


**To the Finance Director of the City of Solon:**

I hereby certify that the following is a true and exact reproduction of the original proposed ordinance to be circulated by Initiative Petition.

June 29, 2018

  
Petitioner's Name: MARK HARRIS

**AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE ZONING  
CODE OF THE CITY OF SOLON TO CREATE THE KEREM LAKE MIXED USE  
DISTRICT (KL-MUD) APPLICABLE TO CERTAIN PROPERTY IN THE CITY**

WHEREAS, 39350 Bainbridge Rd. LLC ("39350 Bainbridge") is the owner of property in the City of Solon, being the whole of Block A-L of Thornbury Subdivision Phase 3 and Luczek Subdivision, as recorded in Volume 307 Page 22 of Cuyahoga County Plat Records, in Original Lot Nos. 31, 32, 33, 34, assigned Cuyahoga County Permanent Parcel No. 955-18-043 (the "Property"); and

WHEREAS, 39350 Bainbridge desires for the Zoning Code of the City of Solon to be amended to create the Kerem Lake Mixed Use District (KL-MUD) to rezone the Property to KL-MUD in order to recognize the unique characteristics of the Property by permitting a variety of residential and low intensity commercial uses that complement the Property's characteristics and are compatible with adjacent property, which will promote the public health, safety, convenience, comfort, prosperity and general welfare of the City of Solon.

**NOW, THEREFORE, BE IT ORDAINED BY THE ELECTORS OF THE CITY OF SOLON, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

**SECTION 1.** That the City of Solon Codified Ordinances are hereby amended to enact Chapter 127201 to create the Kerem Lake Mixed Use District (KL-MUD) such that the property in the City of Solon, being the whole of Block A-L of Thornbury Subdivision Phase 3 and Luczek Subdivision, as recorded in Volume 307 Page 22 of Cuyahoga County Plat Records, in Original Lot Nos. 31, 32, 33, 34, assigned Cuyahoga County Permanent Parcel No. 955-18-043 is rezoned to KL-MUD (Kerem Lake Mixed Use District). Chapter 127201 shall state as follows:

**KEREM LAKE-MIXED USE DISTRICT**

- |                  |                                   |
|------------------|-----------------------------------|
| <b>127201.01</b> | <b>Purpose.</b>                   |
| <b>127201.02</b> | <b>Establishment of the KLMUD</b> |
| <b>127201.03</b> | <b>Use Regulations</b>            |
| <b>127201.04</b> | <b>Development Standards</b>      |
| <b>127201.05</b> | <b>Off-Street Parking</b>         |
| <b>127201.06</b> | <b>Landscaping</b>                |
| <b>127201.07</b> | <b>Signs</b>                      |
| <b>127201.08</b> | <b>Procedures</b>                 |
| <b>127201.09</b> | <b>Conflict</b>                   |

#### **127201.01 PURPOSE**

The purpose of the Kerem Lake Mixed Use District (KL-MUD) is to recognize the unique characteristics of the subject site which is situated along the south side of Bainbridge Road - in the City of Solon, County of Cuyahoga, State of Ohio, being the whole of Block A-L of Thornbury Subdivision Phase 3 and Luczek Subdivision, as recorded in Volume 307 Page 22 of Cuyahoga County Plat Records, in Original Lot Nos. 31, 32, 33, 34, assigned Cuyahoga County Permanent Parcel No. 955-18-043 (the "Property") - by permitting a variety of residential and low intensity commercial uses that complement the site's characteristics and are compatible with adjacent property.

#### **127201.02 ESTABLISHMENT OF THE KL-MUD**

The Kerem Lake Mixed Use District (KL-MUD) and the provisions of this Chapter are established and herein applied to the Property with three (3) Sub-Districts in order to manage the development of the uses, within each of the Sub-Districts in a manner that achieves the purposes of this District.

