AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF SOLON THE QUESTION OF ENACTING A NEW CHAPTER 1272-A OF THE CITY OF SOLON PLANNING AND ZONING CODE TO CREATE AN "R-3-C" (MULTI FAMILY RESIDENTIAL-SPECIAL NEEDS) ZONING DISTRICT AND IMPLEMENTING THE ZONE FOR PROPERTIES LOCATED AT THE SOUTHWEST CORNER OF AURORA ROAD AND PORTZ PARKWAY, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Solon received a request from Solon Community Living to create a new "R-3-C" (Multi Family Residential-Special Needs) Zoning District; and

WHEREAS, the proposed "R-3-C" (Multi Family Residential-Special Needs) Zoning is specifically designed to permit developments that accommodate the needs of persons with disabilities; and

WHEREAS, the "R-3-C" (Multi Family Residential-Special Needs) Zoning District would provide new living opportunities in accordance with the City Master Plan and offer an underserved housing market in the City; and

WHEREAS, the Council also received a request from Solon Community Living to implement the "R-3-C" (Multi Family Residential-Special Needs) Zoning District for property located at the southwest corner of Aurora Road and Portz Parkway as recommended by the City of Solon Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Solon, State of Ohio:

SECTION 1. That a new Chapter 1272-A of the Planning and Zoning Code, "R-3-C" (Multi Family Residential-Special Needs), be enacted as outlined in the proposed amendment attached hereto as Exhibit "A", and incorporated herein fully as if by reference.

SECTION 2. That the following permanent parcels are hereby rezoned and implemented to the newly created "R-3-C" (Multi Family Residential-Special Needs) Zoning District: 954-35-006, 954-35-008, 954-35-009, 954-35-011, and 954-40-010, legal descriptions of which properties are attached hereto as Exhibit "B" and a map thereof is attached hereto as Exhibit "C".

SECTION 3. That pursuant to the City of Solon Charter Article XIV, Section 1, the Clerk of Council be, and she hereby is, authorized and directed to forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections for submission at the next regularly scheduled primary or general election occurring more than ninety (90) days after
passage of this Ordinance which this Council finds to be the Presidential Primary Election to be held on March 17, 2020.

SECTION 4. That the ballot language for the creation of the new "R-3-C" (Multi Family Residential-Special Needs) Zoning District and the rezoning of properties into that district shall read as follows:

"PROPOSED ORDINANCE
CITY OF SOLON
A majority Affirmative Vote
throughout the City and in Ward 6 is necessary for passage

Shall the Zoning Map and Zoning Code of the City of Solon be amended to enact a new Chapter 1272-A "R-3-C" (Multi Family Residential-Special Needs) Zoning Classification at the southwest corner of Aurora Road and Portz Parkway and rezone said area to the new "R-3-C" (Multi Family Residential-Special Needs) District which includes parcel numbers 954-35-006, 954-35-008, 954-35-009, 954-35-011 and 954-40-010 be approved?

YES
NO"

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary to file this Ordinance with the Cuyahoga County Board of Elections in a timely manner; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 2, 2019

[Signature]
Mayor

ATTEST:

[Signature]
Clerk of Council
EXHIBIT “B”
CITY OF SOLON, OHIO
MULTI FAMILY RESIDENTIAL – SPECIAL NEEDS “R-3-C” REZONING

Rezoning of lands in Solon, Ohio comprised of all or part of Permanent Parcels 954-35-006, 954-35-008, 954-35-009, 954-35-011 and 954-40-010 of Cuyahoga County Records and portions of Portz Parkway (60 feet wide).

Situated in the City of Solon, County of Cuyahoga and the State of Ohio and known as being part of Original Solon Township Lot 36, Tract 2 and Lot 7, Tract 3, and being further bounded and described as follows:

Beginning for reference at the intersection of the centerlines of Aurora Road (S.R. 43) (80 feet wide) and Portz Parkway (60 feet wide); Thence North 48° 52’ 17” West, along the centerline of Aurora Road, a distance of about 769.88 feet to a point at the northwest corner of said PPN 954-35-008 and the northeast corner of Carrington Court Subdivision as recorded in Volume 357, Pages 91-95 of Cuyahoga County Record of Plats; Thence along the common line between said PPN 954-35-008 and Carrington Court Subdivision, South 20° 39’ 19” West a distance of about 32.02 feet to a point on the southwest right of way of Aurora Road, said point being the Principal Place of Beginning (P.P.O.B.) of the parcel herein described;

