

# TRANSIT-ORIENTED DEVELOPMENT (TOD) OVERLAY DISTRICT

CHAPTER 1161 ZONING CODE UPDATE



Cuyahoga  
**COUNTY PLANNING**  
Commission



# ACKNOWLEDGMENTS

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## **CHAPTER 1161**

### **Transit-Oriented Development (TOD) Overlay Zoning District**

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## **1161.01 ESTABLISHMENT AND PURPOSE**

I. Establishment. The Transit-Oriented Development Overlay District (TOD Overlay 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 TOD Overlay 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; and,

- (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.

## **1161.02 APPLICABILITY**

- I. Geographic Applicability. Appropriate geographic areas for the TOD Overlay District should minimally be considered for areas within the City that are:
  - (a) Within a defined radius of 0.25 to 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.
  - (b) Identified in any local comprehensive or master plan, or transit development plan as priority areas for higher-density, mixed-use, and pedestrian-friendly development.
- II. Zoning Boundaries. For successful implementation of the TOD Overlay District, zoning boundaries of the TOD Overlay District shall be determined in accordance with Chapter 1109 and be formally established on the official zoning map of the city, 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 Chapter 1157 of this code.
- III. Applicability. The TOD Overlay District shall apply to areas indicated on the city's Zoning Map for the following types of development:
  - (a) All newly constructed buildings in the TOD Overlay district shall meet the requirements of this Chapter.
  - (b) Expansion of existing buildings that results in the addition or expansion of 25% or more of the square footage of the existing building (as determined by the Planning and Design Commission, or designee) shall meet the requirements of this Chapter.
  - (c) Expansion of existing buildings that results in an addition or expansion of less than 25% of the square footage of the existing building (as determined by the Planning and Design Commission, or designee) may be developed under the applicable regulations of this overlay or under the regulations of the base zoning district, at the discretion of the applicant.
  - (d) Projects with significant public infrastructure improvements, including but not limited to parking areas, streetscape enhancements, pedestrian paths, bicycle lanes, or public open spaces shall meet the requirements of this Chapter.
- IV. Relationship with Other Development Standards. All the provisions of the Zoning Code that are applicable to the underlying base district shall apply, except as specifically modified in this Chapter.

V. **Transition Regulations.** The following transitional regulations will resolve the status of properties with pending or approved applications at the time of adoption of this Chapter.

(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 and Design Commission prior to the effective date of this Chapter, shall be reviewed in accordance with the provisions of the underlying 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 Planning and Design Commission, 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, which is one (1) year from the date of approval, 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, which is one (1) year from the date of approval, where applicable.
3. Re-application of expired previously approved projects, where work has not commenced, shall submit a formal written extension letter to the Planning and Design Commission, or designee. The Planning and Design Commission, or designee may approve the extension application beyond one (1) year provided the applicant has not adjusted any prior approved plans and furnishes just reasonings for the extension. All project extensions shall be approved by any applicable city departments prior to approval by the Planning and Design Commission, or designee.

VI. 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.

### **1161.03 DEFINITIONS**

- I. Words and terms used in this TOD Overlay District code shall be defined in accordance with the provisions set forth in Chapter 1105.20, and any other applicable base zoning district definitions within the zoning ordinance.

## **1161.04 USE STANDARDS**

- I. Permitted Uses. Uses permitted in the TOD Overlay District are provided in Table 1161.04(A) TOD Overlay District Use Regulations.
- II. Conditional Uses.
  - (a) Conditional uses in the TOD Overlay District are provided for in Table 1161.04(A): TOD Overlay District Use Regulations. All conditional uses provided for in the table may be permitted within the TOD Overlay District under the conditions and in the manner prescribed in this Zoning Code (Chapter 1149.11 and Chapter 1149.12), 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,
    4. The proposed use is specifically listed in the zoning district regulations,
    5. The proposed use shall be properly located in relation to land use, pedestrian circulation and street plans of the City;
    6. The location, extent, intensity and layout of the proposed use shall be such that its operations are not objectionable to adjoining and abutting residences by reason of the emission of dust, gas, smoke, noise, fumes, odors, vibrations, glare or other objectionable features greater than normal or as permitted in the applicable zoning district;
    7. The location, design and operation of the proposed use at the specific location would not discourage or interfere with appropriate development or impair the full utilization of the surrounding uses and properties;
    8. The proposed use meets the specific development conditions as specified in the district regulations which permit such use; and

9. The proposed use shall form a harmonious part of the district in which it is to be located, taking into account, among other considerations, convenience of access, relationship of use, and hours of operation and concentration of vehicles which shall not be more hazardous or dangerous than the normal traffic of the district.

