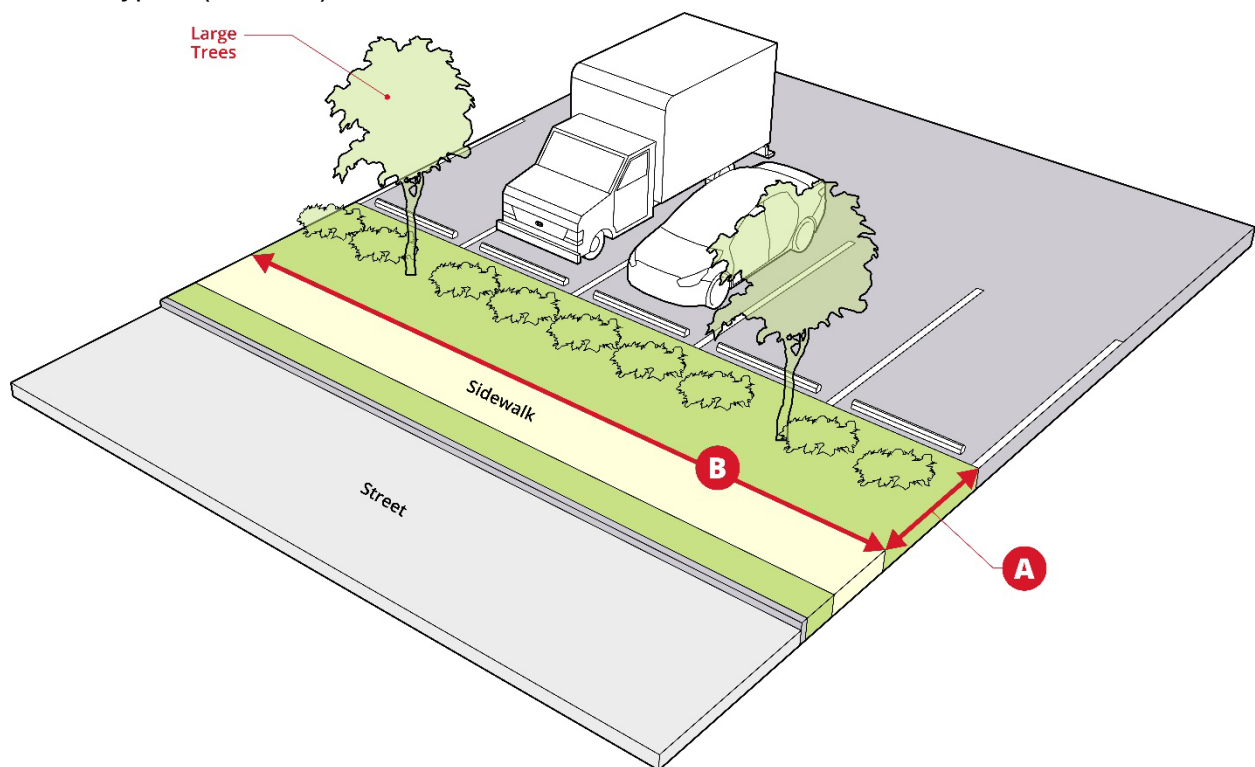
Table 739.10: Perimeter Screening Types

| METRIC                        | TYPE A (NO WALL) | TYPE B (WALL) |
|-------------------------------|------------------|---------------|
| Minimum Landscape Strip Depth | 10'              | 7'            |