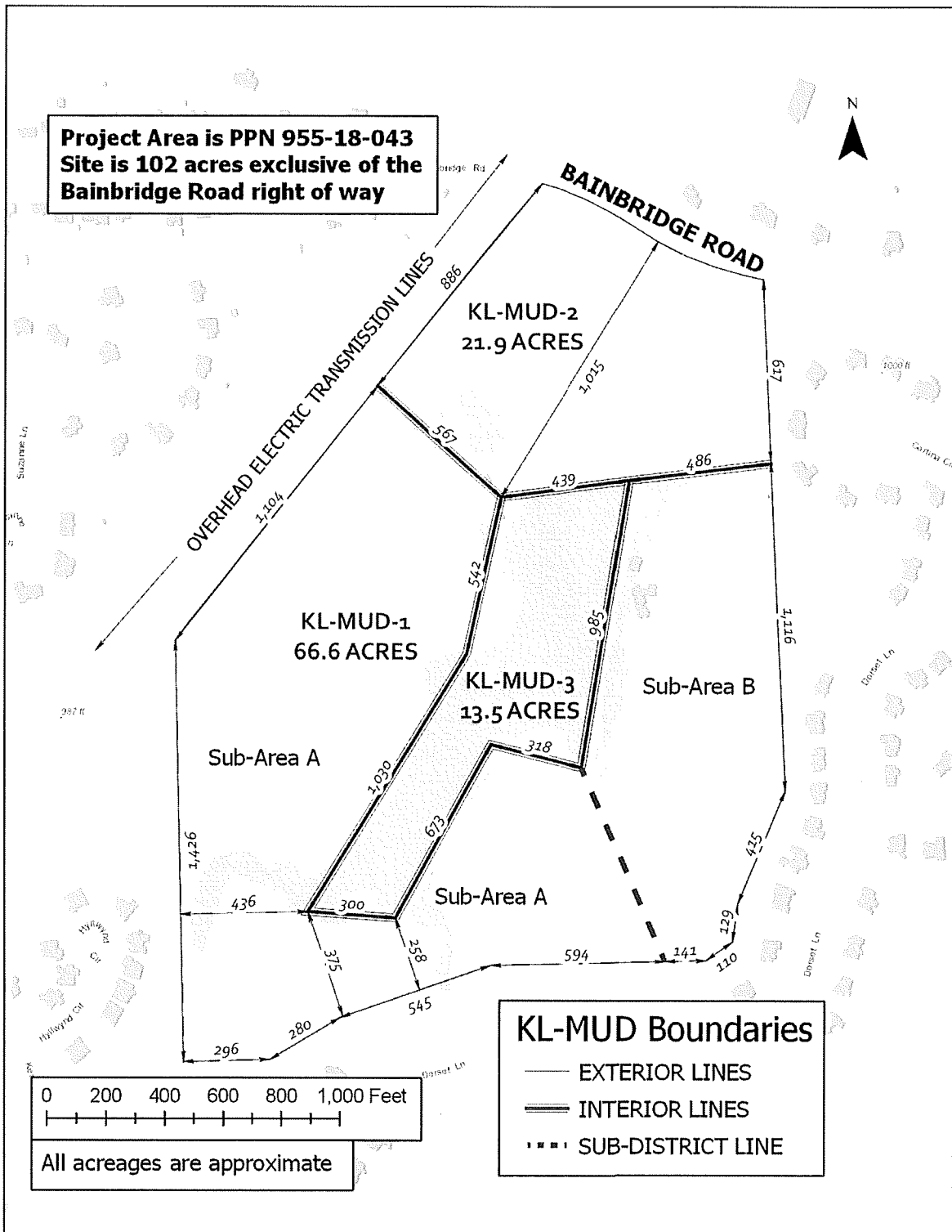
The boundaries of the Mixed-Use District and its Sub-Districts shall be indicated on the official City of Solon Zoning Map with the symbol KL-MUD and each of the Sub-Districts as designated:

- A. KL-MUD-1
- B. KL-MUD-2
- C. KL-MUD-3

Sub-District KL-MUD-3 is the portion of the Property that comprises the lake and is otherwise set aside for water conservation and open space. This Sub-District is excluded from the tables related to Use, Building, and Setback requirements.

The Kerem Lake- Mixed Use District will be hereafter referred to as the KL-MUD. The boundaries of the Sub-Districts and Sub-Areas A and B within KL-MUD-1 are depicted in Exhibit 1.

# Exhibit 1 – District Map



## 127201.03 USE REGULATIONS

In the KL-MUD, a building or the land shall only be used, designed, erected, altered, or moved for a main or accessory use that is set forth in this Section 127201.03.

- A. A use listed in Schedule 127201.03(A) shall be permitted by right when denoted by the letter "P" if all requirements of other City ordinances and this Zoning Code have been met.
- B. A use listed in Schedule 127201.03(A) shall be allowed as an accessory use to a permitted use in the same or any other Sub-District when denoted by the letter "A".