1. South 48° 52’ 17” East, along the southwest right of way of Aurora Road, a distance of about 688.7 feet to the point of curvature of the right of way turnout of Aurora Road and Portz Parkway (60 feet wide);

2. Thence along the arc of a curve on the right of way turnout of Aurora Road and Portz Parkway, deflecting right, an arc distance of 62.79 feet to a point of tangency, said curve having a radius of 40.00 feet a central angle of 89° 56’ 35” and a chord distance of 56.54 feet which bears South 03° 54’ 00” East;

3. Thence along the westerly right of way of Portz Parkway, South 41° 04’ 18” West a distance of 59.00 feet to a point of curvature;

4. Thence continuing along the westerly right of way of Portz Parkway, along the arc of a curve deflecting right, an arc distance of 142.66 feet to a point, said curve having a radius of 270.00 feet a central angle of 30° 16’ 22” and a chord distance of 141.00 feet which bears South 56° 12’ 28” West;

5. Thence crossing Portz Parkway, South 18° 39’ 21” East a distance of 60.00 feet to a point on the easterly right of way of Portz Parkway and also the east line of PPN 954-40-010 and the west line of PPN 954-40-012;

6. Thence along the common line between PPN 954-40-010 and PPN 954-40-012, South 41° 04’ 18” West a distance of about 181.5 feet to an angle point in the line of PPN 954-40-010 and the southwest corner of said PPN 954-40-012, said point also being on a northeast line of PPN 954-40-009;

7. Thence northwesterly along the common line between said PPN 954-40-009 and PPN 954-40-010, North 49° 07’ 07” West a distance of about 9.4 feet to an angle point in said PPN 954-40-010 and a northwest corner of said PPN 954-40-009;

8. Thence southwesterly along the common line between said PPN 954-40-009 and PPN 954-40-010, and crossing a portion of Portz Parkway, South 40° 55’ 34” West a distance of about 650.9 feet to a point at a southwest corner of said PPN 954-40-010 and an angle point in said PPN 954-40-009;

9. Thence northerly along the common line between said PPN 954-40-009 and PPN 954-40-010 and the common line between PPN 954-35-007 and PPN 954-40-010, and crossing Portz Parkway, North 00° 24’ 17” West a distance of about 593.7 feet to a point on a southerly line of PPN 954-35-005 at an angle point of said PPN 954-40-010;
10. Thence along the common line between said PPN 954-35-005 and PPN 954-40-010, North 67° 58' 13" East a distance of about 48.5 feet to a point at the southwest corner of PPN 954-35-009 and an angle point of said PPN 954-35-005;

11. Thence along the common line between said PPN 954-35-005 and PPN 954-35-009, North 40° 59' 57" East a distance of about 340.0 feet to a point at the northeast corner of said PPN 954-35-005 and the southeast corner of PPN 954-35-011;

12. Thence along the common line between said PPN 954-35-005 and PPN 954-35-009, North 48° 52' 16" West a distance of about 124.8 feet to a point at the northwest corner of said PPN 954-35-005 and the southwest corner of said PPN 954-35-011, said point also being on the easterly line of aforementioned PPN 954-35-008;

13. Thence along the common line between said PPN 954-35-005 and PPN 954-35-008, South 40° 59' 57" West a distance of about 137.8 feet to a point at the southeast corner of said PPN 954-35-008 and an angle point of PPN 954-35-010;

14. Thence along the common line between said PPN 954-35-010 and PPN 954-35-008, North 48° 52' 33" West a distance of about 87.5 feet to an angle point of said PPN 954-35-010 and the southwest corner of said PPN 954-35-008 and a southeast corner of aforementioned Carrington Court Subdivision;

15. Thence along the common line between said Carrington Court Subdivision and PPN 954-35-008, North 20° 39' 19" East a distance of about 435.2 feet to a point on the southerly right of way of Aurora Road, said point being the Principal Place of Beginning.

Permanent Parcel Numbers indicated hereon refer to Cuyahoga County Parcels as of December 2019. Distance and bearings are approximate, basis of bearings is the centerline of Aurora Road (N 48°52'17"W) as shown on the Dedication Plat of Portz Parkway as recorded in Vol. 315, Pg. 09 of Cuyahoga County Map Records.