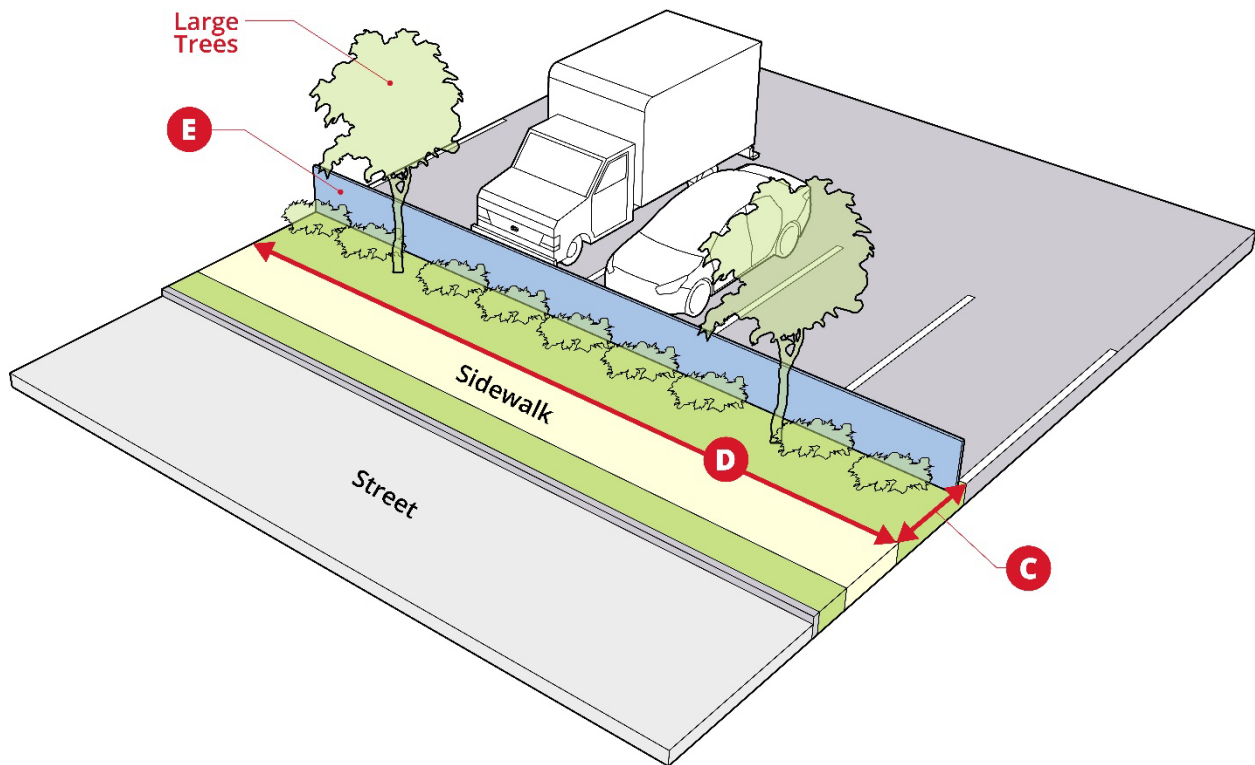
| METRIC  | TYPE A (NO WALL)   | TYPE B (WALL)      |
|---|--------------------|--------------------|
| Percent of Perimeter Frontage Screened                        | 75%                | 75%                |
| Number of Trees Required<br>(minimum per 30 feet of frontage) | 1 Large or 2 Small | 1 Large or 2 Small |
| Minimum Height of Walls & Fences                              | n/a                | 3.5'               |

Figure 739.10: Perimeter Screening Types

Type A (No Wall)



Type B (Wall)