SCHEDULE 127201.03(A) PERMITTED USES			
	KL-MUD-1		KL-MUD-2
	Sub-Area A	Sub-Area B	
Single Family Dwelling— Detached	P	P	
Single Family Dwelling—Attached (Townhomes) <sup>(a)</sup>	P	P	
Multi Family Dwellings	P	P <sup>(b)</sup>	
Senior Living Facilities pursuant to Sub-Section 127201.03.C.	P		
Boutique Hotel pursuant to Sub-Section 127201.03.D.			P
Other Retail Uses pursuant to Sub-Section 127201.03.E.			P
Outdoor Displays and Outdoor Dining pursuant to Sub-Section 127201.03.F.			P
Winery			P
Spa			P
<b>Accessory Uses</b>			
Off-street parking and related access	A	A	A
Parking Structure <sup>(c)</sup> – above ground	A		
Parking Structure – below ground <sup>(d)</sup>	A	A	A
Pedestrian ways, trails, gazebos, patios, sitting areas, etc.	A	A	A
Fences	A	A	A
Signs	A	A	A
Trash enclosures	A	A	A
Gatehouse, Pool house	A	A	A
Maintenance building	A	A	A
Tennis courts	A	A	A
Other Uses as determined by the Planning Commission	A	A	A
(a) Each <b>Single Family Dwelling – Attached</b> (Townhome) shall have its ground floor entrances directly into each dwelling from the outside and the dwelling extending from the ground to the roof with no dwellings on top of each other. The dwelling is attached to the adjacent dwellings			

by no more than two party walls also extending from the ground to the roof.
(b) <b>Multiple Family Dwellings</b> are permitted in Sub-Area B of KL-MUD -1 pursuant to Schedule 127201.04(B) and related notes.
(c) A structure providing four (4) or more parking spaces accessory to Multiple Family Dwellings or commercial use, and distinct from residential garages accessory to Single-Family Dwellings whether attached or detached.
(d) Any underground parking covered with grass, ground cover or other natural vegetation is excluded from the maximum building and site coverage limitations required by Schedule 127201.04(A)

- C. **Senior Living Facilities** may include independent living, licensed assisted living and/or licensed or skilled nursing care.
- D. **Boutique Hotel.** A use that permits short-term overnight stays with no more than fifty (50) rentable rooms or suites in total and up to 12 of which rooms or units may be detached, individual buildings with one room or suite in each building.
- E. **Other Retail Uses** shall be limited to restaurants and limited food or beverage sales and/or services such as bakery, cheese, ice cream, candy, etc. (excluding drive-up windows and services); flowers, gifts, cards and related sundries, apparel, jewelry, arts and crafts; and other uses that are determined by the City of Solon to be similar to these uses. Retail shall be limited to the maximum building and occupant floor areas as specified in Schedule 127201.04(C).
- E. **Outdoor Displays and Outdoor Dining.** No outdoor display or outdoor dining area shall exceed 2,500 sq. ft. or 50% of the area of each retail or restaurant use to which it is accessory, whichever is less.
- F. Any Principal Use not permitted in Schedule 127201.03(a) is prohibited.

#### 127201.04 DEVELOPMENT STANDARDS

A. **Building and Site Coverage Requirements** shall be limited pursuant to Schedule 127201.04(A).

Schedule 127201.04(A) Building and Site Coverage Requirements				
	KL-MUD-1	KL-MUD-2	KL-MUD-3	Total
Maximum building footprint – all buildings combined	25%	10%	0%	19%
Maximum building footprint and paved surface coverage – all buildings, surface parking, drive aisles, driveways and similar hard surfaces combined <sup>(a)</sup>	50%	30%	0%	40%
Minimum Green Space <sup>(b)</sup>	50%	70%	100%	60%
<sup>(a)</sup> Excludes pedestrian ways, trails, and ancillary recreational facilities such as gazebos, sitting areas, patios, viewing areas, etc.				
<sup>(b)</sup> Green space may include pedestrian ways, trails, and ancillary recreational facilities such as gazebos, sitting areas, patios, viewing areas, etc.				

B. **Residential Dwelling Unit Requirements** related to floor area, building height and density are in Schedule 127201.04(B).

Schedule 127201.04(B) Residential Dwelling Unit Requirements		
Minimum Floor Area & Building Height	KL-MUD-1	
	Sub-Area A	Sub-Area B
Single Family Dwelling - Detached		
Minimum Dwelling Living Area	2,000 sq. ft.	2,000 sq. ft.
Maximum Building Height <sup>(a)</sup>	35 ft.	35 ft.
Single Family Dwelling—Attached (Townhome)		
Minimum Dwelling Living Area	1,600 sq. ft.	1,600 sq. ft.
Maximum Building Height <sup>(a)</sup>	45 ft.	35 ft.
Multi Family Dwelling		
Minimum Dwelling Living Area	900 sq. ft.	1,300 sq. ft.
Maximum Building Height <sup>(a)</sup>	55 ft.	35 ft.
Density		
Maximum Residential Density <sup>(b)</sup>	7.5 units per acre <sup>(c)</sup>	
(a) Building Height shall be measured from the highest point of the natural grade surrounding the building at the time of construction.		
(b) Senior living facilities, whether dwelling units in independent or assisted living facilities or beds in a nursing facility shall be considered as “units” in determining the maximum density permitted.		
(c) If any Multiple Family Dwellings are constructed in Sub-Area B of KL-MUD -1 the setback for both buildings and parking from the eastern property line shall be a minimum of 200 ft.		