III. Additional Use Standards. Uses identified with an asterisk are permitted only if additional use standards, outlined in Section 1161.05, are met.

IV. Accessory Uses. Accessory uses or structures are permitted in conjunction with allowed principal uses as outlined in this Zoning Code.

V. Substantially Similar Uses. Any substantially similar use which is classified and approved by the Planning and Design Commission, or other designee, to be of the same character, nature, and intensity of use as those in this TOD Overlay District, may be permitted subject to the procedure and standards set forth in this Chapter.

TABLE 1161.04(A): TOD OVERLAY DISTRICT USE REGULATIONS

<b>PERMITTED AND CONDITIONAL USES</b>	
<b>COMMERCIAL</b>	
Amphitheater	C
Assembly hall or conference center	P*
Bank	P
Bar or public house	P
Bookstore	P
Brew pub	P*
Commercial recreation, indoor	P
Commercial recreation, outdoor	C
Day care facility, child and/or adult	C*
Drive-up/Drive-through facility or structure	C*
Funeral home	P*
Gym, health spa, yoga studio	P
Hospital	C
Hotel	P*
Indoor sales for used or secondhand merchandise	C
Medical office or health services clinic	P
Movie theater, excluding drive-ins	P
Office	P
Outdoor sales for used or secondhand merchandise	C
Public or private school	P*
Restaurant	P

Restaurant, Drive-In	C*
Restaurant, Drive-Through	C*
Retail establishment, greater than 40,000 square feet	C
Retail establishment, less than 40,000 square feet	P
Service establishment, personal and/or business	P
Theater	P
Veterinary hospital	P*
<b>RESIDENTIAL (MULTI-FAMILY)</b>	
Apartments	P*
Townhouse developments	P*
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*
<b>MANUFACTURING</b>	
Manufacturing, artisan	P
Microbrewery, microdistillery, or microwinery	P*
Research laboratory	P*
<b>PUBLIC FACILITIES</b>	
Community center building	P
Government buildings	P
Museum	P
Place of worship	P*
Public library	P
Public park or playground	P
Public safety facilities	P
<b>OTHER</b>	
Transit station	P
Parking structure (as a principal use)	C

P = Permitted Use      C = Conditional Use

\* = Additional Use Standards Apply (See Section 1161.05)

## VI. 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.

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

## **1161.05 ADDITIONAL USE STANDARDS.**

I. Additional Use Standards for Permitted Principal Uses and Conditional Uses. Permitted uses and Conditional uses identified with an asterisk in Table 1161.04(A) are permitted only if additional use standards, outlined in this Section, are met.

(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 use shall not generate excessive noise beyond the premises as defined under Chapter 557 Noise Control.
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.

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

(d) Drive-up/Drive-through facility or structure.

1. Drive-through windows shall only be permitted when associated with a use listed in this Section.
2. The drive-through 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-through should not obstruct pedestrian walkways, bicycle lanes, or transit stops and must allow safe ingress and egress without impeding vehicular traffic.

4. Drive-through windows are not permitted on the primary façade of the building that faces the main pedestrian thoroughfare.
5. Standalone Drive-through structures are strictly prohibited.
6. Restaurant, drive-through as defined in Chapter 1105.20 may be permitted conditionally as regulated by Section 1161.05 (l.)(n).

(e) Hotel.

1. Hotel rooms may include kitchens; however, no room shall be rented to any person for continuous occupancy for more than thirty (30) days.
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) 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.

(h) Place of worship. The proposed use cannot exceed 12,000 square feet in floor area.

(i) Public or private school. The proposed use shall not generate excessive noise beyond the premises.

(j) 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.

(k) Townhouse developments.

1. Townhouse developments are only allowed when included as one use in a mixed-use development. The Planning and Design Commission may allow townhouse developments that are not part of a mixed-use development as a conditional use on parcels within the TOD overlay from 210<sup>th</sup> Street to the eastern city border only.
2. Townhouses may not front on primary streets. The Planning and Design Commission may allow townhouse developments to front on a primary street as a conditional use on parcels within the TOD overlay from 210<sup>th</sup> Street to the eastern city border only.

(l) 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.

(m) Restaurant, Drive-in.

1. The principal building shall be oriented to the primary street or transit corridor with the main entrance directly accessible from the public ROW.
2. Drive lanes and menu boards shall be located to the rear of the building, not between the building and the street.
3. Off-street parking shall be located to the side or rear of the building, not between the building and the street.
4. Parking screening requirements shall be met in accordance with this Chapter.

(n) Restaurant, Drive-Through.