EXHIBIT "C"
TO ACCOMPANY LEGAL DESCRIPTION
AT THE INSTANCE OF
THE CITY OF SOLON, OHIO
SITUATED IN THE CITY OF SOLON, COUNTY OF CUYAHOGA AND
THE STATE OF OHIO, AND KNOWN AS BEING PART OF ORIGINAL
SOLON TOWNSHIP LOT 36 TRACT 2 AND LOT 7 TRACT 3.
HATCHED AREA TO BE REZONED
"R-3-C" MULTI FAMILY
RESIDENTIAL - SPECIAL NEEDS

LINE TABLE

REFERENCE DOCUMENTS & NOTES:
1. CUYAHOGA COUNTY AUDITORS MAPS AND DEED RECORDS.
2. DEDICATION PLAT OF PORTZ PARKWAY - VOL. 315, PG. 09.
3. PLAT OF CARRINGTON COURT SUBDIVISION - VOL. 357, PG. 91-95.
4. PLAT OF SURVEY, PARTITION AND CONSOLIDATION - VOL. 315, PG. 50.
5. DISTANCES AND BOUNDARIES ARE APPROXIMATE, BASIS OF BOUNDARIES IS THE
   CENTERLINE OF AURORA ROAD (N 48°52'17"W) AS SHOWN ON THE DEDICATION
   PLAT OF PORTZ PARKWAY - VOL. 315, PG. 09.
6. ALL INFORMATION SHOWN HEREON IS OBTAINED FROM RECORD DATA
   AND HAS NOT BEEN FIELD VERIFIED.

HEJDUK-COX AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
32145 Old South Innis Road  Solon, Ohio 44139  (440) 246-1330  (440) 246-6890
PROPOSAL TO AMEND THE SOLON ZONING CODE AND MAP TO

ESTABLISH THE “R-3-C” (MULTI FAMILY - SPECIAL NEEDS)

RESIDENTIAL ZONING DISTRICT
CHAPTER 1272-A

"R-3-C" (MULTI FAMILY RESIDENTIAL-SPECIAL NEEDS)

1272-A.01 PURPOSE:

The “R-3-C” (Multi Family Residential - Special Needs) zoning classification has been established to permit a broad range of residential living opportunities, within a neighborhood-like setting, specifically designed and intended to accommodate the needs of persons with special needs disabilities and their accompanying support service providers, as further defined herein.

1272-A.02 PERMITTED USES:

A. PRINCIPAL USES:

The following uses shall be permitted in the “R-3-C” (Multi Family Residential - Special Needs) zoning districts, in accordance with all other provisions of this Ordinance:

1. Independent living units and assisted living facilities, in single-family, two-family and multi-family dwelling unit configurations, to be occupied exclusively by persons with special needs conditions and/or their support providers.

2. Any use that is determined by the City of Solon to be substantially similar to any of the above listed uses.

B. ACCESSORY USES:

The following accessory uses shall be permitted only as approved by the City Planning Commission and confirmed by City Council and only in accordance with the provisions of this Ordinance:

1. Parking garages;
2. Parking lots;
3. Recreational areas;
4. Club houses;
5. Any other uses that are determined by the City of Solon to be incidental and accessory to any of the above permitted principal or accessory uses shall be permitted on the same lot as the principal use or accessory use, in accordance with the provisions of this Ordinance;
6. Any use that is determined by the City of Solon to be substantially similar to any of the above listed accessory uses shall be permitted on the same lot as the principal use or accessory use, in accordance with the provisions of this Ordinance.

C. PROHIBITED USES:

Prohibited uses within the "R-3-C" zoning district shall include, but are not limited to, those listed below. This list shall be considered to be supplementary to "Item A" (Principal Uses) and "Item B" (Accessory Uses) of this Chapter.

1. Commercial use of any building or premises, including the parking or storing of commercial vehicles or equipment, except as explicitly permitted under the provisions of this Ordinance;
2. Keeping of agricultural animals, such as pigs, cows, goats, donkeys, horses, chickens or other fowl shall be prohibited, unless otherwise explicitly permitted within this ordinance;
3. Any use that is determined by the City of Solon to pose a general nuisance, or an imminent danger to the health, safety and welfare of the general public;
4. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.

(Ordinance 2014-128, passed 7/21/14, effective 11/25/14)

1272-A.03 DEVELOPMENT STANDARDS:

A. LOT REQUIREMENTS:

1. MINIMUM PROJECT AREA: Any proposed "R-3-C" (Multi-Family Residential
- Special Needs) development shall consist of at least three (3) acres of contiguous property under common ownership.

2. **MAXIMUM/MINIMUM PROJECT DENSITY:** The maximum site density within a “R-3-C” development shall not exceed five (5) dwelling units per acre.

