

CHAPTER 1288

SUPPLEMENTAL REGULATIONS APPLYING TO NON-RESIDENTIAL USE DISTRICTS

1288.01 ACCESSORY STRUCTURES

1. GENERAL REQUIREMENTS - Customary accessory structures are permitted in association with accompanying principal uses within Office, Commercial, and Industrial non-residential zoning districts. Such accessory structures shall only be located in the side or rear yard area of the lot, and shall otherwise meet all requirements specified for principal uses within the particular zoning district.
2. FENCES AND DECORATIVE WALLS– Fences and decorative walls are permitted within Office, Commercial, and Industrial zoning districts. Fences and decorative walls shall be permitted within interior side yard and rear yard areas. Fences shall not be permitted within front yard areas or within side or rear yard areas that abut a side or rear street, however decorative walls shall be permitted within these areas provided that they are located no closer than forty (40) feet to any street right of way line.

All fences shall have uniform openings aggregating to at least twenty five percent (25%) of the surface area and no fence shall exceed six (6) feet in height in any Commercial or Office Zoning District or eight (8) feet in height in any Industrial Zoning District. The side of a fence facing an adjacent property shall be the smooth finished side, and all diagonal or supporting members shall be facing the property on which the fence is constructed. Fences charged with electric current are prohibited.

Decorative walls shall not exceed three (3) feet in height and shall have an equal level of finish on all sides. Decorative walls, subject to all other requirements of this Section, may be a continuous solid surface and are not required to provide aggregate

openings. Retaining walls shall not be subject to the requirements of this Section, except that such walls shall comply with the construction material standards specified for “decorative walls” when specifically required by either the City Engineer, the Director of Planning and Community Development, the Planning Commission, and/or City Council.

Notwithstanding any other provision of this Section, Temporary Salt Screen Fences may be erected on properties from November 1st to April 30th, for the purpose of protecting vegetation from salt spray from adjacent roadways. Such fences shall be subject to the following minimum requirements:

- A. General Design Requirements - Temporary Salt Screen Fences shall be constructed of burlap or other fabric, and shall be earth-tone in color. Such fences shall be maintained in a neat, orderly, and uniform condition, with the sides of the fence and any vertical supporting members being perpendicular to the ground. The side of a Temporary Salt Screen Fence facing an adjacent property shall be the smooth finished side, and all supporting members shall face the property on which the fence is constructed. All portions of a Temporary Salt Screen Fence shall be securely constructed so as to prevent detachment from its supporting members, and/or the failure of the supporting members; and/or excessive movement in the wind.
- B. Height and Location Requirements - No portion of a Temporary Salt Screen Fence shall exceed six (6) feet in height. Such fences may be located up to the property line of the lot, subject to the safety provisions of this section. However no portion of such fence shall encroach into the street right of way.
- C. Safety Requirements - No portion of a Temporary Salt Screen Fence shall impair or block lines of sight necessary for safe ingress and egress to the street from adjacent properties, nor shall any such fence impair vision of drivers on the street, nor shall any such fence otherwise pose a health and safety threat to the general public as determined by the City of Solon Fire Department and/or Police Department.
- D. Permits and Fees - A permit shall be required to install any Temporary Salt Screen Fence on a property. However, no fee shall be charged for said permit.

(Ordinance 2006-232, passed 11/6/06)

(Ordinance 2015-127, passed 7/6/15, effective 8/15/15)

- 3. TRASH ENCLOSURES - Trash enclosures are permitted within non-residential zoning districts and must be provided in Commercial and Office zoning districts where dumpsters or other forms of trash storage outside of a principal structure are proposed. Such trash enclosures shall completely screen all sides of the trash storage area, and shall consist of a fence, wall, or landscaping, up to a height of six (6) feet. Materials utilized in the trash enclosure shall be complementary and consistent with the materials utilized on the principal structure(s) and landscape design of the premises. Trash enclosures shall otherwise meet all requirements for the particular zoning district in which they are located.