1. A drive-through restaurant shall be limited to one (1) drive-through lane. Dual or multi-lane drive-thru configurations are strictly prohibited.
2. Adequate on-site stacking space shall be provided to prevent vehicles from blocking public streets, sidewalks, fire lanes, parking aisles, or transit access.
3. Internal circulation patterns shall separate drive-thru traffic from vehicles accessing parking areas and from bicycle or pedestrian pathways.
4. Drive lanes and menu boards shall be located to the rear of the building, not between the building and the street.
5. Menu boards shall be located away from sidewalks and screened to minimize noise spillover.
6. Pickup windows shall be located to the side or rear of the building and shall not face any street.
7. All other design standards shall be met in accordance with this Chapter.

## 1161.06 DEVELOPMENT STANDARDS.

I. **Development Standards.** Every permitted and conditional use of land and structures in the TOD Overlay 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.

TABLE 1161.06(A). TOD Overlay 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)(f)</sup>
Maximum Front Yard Setback of Principal Building (feet)	15 (See 1161.06(b))
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	10% (See 1161.11)
<b>HEIGHT DIMENSIONS</b>	
Minimum Height of Principal Building (feet)	22
Maximum Height of Principal Building (feet)	65 <sup>(e)</sup>
<b>DWELLING UNIT DIMENSIONS</b>	
Minimum Dwelling Unit Size (net livable square feet)	550
<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 and Design Commission where such waiver would further the purposes of this district as outlined in Section 1161.01.</p>	

(d) 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.

(e) 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.

(f) On blocks with existing buildings, the minimum front yard setback may be reduced to the average front setback of buildings on the same block face.

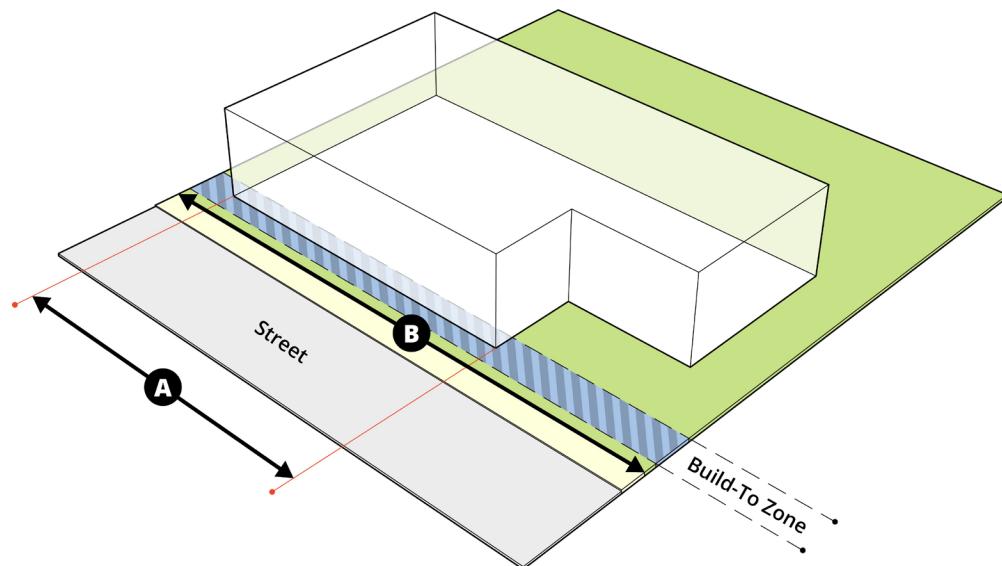
## II. Front Yard Setback.

- The side of the lot that abuts a primary street is considered the front and where the front setback is measured from.
- 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.

- The space between the minimum front yard setback and the maximum front yard setback (15 feet) shall be considered the Build-To Zone, as shown in Figure 1161.06(A).
- The minimum building frontage requirement specifies the amount of the front building facade (B) that must be located in the Build-To Zone, measured as a percentage of the width of the lot (A), as shown in Figure 1161.06(A).
- 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 1161.06(A). Minimum Building Frontage



## **1161.07 DESIGN REGULATIONS**

- I. Approval by Planning and Design Commission. Projects developed under the regulations and process outlined in this Chapter must be reviewed by the Planning and Design Commission. No building permit shall be issued unless plans and specifications have been approved in writing by the Planning and Design Commission.
- II. Design Guidelines. The Planning and Design Commission should use the following items as guidelines in addition to the provisions set forth in Chapter 1159 of the Zoning Code when reviewing plans and projects being developed in the TOD Overlay 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 drives, 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.

### 3. 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 a consistent building frontage along a primary street.
  - a. Buildings 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.

### 4. 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.

5. Pedestrian Amenities.

- i. Outdoor dining and seating areas are encouraged but should maintain at least five feet of unobstructed walking space along sidewalks.
- 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 to waiting transit users.