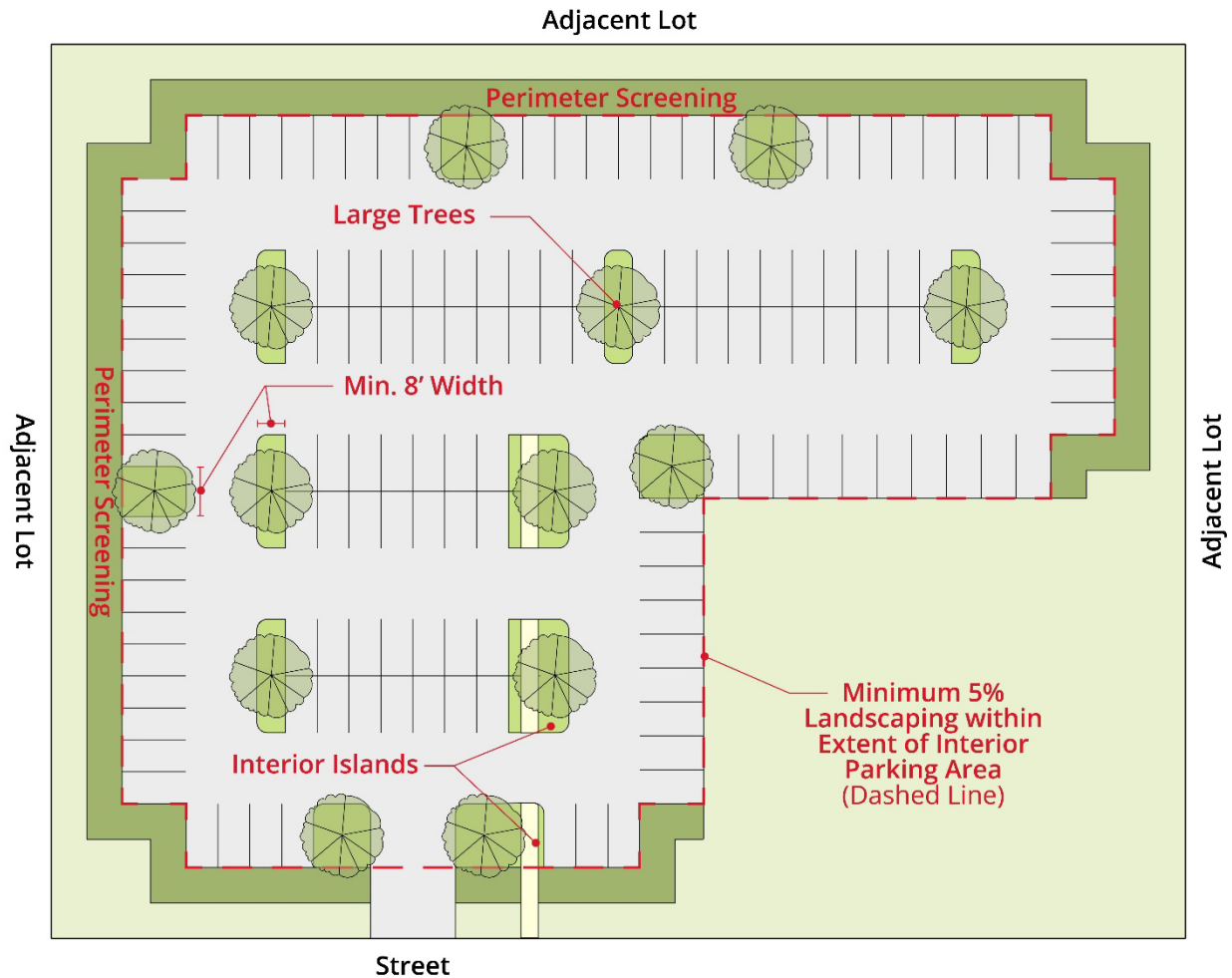


- iii. Landscape screening along front yards and corner side yards shall consist of evergreen or dense deciduous shrubs. Landscaping in rear and interior side yards shall consist of dense evergreen landscaping.
- iv. Perimeter screening shall have a minimum height of three (3) feet at maturity. The minimum height of shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than the minimum required height and no more than a maximum of six (6) feet in height.
- v. Required perimeter screening may be located within required setbacks.
- vi. Transit stop amenities such as shelters, benches, and an associated concrete pad may be located within the landscape strip,
- vii. All parking lot landscaping and screening requirements are subject to review by the City's landscape architect and approval by the ARB.

## 2. Interior Landscaping.

- i. All surface parking lots designed for 20 or more parking spaces must devote at least 5% of the interior parking area to landscaping, as shown in Figure 739.10(B).
- ii. Multiple parking lots contained on a single site and any separate parking areas connected with drive aisles are considered a single parking area.
- iii. Interior islands should be distributed regularly throughout the parking lot. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- iv. An interior island must be a minimum of 8 feet in width and 100 square feet in area. Each island must include at least one large tree or two small trees, as shown in Figure 739.10(B).
- v. Interior islands must be protected by wheel stops or a 6-inch curb, except where necessary to direct stormwater runoff.
- vi. Interior islands may be installed below the level of the parking lot surface to allow for runoff capture.

Figure 739.10(B) Interior Landscaping



(e) Screening.

1. Outdoor Storage and Waste Disposal Facilities.

- i. Permitted outdoor storage and waste disposal facilities shall be located within the building or in the rear yard only and shall be screened at all times.
- ii. Outdoor storage and waste disposal facilities shall be completely screened by a combination of walls, fencing, or hedges, with a gate. Screening must be a minimum of six feet in height and at least 90% opaque.
- iii. Temporary storage of materials for construction on the premises may be located outdoors and does not require screening.

- iv. All screening requirements are subject to review by the City's landscape architect and approval by the ARB.