1288.02 NON-RESIDENTIAL OFF-STREET PARKING AND LOADING

1. GENERAL REQUIREMENTS: The following parking and loading requirements shall apply unless otherwise specified within the requirements of the relevant zoning district.

A. OFF STREET PARKING AND LOADING AREAS REQUIRED: Off-street parking and loading facilities shall be provided and maintained outside of right of ways in accordance with the provisions of this Section as a condition precedent to the occupancy of any building or use.

Such off-street parking requirements shall be applicable for each of the following circumstances:

- 1. Whenever a new building is constructed or a new use is established on a tract of land;
- 2. Whenever the use of an existing building or a tract of land is changed to a new use;
- 3. Whenever the existing use of a building or tract of land is altered or enlarged.

B. LOCATION OF OFF-STREET PARKING AND LOADING AREAS:

1. LOCATION ON SITE REQUIRED - Off-street parking and loading shall be provided on the same lot with the use that the parking and/or loading is intended to service.

However, the Planning Commission and/or City Council may permit the provision of parking areas on a contiguous property subject to the submittal of evidence in writing that the owner(s) of the contiguous land to be included in such parking areas have by covenant, and for perpetuity, agreed to allow the use of such land for the required off-street parking. Such covenant shall be filed with the Recorder of Cuyahoga County. The parking spaces subject to such covenant shall not be currently or in the future part of the required parking for another use.

2. MAXIMUM PARKING SET-BACK FROM BUILDING ENTRANCE: All required parking spaces shall be located no further than three hundred fifty (350) feet from the entrance to the building, structure, or use to which the parking is devoted.

- C. LOADING SPACES, DESIGN, AND DIMENSIONS** - Required off street loading spaces shall be dimensioned to at least twelve (12) feet wide by at least twenty five (25) feet in length for any building having less than fifteen thousand (15,000) square feet of gross floor area, and such loading spaces shall be dimensioned to at least fourteen (14) feet wide by sixty (60) feet in length for buildings having fifteen thousand (15,000) square feet in gross floor area and greater. Each loading space shall have a vertical clearance of at least fourteen (14) feet and no such space shall encroach on any parking space, public parking aisle, or street access drive.

For Industrial uses the minimum maneuvering space or apron provided for off-street loading shall be at least sixty (60) feet as measured from the outermost part of the any vehicle backed up to a loading dock or any other possible obstruction in the maneuvering area.