6. 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.

## 1161.08 PARKING AND LOADING STANDARDS.

- I. General Provisions. Off-street parking shall conform to the parking requirements set forth in this section for the TOD Overlay District.
- II. Loading Requirements. All applicable regulations set forth in Chapter 1137.17 shall apply to the TOD Overlay District.
- III. Modified Parking Standards.
  - (a) The following minimum parking requirements shall apply to parcels within the TOD Overlay District. Should these off-street parking requirements conflict with existing base zone requirements, the requirements herein shall be used.

TABLE 1161.08(A)

Off-Street Parking	Use	Proposed min parking ratio for TOD Overlay 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 TOD District	
	<b>Commercial</b>	
	Retail/Commercial (over 40,000 sf)	1 space per 1,000 sf of GFA
	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	

- (b) The maximum number of parking spaces permitted for any use shall not exceed 125% of the minimum number of parking spaces required by the base zones under the general provisions of the Zoning Ordinance.

### IV. 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 drives.

(c) Where a corner lot exists, no designated parking is permitted at the intersection of two abutting streets.

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

V. Parking Design Standards.

(a) Parking lots shall provide protected pedestrian walkways to building entrances and other existing paths surrounding the project site in accordance with Section 1161.10(III)(f).

(b) Parking facilities shall be shared between residential, commercial, and office uses, where feasible on mixed-use lots.

(c) Electric Vehicle (EV) Charging. All requirements for EV charging set forth in Chapter 1148 shall apply to the TOD Overlay District.

VI. Parking Reductions for TOD Benefits. The Planning and Design Commission may approve off-street parking reductions for the following:

(a) Proximity to Transit. Developments within 1/8 mile of a transit stop are eligible for up to a 30% reduction in parking space requirements.

(b) Car-Share. Projects that provide dedicated car-share parking spaces are eligible for up to a 15% reduction in parking space requirements.

(c) On-Street Parking Consideration. Any designated on-street parking abutting frontage of the development within 500 feet may count toward the total number of parking spaces required one-for-one.

(d) Bicycle Parking. Projects that provide dedicated bicycle parking for buildings under 40,000 square feet in accordance with Table 1161.09 are eligible for up to 15% reduction in parking space requirements.

VII. Monitoring and Adjustments.

(a) Parking demand studies. The Planning and Design Commission reserves the right to require parking demand studies for larger developments (over 40,000 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 and Design Commission, or designee.

(c) At the discretion of the Planning and Design 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.

## 1161.09 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 in accordance with Chapter 373 of the Traffic Code.

II. General Provisions.

(a) Applicability. The Bicycle Parking Regulations shall apply to any development with a minimum cumulative building size of 40,000 square feet developed in the TOD Overlay District. Any development under 40,000 square feet may provide bicycle parking in accordance with this Section and Chapter 373.

III. Standards.

(a) Number of Required Bicycle Parking Spaces.

1. Bicycle parking shall be provided in accordance with the regulations outlined in Table 1161.09(A) below:

TABLE 1161.09(A): Bicycle Parking Requirements

Use Types	Required Spaces
<b>Residential</b>	
All Residential*	1 space per every 4 dwelling units (DUs)
<b>Commercial or Manufacturing</b>	
All Commercial and Manufacturing	1 space per 2,500 sf of gross floor area (GFA)
<b>Public/Civic Facilities</b>	
All Civic, Cultural, Institutional	1 space per 10,000 sf of gross floor area (GFA)
<b>Other</b>	1 space per 10,000 square feet of gross floor area (GFA)

*\*Development with fewer than 4 dwelling units are not required to provide bicycle parking for residential use*