## 2. Mechanical and Electrical Equipment.

- i. Mechanical and electrical equipment cannot be located in a front yard or in a side yard when the side yard abuts a street (not including an alley).
- ii. Mechanical and electrical equipment shall be completely screened by a combination of walls, fencing, or hedges. Screening must be at least six inches higher than the topmost point of the equipment being screened and must be at least 75% opaque.

## IV. Modification of Requirements.

- (a) In the event that satisfying all of the open space, landscaping, and screening requirements would be infeasible due to the unique nature of the site or cause an unintended consequence that undermines the purpose of these requirements, a property owner (or designee) may submit a written request to the Zoning Administrator for a modification of the requirements.
- (b) The Zoning Administrator may decrease required open space to 5% of the site, may reduce the required number of trees by 10%, may reduce interior parking lot landscaping by up to 10%, and may reduce the width of landscape strips by two feet, subject to final approval by the Planning Commission as part of the site plan review and approval process.

## **739.11 EXTERIOR LIGHTING**

### **I. Lighting Design.**

(a) Exterior lighting fixtures shall comply with the following regulations:

- (1) Light fixtures shall be stylistically compatible with the surrounding context both existing and proposed.
- (2) Wall-mounted fixtures shall be scaled appropriately to complement the facades of buildings.
- (3) Light poles shall not exceed a height of 20 feet.
- (4) All lighting fixtures provided shall adhere to the regulations set forth in Chapter 1328, Outdoor Lighting.
- (5) All exterior lighting is subject to the review and approval of the ARB and should be included in a lighting plan for review and approval by the Planning Commission.

## **739.12 SIGNAGE**

### **I. Signs.**

- (a) All signs shall comply with the following regulations:
  - (1) Signs shall be stylistically compatible with the surrounding context both existing and proposed.
  - (2) Signs shall be scaled appropriately to complement the facades of buildings.
  - (3) All signs provided shall adhere to the regulations set forth in Chapter 770, Signs, which requires all exterior signage to be reviewed and approved by the ARB.

### 739.13 DEVELOPMENT PLAN REVIEW AND APPROVAL

- I. All new development and alterations to existing development in a MU-TOD District shall comply with the regulations set forth in this chapter.
- II. Development plans shall be submitted and reviewed by the Planning Department, the Planning Commission, and/or the Architectural Review Board (ARB) according to Schedule 739.13.

| <b>Schedule 739.13</b>  |                                       |   |  |
|---|---------------------------------------|---|--|
| <b>Type of Development Proposed</b>   | <b>Administrative Review Approval</b> | <b>Review and Approval by Planning Commission</b> | <b>Review and Approval by Architectural Review Board (ARB)</b> |
| (a) New construction, including building additions (up to 1,000 gross square feet).   | Yes*                                  | No  | Yes  |
| (b) New construction, including building additions (exceeding 1,000 gross square feet).   | No<br>(Recommendation Only)           | Yes   | Yes  |
| (c) Proposed modifications or changes to the bulk or area of an existing building or site under 15% of disturbed area** of the site or change to dimensional standards as determined by the Zoning Administrator. | Yes*                                  | No  | No   |
| (d) Proposed modifications or changes to the bulk or area of an existing building or site   | No<br>(Recommendation Only)           | Yes   | Yes  |

|   |                             |                                |     |
|---|-----------------------------|--------------------------------|-----|
| at or exceeding 15% of disturbed area** of the site or change to dimensional standards as determined by the Zoning Administrator.   |                             |                                |     |
| (e) Any proposed minor modifications to the exterior façade treatment of an existing building or required screening elements as determined by the Zoning Administration and pursuant to Section 739.13(III) herein. | Yes*                        | No                             | No  |
| (f) Any proposed major modifications to the exterior façade treatment of an existing building or required screening elements as determined by the Zoning Administrator and pursuant to Section 739.13(III) herein.  | No<br>(Recommendation Only) | Site plan review may be needed | Yes |
| (g) Minor modifications to a previously approved site plan (See Section 739.13(IV)(a))  | Yes*                        | No                             | No  |
| (h) Major modifications to a previously approved site plan (See Section 739.13(IV)(b))  | No<br>(Recommendation Only) | Yes                            | Yes |

\*May be approved administratively only if all requirements of this zoning ordinance are met.