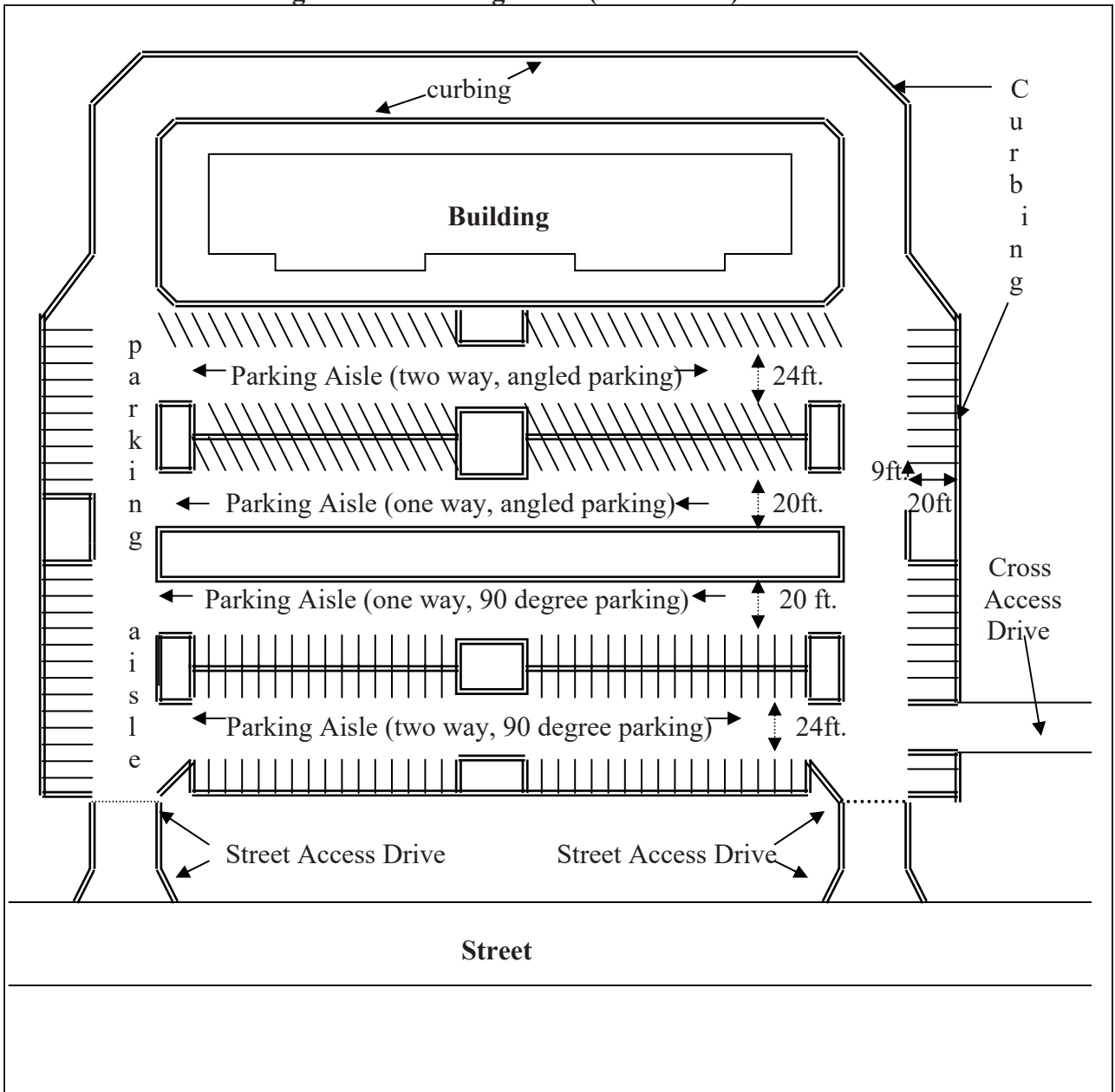
- D. PARKING SPACES, DESIGN, AND DIMENSIONS** - All parking spaces shall be dimensioned to at least nine (9) feet in width and eighteen (18) feet in length. The area of each parking space shall be clearly marked with paint, and such marking shall be maintained in good condition.

- E. PARKING AISLES, DESIGN AND DIMENSIONS:** Parking aisles shall be limited to no more than two (2) lanes. One (1) lane parking aisles shall be dimensioned to twenty (20) feet in width. Two (2) lane parking aisles shall be dimensioned to at least twenty-four (24) feet in width, but shall not exceed twenty-eight (28) feet in width.

F. STREET ACCESS DRIVES, DESIGN AND DIMENSIONS:

- 1. MINIMUM NUMBER OF STREET ACCESS DRIVES:** Not less than two (2) separate street access drives shall be provided to any parking area containing twenty-five (25) or more parking spaces. Any proposal to provide less than two (2) separate street access drives shall only be granted by the Planning Commission if the City of Solon Fire Chief provides written consent indicating that the second access is unnecessary for safety purposes.
- 2. MINIMUM SPACING BETWEEN STREET ACCESS DRIVES AND STREET INTERSECTIONS:** A minimum distance of one hundred twenty (120) shall be maintained between the closest points of any street access drive(s) on the same or adjacent properties, and between any street intersection.