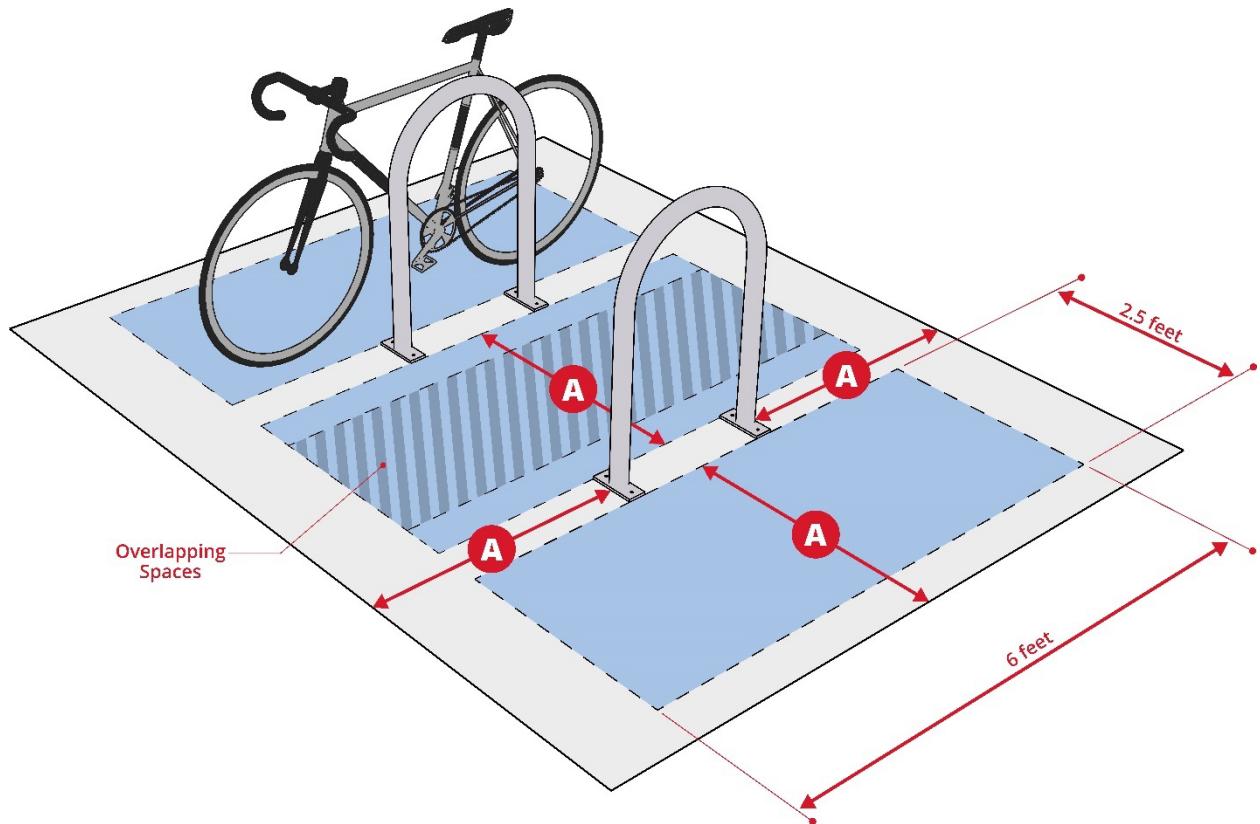
2. When bicycle parking requirements result in a fractional bicycle parking space, fractions of  $\frac{1}{2}$  or more are counted as one (1) space.
3. No development shall be required to provide more than 40 spaces.
4. Required bicycle parking space requirements may be fulfilled with short-term or long-term parking.
5. A bicycle shall be parked in a designated bicycle parking area when they are provided. No person shall park a bicycle upon a sidewalk in such a manner as to unduly interfere with pedestrian traffic, or upon a roadway other than against the curb.

6. When a designated parking area is not provided, bicycles shall be parked in such a manner as not to interfere with building entrances nor upon a sidewalk.

(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 1161.09(A).
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 1161.09(A).
4. Bicycle parking must be well lit if accessible to the public or cyclists 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 1161.09(A): 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 1161.09(A).
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 adequately 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 Planning and Design Commission, or designee for a modification of the requirements.
2. The Planning and Design Commission, or designee, may reduce the number of bicycle parking spaces required; however, in no case shall the requirement be less than two spaces.

## **1161.10 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 TOD Overlay 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 1161.10A.