C. **Commercial Building Requirements** related to maximum building and tenant floor areas and heights are set forth in Schedule 127201.04(C).

Schedule 127201.04(C) Commercial Building Requirements	
	KL-MUD-2
Maximum Building Footprint	14,000 sq. ft.
Maximum Building Floor Area	32,000 sq. ft.
Maximum Floor Area – Hotel	19,000 sq. ft. <sup>(a)</sup>
Maximum Floor Area – Winery, Restaurants and Spa combined	30,000 sq. ft.
<b>Additional Retail Uses</b>	
Maximum Total Floor Area	14,000 sq. ft.
Maximum Floor Area for any single tenant or owner occupied space, including restaurants.	2,000 sq. ft.
Maximum Building Height <sup>(b)</sup>	45 ft.
<sup>(a)</sup> Not including an additional 1,500 sq. ft. of floor area that is permitted for each	

detached, individual hotel room or suite up to a maximum of twelve (12) such rental rooms or suites permitted in Schedule 127201.03.C.  
 (b) Building height shall be measured from the highest point of the natural grade surrounding the building at the time construction of the building is commenced.

D. **Building and Parking Setback Requirements** for all uses are set forth in Schedule 127201.04(D).

Schedule 127201.04(D) Building and Parking Setback Requirements			
	KL-MUD-1		KL-MUD-2
	Sub-Area A	Sub-Area B	
Minimum Building Setback From Boundary of KL-MUD <sup>(a)</sup>	40 ft. <sup>(b)</sup>	40 ft. <sup>(c)</sup>	40 ft.
Minimum Surface Parking Setback From boundary of KL-MUD <sup>(a)</sup> :	30 ft.	40 ft. <sup>(c)</sup>	20 ft.
(a) No structure or parking shall encroach into a required setback. (b) A building with Multiple Family Dwellings shall be setback a minimum of 200 ft. from the southern property line. (c) If any Multiple Family dwellings are included in Sub-Area B the minimum building and parking setback from the eastern boundary shall be 200 feet.			

#### 127201.05 OFF-STREET PARKING

- A. Off-street parking shall be provided as required in 1287.07 and 1288.02 as applicable.
- B. **Allowance for Shared Parking.** The Planning Commission may approve a Site Plan with a reduction in the number of parking spaces required when considering: the hours of operation of uses; the overlap in parking demand by different adjacent uses; and the operating characteristics of the specific uses proposed if it can be determined that the lesser number of spaces is appropriate and consistent with purposes of these regulations

#### 127201.06 LANDSCAPING

In addition to the requirements of 1288.06.A. GENERAL REQUIREMENTS, the following regulations shall apply.

- A. For the purposes of this Chapter, when applying the General Requirements in 1288.06.A, Green Space may include vineyards, pedestrian ways, trails, and ancillary recreational facilities such as gazebos, sitting areas, patios, viewing areas, etc.
- B. **Parking Area Landscaping.** Any surface parking lot containing at least 50 parking spaces and with a width of at least 100 feet shall set aside a minimum of 5% of the parking area as green space.
- C. **District Buffer.** All areas between the property lines and the minimum setbacks along the perimeter of the KL-MUD District shall be landscaped with vegetation, mounds, fences and walls, individually or in combination, to achieve a full screen buffer to a minimum height of five (5) feet within two (2) years of installation. In satisfying these requirements the existing landscaping shall be preserved and utilized as part of the buffering requirements to the maximum extent practicable.

**127201.07 SIGNS**

Signs in the KL-MUD are subject to 1288.04 SIGN REGULATIONS, except as modified herein:

- A. Wall signs for commercial buildings shall not exceed 1 sq. ft. for each lineal feet of building frontage or tenant frontage.
- B. A single free-standing sign at the entrance to the project shall not exceed 60 sq. ft. or 8 ft. in height.
- C. Additional signs, internal to the property, may be considered as part of a comprehensive sign plan which shall be submitted and approved by the Planning Commission at the time a Site Plan, pursuant to Section 1291.02, is submitted to the Planning Commission for consideration.

**127201.08 PROCEDURES**

Site Plan Review for all new construction and new uses within the KL-MUD are subject to the review procedures in 1291.02.

**127201.09 CONFLICT**

Where there is a conflict between the provisions of this Chapter and other provisions in the Zoning Code, the provisions of this Chapter shall govern.

**SECTION 2.** This Ordinance shall be immediately effective.

I hereby acknowledge my receipt of the foregoing certified copy of the proposed Ordinance.

Date: June 27, 2018

  
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DIRECTOR OF FINANCE