Figure A - Parking Areas (not to scale)



3. WIDTH OF STREET ACCESS DRIVES: Street access drives shall be limited to no more than three (3) lanes. The width of such street access drives shall conform to the following schedule:

	<u>Minimum</u>	<u>Maximum</u>
One (1) Lane	24 ft.	24 ft.
Two (2) Lanes	24 ft.	28 ft.
Three (3) Lanes	36 ft.	40 ft.

G. CONSTRUCTION AND MAINTENANCE REQUIREMENTS –

- 1. HARD SURFACE REQUIRED** - All parking areas, street access drives, cross access drives, and street aprons shall have an asphalt, concrete or other similar hard surface approved by the Director of Engineering.
- 2. SURFACE WATER RUNOFF** - Surface water shall not be permitted to discharge over on to public sidewalks, roadways, or other premises. Any proposal to install, expand, or modify paving areas on any lot shall be reviewed and approved by the Director of Engineering. The Director of Engineering shall have the discretion to request the submittal of a drainage plan as part of his/her review.
- 3. MAXIMUM GRADE**- The maximum grade of any parking area shall not exceed two (2) percent.
- 4. PARKING AREA MAINTENANCE** – All parking areas, street access drives, and cross access drives, shall be maintained in a safe and sound condition, free from deterioration, holes, major cracks, and obstructions. All parking areas shall be appropriately striped not less than one (1) time per year to maintain orderly parking areas.

H. CURBING REQUIRED – All parking areas including landscape islands, and structures abutting or located within parking areas shall be surrounded on all sides by 6” concrete curbing.

I. BANKED PARKING - The Planning Commission may approve the banking of parking spaces where actual installation is determined not to be immediately necessary. Such banked parking areas shall be clearly designated on the site plan reviewed by the City and shall otherwise meet all standards applied to installed parking, including the storm water runoff requirements of the City of Solon Engineering Department. Once approved, such banked parking may be installed at any time at the discretion of the property owner, or upon the written request of the City of Solon Planning Commission.

J. CROSS ACCESS DRIVES BETWEEN ADJACENT DEVELOPMENTS – In order to promote the health, safety, and welfare of City residents and the general public by reducing the number of vehicular accesses to streets within areas zoned for non-residential use, the Planning Commission, subject to the review and comment of the Safety and Public Properties Committee, may require that a vehicular cross access drive be provided between parking areas on adjacent lots. Such cross access drives shall be at least twenty four (24) feet wide and shall be located at a set-back of at least thirty (30) feet from any street.

Where there is no development on an adjacent lot, or where the connection of parking

areas is not otherwise immediately feasible, the Planning Commission may require that a cross access drive be stubbed up to the property line to permit future cross access. A variance shall not be required to permit a cross access drive to cross or abut a side or rear property line.

2. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES BY USE:

Parking shall be provided for each use on the property as per the following schedule.

Where a specified use is not listed below, the City shall apply the parking requirement for the listed use that is deemed to be the most similar to the use that is proposed.

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NON-RESIDENTIAL PARKING SCHEDULE