TABLE 1161.10(A) Number of Driveways Permitted

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

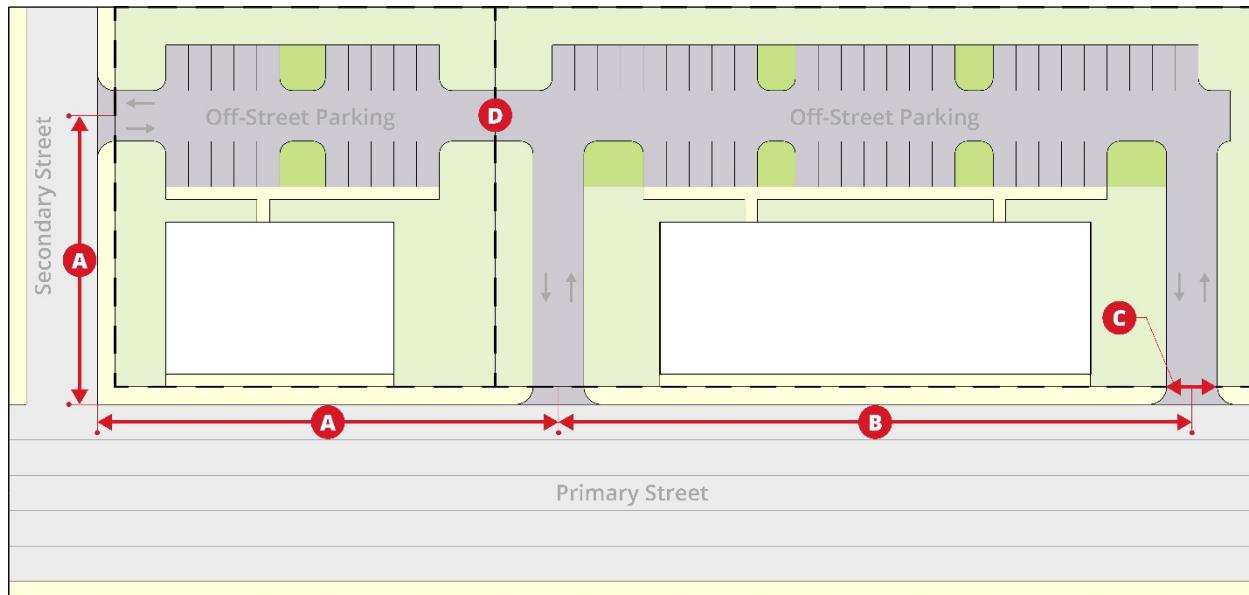
### **(b) Driveway Location and Spacing.**

- 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 and Design Commission, or designee.
- 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 "A" in Figure 1161.10(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 1161.10(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 1161.10(A) Driveway Design



(c) Design of Driveways.

1. Driveway width shall be measured at the intersection of the public ROW, as shown in "C" in Figure 1161.10(A).
2. Driveways shall be designed in accordance with the regulations outlined in Table 1161.10(B)

Table 1161.10(B) Driveway Design Requirements

Metric	Design Standard
RESIDENTIAL	
Driveway width (maximum)	24 feet

Driveway lane width (minimum/maximum)	8 feet/12 feet
ALL OTHER DEVELOPMENT, INCLUDING MIXED-USE	
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 parling 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 parling 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 reduces the number of curb cuts along the street, as shown in "D" in Figure 1161.10(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 Planning and Design Commission, or designee for a modification of the requirements.
- (b) The Planning and Design Commission, or designee 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.

## **1161.11 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 TOD Overlay 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 any other applicable sections in this code, 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 Planning and Design Commission.
  - (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 Planning and Design Commission.

(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 this code shall be met. If a conflict arises between any other sections in this code and this section, this section shall prevail.

(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.

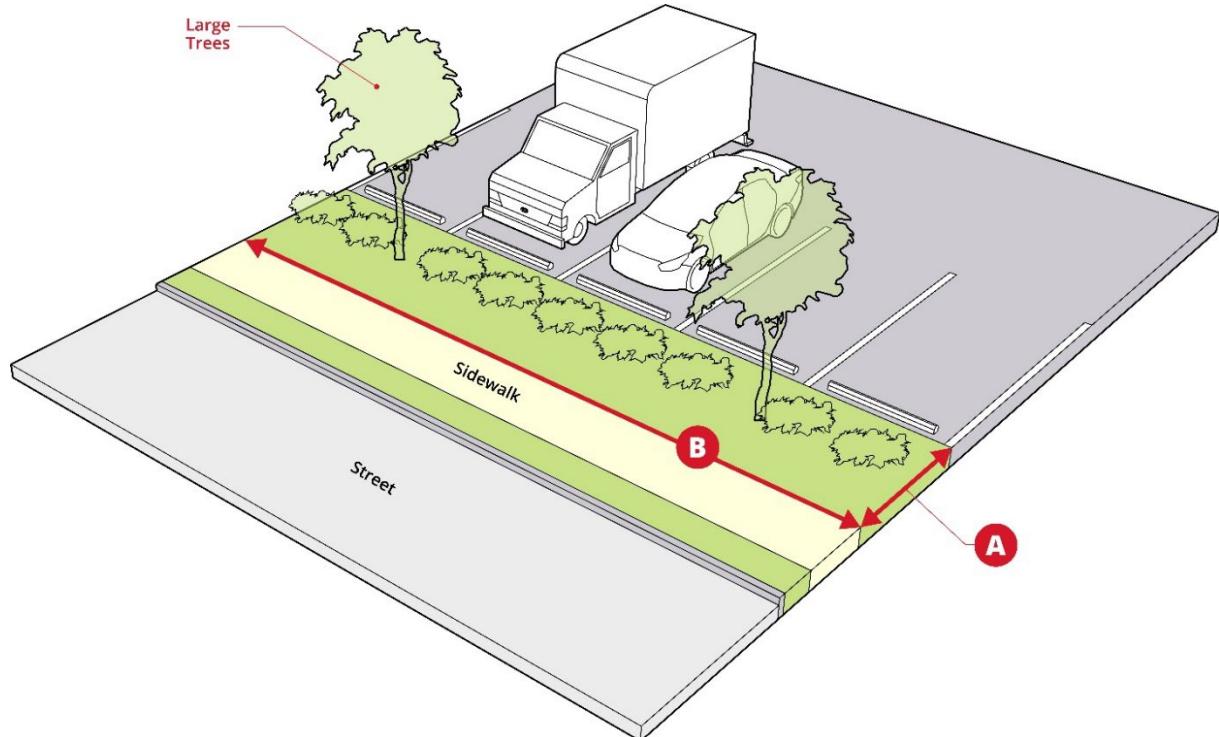
1. Perimeter Screening.
  - i. All surface parking lots must meet perimeter screening requirements.
  - ii. Where a parking lot (or drive aisle or other type of area designed for motor vehicles) is located within 20 feet of a lot line, perimeter screening of Type A or Type B is required, in accordance with Table 1161.11(A) Perimeter Screening Types and Figure 1161.11(A) Perimeter Screening Types.