3. **MINIMUM GREEN SPACE:** At least thirty percent (30%) of the total project site shall be reserved as green space

**B. BUILDING SET-BACKS AND DIMENSION REQUIREMENTS:**

1. **MINIMUM FRONT YARD SET-BACKS:**

   A. **INDEPENDENT AND/OR ASSISTED LIVING UNITS (SINGLE FAMILY, TWO FAMILY, THREE FAMILY AND FOUR FAMILY)** - No single family, two family, three family or four family independent or assisted living units shall be located closer than sixty (60) feet to any front street right of way line.

   B. **INDEPENDENT AND/OR ASSISTED LIVING UNITS (FIVE FAMILY OR MORE)** - No independent and/or assisted living units in configurations of five (5) attached family living units or more shall be located closer than one hundred (100) feet to any front street right of way line.

   C. **ACCESSORY USES** - No accessory use permitted within this section, exclusive of parking, shall be located closer than one hundred (100) feet to any front street right of way line.

2. **MINIMUM SIDE YARD SETBACK:**

   A. **INDEPENDENT AND/OR ASSISTED LIVING UNITS (SINGLE FAMILY, TWO FAMILY, THREE FAMILY AND FOUR FAMILY)** - No single family, two family, three family or four family independent and/or assisted living units shall be located closer than twenty (20) feet to any interior side property line, nor closer than sixty (60) feet to any side street right of way line.

   B. **INDEPENDENT AND/OR ASSISTED LIVING UNITS (FIVE FAMILY OR MORE)** - No independent and/or assisted living units in configurations of five (5) attached family living units or more shall be located closer than fifty (50) feet to any interior side property line, nor closer than one hundred (100) feet to any side street right of way line.

   B. **ACCESSORY USES** - No accessory use permitted within this section, exclusive of parking, shall be located closer than fifty (50) feet to any interior side property line, nor closer than one hundred (100) feet to any side street right of way line.
3. MINIMUM REAR YARD SET-BACK:

A. INDEPENDENT AND/OR ASSISTED LIVING UNITS (SINGLE FAMILY, TWO FAMILY, THREE FAMILY AND FOUR FAMILY) - No single family, two family, three family or four family independent and/or assisted living units shall be located closer than forty (40) feet to any interior rear property line, nor closer than sixty (60) feet to any side street right of way line.

A. INDEPENDENT AND/OR ASSISTED LIVING UNITS (FIVE FAMILY OR MORE) - No independent and/or assisted living units in configurations of five (5) attached family living units or more shall be located closer than fifty (50) feet to any interior rear property line, nor closer than one hundred (100) feet to any rear street right of way line.

B. ACCESSORY USES - No accessory use permitted within this section, exclusive of parking, shall be located closer than fifty (50) feet to any interior rear property line, nor closer than one hundred (100) feet to any rear street right of way line.

4. MAXIMUM HEIGHTS: No independent and/or assisted living unit (single and/or attached) shall exceed a height of thirty five (35) feet above the existing grade, nor shall any structure exceed two and one-half (2 ½) stories.

5. MINIMUM EXTERIOR WALL WIDTH – No overall dimension of any front, side, or rear wall of a principle residential structure shall be less than thirty (30) feet.

6. MINIMUM DISTANCE BETWEEN PRINCIPAL STRUCTURES - No principal structure shall be located closer than fifteen (15) feet to any other principal structure on the same or an adjacent lot.

C. OUTDOOR RECREATION AREA SET-BACKS:

1. MINIMUM SET-BACK FROM PUBLIC STREETS: No accessory outdoor recreation area shall be located closer than one hundred (100) feet to any public street right of way line.

2. MINIMUM SIDE YARD SET-BACK: No accessory outdoor recreation area shall be located closer than fifty (50) feet to any interior side property line.

3. MINIMUM REAR YARD SET-BACK: No accessory outdoor recreation area shall be located closer than fifty (50) feet to any interior rear property line.
D. PARKING AREA SET-BACKS:

1. MINIMUM SET-BACK FROM PUBLIC STREETS - No open air parking area shall be located closer than sixty (60) feet to any public street right of way line.

2. MINIMUM SIDE YARD SET-BACK: No open air parking area shall be located closer than forty (40) feet to any interior side property line.

3. MINIMUM REAR YARD SET-BACK: No open air parking area shall be located closer than forty (40) feet to any interior rear property line.