INSTITUTIONAL USES

- A. **CULTURAL INSTITUTIONS** – A minimum of one (1) parking space for each three hundred (300) square feet of gross floor area shall be provided.
- B. **GOVERNMENTAL BUILDINGS (FEDERAL, STATE, AND LOCAL) PRIMARILY PERFORMING ADMINISTRATIVE FUNCTIONS:** A minimum of one (1) parking space for each two hundred (200) square feet of gross floor area.
- C. **EDUCATIONAL FACILITIES:** Educational facilities shall provide on-site parking as per the following schedule:
 - 1. **PRE-SCHOOLS** – A minimum of five (5) spaces plus one (1) space per each employee, or (1) one space per each four hundred (400) square feet of floor area shall be provided. Whichever calculation method that results in the greatest number of required parking spaces shall apply.
 - 2. **ELEMENTARY AND MIDDLE SCHOOLS** - A minimum of five (5) spaces plus one (1) space per each classroom, or (1) one space per each six (6) seats in primary assembly areas shall be provided. Whichever calculation method that results in the greatest number of required parking spaces shall apply.
 - 3. **HIGH SCHOOLS** - A minimum of one (1) space per every six hundred (600) square feet of academic space shall be provided
 - 4. **COLLEGES AND UNIVERSITIES** – A minimum of three (3) spaces for each one thousand (1,000) square feet of floor area (exclusive of dorms, for which minimum residential parking requirements shall apply) shall be provided.
 - 5. **BUSINESS AND TRADE SCHOOLS** – A minimum of one (1) space per each two hundred (200) square feet of gross floor area in the building shall be provided.
- D. **HOSPITALS** - A minimum of one (1) space for each two (2) beds.
- E. **PARKS AND ATHLETIC FEILDS**– A minimum of one (1) parking space per each five thousand (5,000) square feet of land.
- F. **PLACES OF WORSHIP**- A minimum of one (1) space per each three (3) seats in principal assembly areas shall be provided.

NON-RESIDENTIAL PARKING SCHEDULE (CONT.)

COMMERCIAL RETAIL, SERVICE AND OFFICE USES

G. COMMERCIAL RETAIL, SERVICE, AND OFFICE USES –

Unless otherwise specified below retail, commercial service, and office uses shall provide a minimum of one (1) parking space for each two hundred (200) square feet of gross floor area devoted to the use.

- H. AUTOMOBILE DEALERSHIP -** A minimum of one (1) parking space per each two thousand (2,000) square feet of interior and exterior sales, display, and storage area up to a maximum of twenty-five (25) spaces
- I. AUTOMOBILE REPAIR/GAS STATION –** A minimum of one (1) parking space per each two hundred (200) square feet of floor area, plus one (1) parking space per each gas pump.
- J. ASSEMBLY HALL –** A minimum of one (1) parking space for each four (4) permanent seats, plus one (1) parking space for each forty (40) square feet of temporary seating area.
- K. BANKS –** A minimum of one (1) parking space per each two hundred (200) square feet of gross floor area, plus one (1) space for each employee.
- L. BARS, NIGHTCLUBS, AND TAVERNS -** A minimum of one (1) space per each one hundred (100) square feet of floor area, plus one (1) space per employee.
- M. BOWLING ALLEYS –** A minimum of two (2) spaces for each alley, plus one (1) space per each two (2) employees, plus one (1) space per each one hundred (100) square feet utilized for amusement or assembly.
- N. CONVENIENCE STORE –** A minimum of one (1) parking space per each two hundred (200) square feet of floor area shall be provided, plus one (1) parking place per each gas pump.
- O. GOLF COURSES –** A minimum of five (5) parking spaces per hole, plus one (1) space per each employee.

NON-RESIDENTIAL PARKING SCHEDULE (CONT.)

- P. GREENHOUSE** - A minimum of one (1) parking space per each two hundred (200) square feet for the first one thousand (1,000) square feet, and one (1) parking space per each five hundred (500) square feet of greenhouse sales area in excess of one thousand (1,000) square feet.
- Q. FUNERAL HOME**- A minimum of one (1) space per each three (3) permanent seats, plus one (1) space per each twenty five (25) square feet of temporary seating area.
- R. HOTEL OR MOTEL**- A minimum of 1.25 spaces for each rentable room or suite, plus ten (10) spaces for each one hundred (100) square feet of conference, banquet, or restaurant area.
- S. MEDICAL OFFICES, DENTAL OFFICES, AND CLINICS** – A minimum of one (1) parking space per each one hundred fifty (150) square feet of floor area, plus one (1) parking space per each doctor or dentist.
- T. RESTAURANTS** - Restaurant uses shall provide parking as per the following schedule:
- 1. SIT DOWN RESTAURANTS:** A minimum of (1) one parking space per each one hundred (100) square feet of floor area, including areas for outdoor seating, or one (1) parking space per each two (2) seats. Whichever calculation method that results in the greatest number of required parking spaces shall apply.
 - 2. FAST FOOD RESTAURANTS:** A minimum of (1) one parking space per each fifty (50) square feet of floor area, including areas for outdoor seating, or one (1) parking space per each two (2) seats shall be provided. Whichever calculation method results in the greatest number of required parking spaces shall apply.
- U. RECREATIONAL FACILITIES, COMMERCIAL**
- 1. INDOOR** – A minimum of one (1) parking space per each one hundred (100) square feet of recreation area.
 - 2. OUTDOOR** – A minimum of one (1) parking space per each four hundred (400) square feet of recreation area accessible to the public, exclusive of parking areas.