\*\*Disturbed area is any land that has been altered or is planned to be altered or exposed in some way, such as by clearing, grading, or excavating for the purpose of construction.

- III. Modifications to Architectural Elements. Modifications to building design and features may be administratively approved according to the following criteria:
- (a) Minor Modifications. The Zoning Administrator, or designee, has the authority to approve architectural features to existing buildings, including, but not limited to:
1. Façade treatments, paint color, siding, materials that are like one-for-one replacements.
  2. Awnings, canopies, and other wall-mounted features pursuant to all other zoning standards and design regulations.
  3. Window and door replacements that are like one-for-one updates consistent with design guidelines.
  4. Rooftop mechanical equipment screening.
  5. New architectural elements or façade rehabilitation not exceeding 10% of the building's total façade area.
- (b) Major Modifications. Any design modifications deemed major by planning staff shall be approved by the applicable board or commission as outlined in Sections 761.06 and 761.07. Project types that are deemed major include, but are not limited to, include the following:
1. Modifications to the façade exceeding 10%.
  2. Changes to historic structures subject to preservation guidelines.
  3. Architectural elements that do not comply with zoning standards or design guidelines.
- IV. Modifications to Approved Applications.
- (a) Minor Modifications. The Zoning Administrator, or designee, has the authority to grant minor modifications to an approved application.
1. The application must file a written amendment with planning staff. Minor modifications include, but are not limited to the following:
    - i. A less than 5% change to dimensional standards;
    - ii. The minor relocation of any structure, easement, or landscape screen in any direction from the location shown on the approved application unless deemed by the department to significantly alter the approved application or intent of this code.
- (b) Major Modifications. If any proposed amendment is not considered a minor modification, the approved application shall be amended pursuant to

procedures and standards established by the original approval in accordance with Schedule 739.13.

- V. Nonconformity. Notwithstanding the regulations for nonconforming uses set forth in [Chapter 751](#), no alterations that affect the exterior of an existing building, parking, or site circulation shall be permitted unless the entire building and its accessory uses, including parking facilities, comply with the regulations of this chapter.
- VI. Development Plan Submission. Development plans of the proposed development shall be submitted for review to the Planning Commission and/or Architectural Review Board. All plans shall be drawn at a scale of not less than one inch = 50 feet, and designed in accordance with the regulations set forth in this chapter and any other applicable plans that may have been adopted by the City which apply to the subject site. The development plan shall include, but not be limited to:
  - (a) Site plan. The site plan shall minimally indicate the following:
    - 1. The proposed location of all structures identified by type, size, height and use;
    - 2. The assignment of all lands subdivided; and
    - 3. The location of all structures within 200 feet of properties adjoining the proposed development.
  - (b) Circulation and parking plan. The circulation plan shall show on-site vehicular and pedestrian circulation patterns, including the location and dimensions of proposed driveways and walkways and the locations and arrangement of parking spaces and service facilities. A traffic engineer may be retained by the City, at the request of the Planning Commission, to further review, comment, and provide recommendations to the City, owner and developer. All costs incurred shall be reimbursed to the City from the applicant, owner or developer.
  - (c) Floor plans and elevations. These documents shall include plans and designs for all structures and such other information to explain the purpose, appearance, materials and construction.
  - (d) Landscape plan pursuant to Section 739.10(II)(b).
  - (e) Streetscaping plan pursuant to Section 739.10(II)(c).
  - (f) Construction plan. The construction plan shall indicate the proposed method and standards for the construction and maintenance of utilities and paved areas.
  - (g) Any proposed covenants running with the land; deed restrictions or easements proposed to be recorded and covenants proposed for maintenance.
    - 1. Schedule of construction.

2. Such other reasonable information as the Commission or Board may require.
  3. All plans, unless otherwise specified, shall be prepared by professional persons qualified in the planning of land development, traffic circulation, and building and landscape design.
- VII. Plan Review. Upon receipt of a development plan, the application shall be forwarded to the Planning Commission and/or the ARB as specified in Schedule 739.13, the Building Commissioner (if not a member of the ARB), and to any professional consultants retained by the City.
- VIII. Approval. The approval of the Planning Commission and/or the ARB shall be based upon compliance with the standards contained in this Zoning Code and with any supplementary criteria and guidelines that the Planning Commission and/or the ARB shall adopt from time to time.