(Ordinance 2014-128, passed 7/21/14, effective 11/25/14)

1272-A.04 PARKING REQUIREMENTS:

Parking shall be provided in accordance with Section 1287.07 and 1288.02 of this code except as follows:

A. REQUIRED PARKING PROVISIONS FOR INDEPENDENT AND/OR ASSISTED LIVING UNITS (SINGLE AND/OR ATTACHED): A minimum of two (2) parking spaces shall be provided for each dwelling unit. Required parking areas may include stand alone parking lots, as well as enclosed attached or detached garage areas and driveway space that is sufficiently dimensioned to accommodate car parking, in accordance with the provisions of this ordinance.

(Ordinance 2014-128, passed 7-21-14, effective 11/25/14)

1272-A.05 LANDSCAPING AND SITE BUFFERING REQUIREMENTS:

A. LANDSCAPING REQUIRED: All landscape provisions including grassed yards, woods, natural vegetation, lakes, and proposed landscaping shall be designated on the site plan for the project and shall be subject to Planning Commission review and approval.

B. LANDSCAPE MAINTENANCE AGREEMENT REQUIRED: Proposed condominium agreements, or other evidence shall be submitted to the Planning Commission indicating that adequate provisions have been made to insure the future maintenance of all landscape amenities.

C. SITE BUFFERING REQUIRED: A site buffer shall be required for any parking areas that are located within the minimum side or rear yard setback of a building and which are contiguous to any other residential zoning district. Such buffer shall consist of plant materials, or a combination of plant materials and earth mounds, and shall
completely screen the neighboring properties view of the parking area.

**1272-A.06 APPLICATION REQUIREMENTS:**

In addition to any information required for site plan review of “R-3” (Multi-Family) projects as specified within this code, all applications for the review of a proposed “R-3-C” (Multi Family Special Needs) project shall include the following information:

a) Letter summarizing the scope of the project;

b) Site plan, drawn to scale, indicating the location, type and use of buildings and structures, the use and division of all land, topography, the location of structures on surrounding properties, circulation system for vehicles, pedestrians, other public ways, and the parking and service system. The site plan shall include a table designating the total number of acres in the project; total green space, number and percentage of dwelling types and non-residential uses, including streets, parks, existing highway easements, and permanent utility easements.

c) Architectural drawings of buildings and other structures, including signs.

d) Landscaping/utility plan, indicating the grading and planting plan, site buffering, existing wooded areas, the disposal of sanitary waste and storm water, recreational and other open space, and other land features.

e) Landscape Maintenance Agreement

f) Erosion control and storm water management measures.

g) Environmental Impact Evaluation, as required by the Planning Commission and/or City Council, and any other data the Planning Commission and/or City Council may decide is necessary to determine compliance with the regulations herein.

h) The substance of any covenants, deed restrictions, grants of easements, condominium agreements, or the restrictions proposed to be imposed upon the use or maintenance of land and buildings.

i) A construction schedule and cost estimates, including stage construction time and cost estimates for the project.
PROPOSAL TO AMEND SECTION 1261.01 (DEFINITIONS) OF THE

SOLON ZONING CODE IN ORDER TO ESTABLISH

THE FOLLOWING TERMS
SPECIAL NEEDS INDIVIDUAL – For the purposes of this Ordinance, a “Special Needs Individual” shall be considered to be a person with a special needs condition that causes a physical or mental impairment that substantially limits one or more major life activities, which condition is not transitory or minor in nature, and that has a professionally documented record of such impairment.

SPECIAL NEEDS CONDITION – For the purposes of this ordinance, a “Special Needs Condition” shall include muscular dystrophy, multiple sclerosis, epilepsy, down syndrome, autism, processing disorders, blindness and/or significant visual impairment, deafness and/or significant hearing impairment, and any other condition determined to be substantially similar by the City of Solon.

SUPPORT SERVICE PROVIDER – For the purposes of this ordinance, a “Support Service Provider” shall be considered to be a person whose primary purpose for residing within an “R-3-C” (Multi Family -Special Needs) residential zoning district, on either a permanent or temporary basis, is to provide support with major life activities for one or more persons with special needs conditions that reside on-site.

MAJOR LIFE ACTIVITIES - For the purposes of this ordinance, “Major Life Activities” shall be considered to include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting bending, speaking, breathing, learning, reading, concentrating, thinking, communicating working.

ASSISTED LIVING UNIT - For the purposes of this ordinance, an "Assisted Living Unit" shall be considered to be a living unit that is capable of accommodating specialized health services and assistance options, including but not limited to "Support Service Providers", in order to serve the needs of "Special Needs Individuals". Assisted living facilities may include central or private kitchens, dining areas, recreational areas or other similar facilities, and shall include separate bedrooms and/or living quarters;