NON-RESIDENTIAL PARKING SCHEDULE (CONT.)

- V. SHOPPING CENTERS** - Regardless of the individual parking requirements specified within this code, Shopping Centers shall provide parking as per the following schedule:
- 1. GROSS LEASABLE AREA LESS THAN 200,000 SQ. FT.** – A minimum of 5 parking spaces for each 1,000 square feet of gross leasable area shall be provided, and a maximum of 6 parking spaces per each 1,000 square feet of gross floor area shall be permitted.
 - 2. GROSS LEASABLE AREA 200,000 SQ FT OR GREATER BUT LESS THAN 600,000 SQ FT** – A minimum of 5.5 parking spaces for each 1,000 square feet of gross leasable area shall be provided and a maximum of 6.5 parking spaces per each 1,000 square feet of gross floor area shall be permitted.
- W. THEATERS** – A minimum of one (1) parking space for each four (4) seats, plus one (1) parking space for each employee shall be provided.

INDUSTRIAL AND MANUFACTURING USES

- X. MANUFACTURING AND DISTRIBUTING USES**- A minimum of one (1) parking space per each eight hundred (800) square feet of gross floor area, or one (1) parking space per each employee for the sum of the two (2) largest shifts shall be provided. Whichever calculation method results in the greatest number of required parking spaces shall apply.
- Z. WAREHOUSING** - A minimum of one (1) parking space per each one thousand two hundred (1,200) square feet of gross floor area, or one (1) parking space per each employee for the sum of the two (2) largest shifts shall be provided. Whichever calculation method results in the greatest number of required parking spaces shall apply.

1288.03 DRIVE THROUGH SERVICE FACILITIES IN NON-RESIDENTIAL ZONING DISTRICTS

- 1. DRIVE THROUGH FACILITIES PERMITTED:** Drive through service facilities shall be permitted as an accessory use within any non-residential zoning district, subject to the requirements of this section.
- 2. REVIEW BY ADMINISTRATION, CITY BOARDS AND COMMISSIONS REQUIRED:** All applications for new drive through service facilities or for alterations to existing facilities shall be submitted for review to the Director of Planning and Community Development, the Planning Commission, the Safety and Public Properties Committee, and City Council in order to determine compliance with these regulations, and to otherwise insure the protection of the public health, safety and welfare.

3. DESIGN AND OPERATING STANDARDS:

- A. SEPARATE DRIVE THROUGH LANE AND ASSOCIATED FACILITIES REQUIRED:** A separate, clearly defined vehicle lane shall be provided to service any proposed drive through window or facility. Such lane shall be clearly defined by striping, curbing, and or landscaping, as determined to be appropriate by the Planning Commission.

Access, vehicle stacking, and all other vehicle circulation aspects of the drive through service facility shall be clearly defined and well marked to assure the public's safety and convenience.

- B. MINIMUM VEHICLE STACKING SPACE REQUIREMENTS:** Stacking space for vehicles approaching any drive through service window or station shall be sufficient to accommodate anticipated peak volume, and shall be identified on a circulation plan submitted for review and comment by the City Traffic Engineer.