TABLE 1161.11(A): Perimeter Screening Types (Letters correspond to FIGURE 1161.11(A))

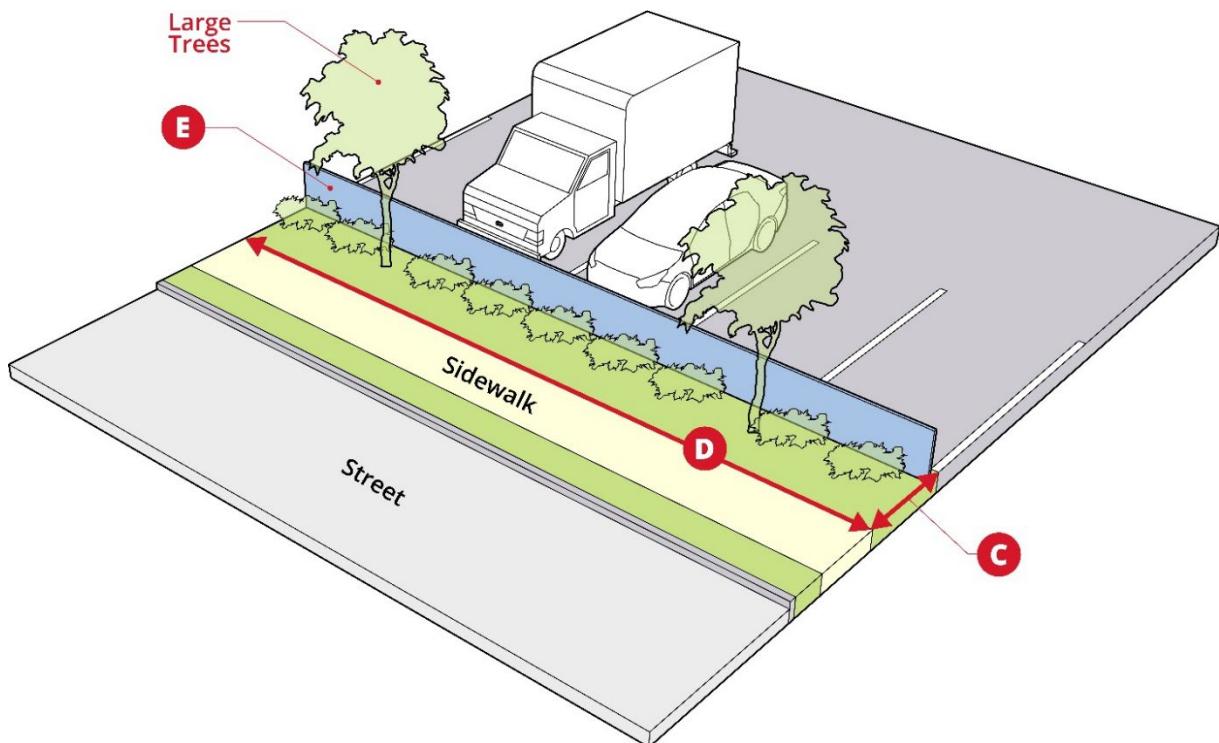
METRIC	TYPE A (NO WALL)	TYPE B (WALL)
Minimum Landscape Strip Depth	10' ("A")	7' ("C")
Percent of Perimeter Frontage Screened	75% ("B")	75% ("D")
Number of Trees Required (minimum per 30 feet of frontage)	1 Large or 2 Small	1 Large or 2 Small
Minimum Height of Walls & Fences	n/a	3.5' ("E")

FIGURE 1161.11(A): Perimeter Screening Types

Type A (No Wall)



Type B (Wall)

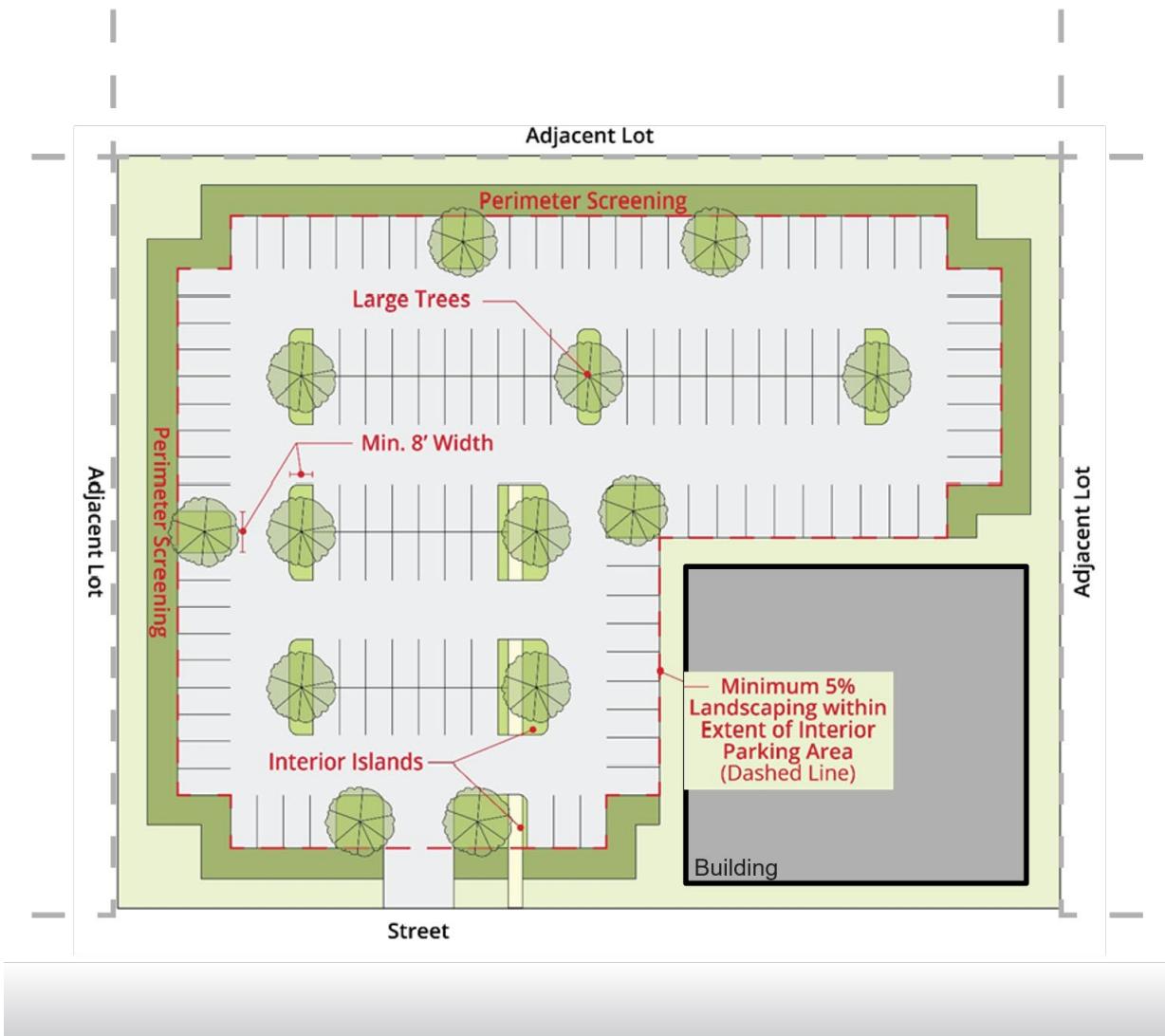


- iii. Landscape screening along front yards and corner side yards shall consist of evergreen or dense deciduous shrubs. Landscaping in rear and interior side yards shall consist of dense evergreen landscaping.
- iv. Perimeter screening shall have a minimum height of three feet at maturity. The minimum 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.
- 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.

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 1161.11(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 1161.11(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 1161.11(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.

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 Planning and Design Commission for a modification of the requirements.
- (b) The Planning and Design Commission, or designee 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.