C. MINIMUM SET-BACKS FOR DRIVE-THROUGH SERVICE FACILITIES:

- 1. SET-BACKS FROM STREETS –** Vehicle stacking areas for a drive-through service facility shall not be permitted within any public right of way.
- 2. SIDE YARD SET-BACKS –** Vehicle stacking areas and drive through windows/stations shall be located no closer than twenty (20) feet to any side property line.
- 3. REAR YARD SET-BACKS-** Vehicle stacking areas and drive through windows/stations shall be located no closer than thirty (30) feet to any rear property line.

4. SET-BACKS FROM RESIDENTIAL ZONING DISTRICTS –
Notwithstanding the above requirements, under no circumstance shall any vehicle stacking area or drive through window/station be located closer than thirty five (35) feet to any property zoned for residential use.

D. REDUCTION IN REQUIRED PARKING OR INTERFERENCE WITH PARKING SPACE USE PROHIBITED: No drive through service facility proposal shall decrease the number or size of parking spaces as required within this code for the principal use. Furthermore no vehicle stacking area, or any other aspect of a drive-through service facility shall obstruct access to any existing or proposed parking space.

E. HOURS OF OPERATION WHEN ABUTTING RESIDENTIAL ZONING DISTRICTS: The hours of operation for any drive through service facility shall not begin before 7:00 AM nor end later than 11:00 PM for any site adjacent to any residential zoning district.

F. MAXIMUM DECIBEL READING AT THE PROPERTY LINE: No drive-through service facility shall create noise exceeding 40 dBA as measured from any property line of the lot.

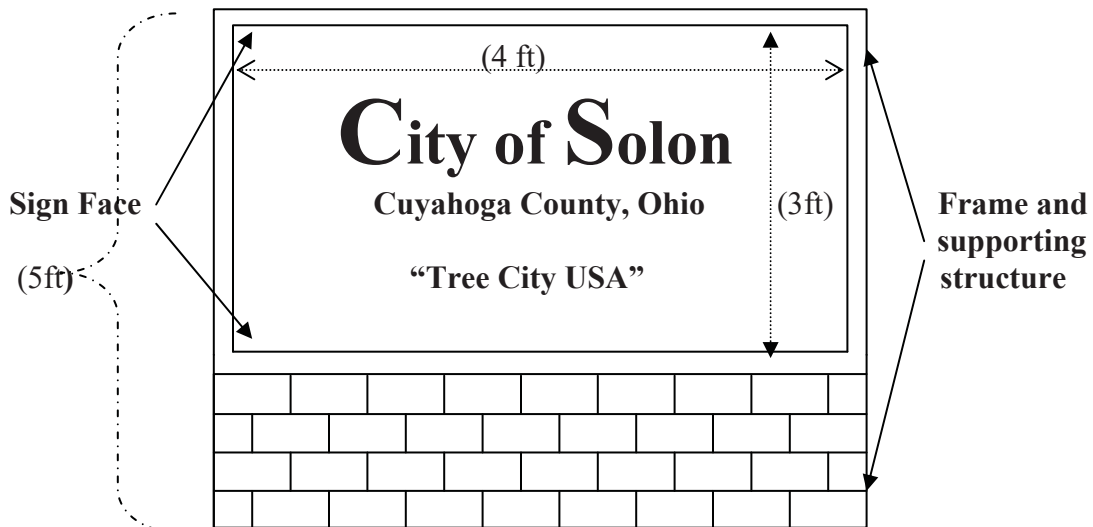
4. RESCINDING OF CITY APPROVAL OF A DRIVE -THROUGH SERVICE FACILITY: Approval of any drive through facility shall only be granted to the original applicant. If the original applicant abandons, sells, or otherwise discontinues the principal use to which the accessory drive through service facility is devoted, City approval of the drive through facility shall be considered to be rescinded. Furthermore, should the applicant fail to abide by any of the conditions set forth in this section for drive through facility approval, the City may rescind such approval of the facility and require its discontinuation.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

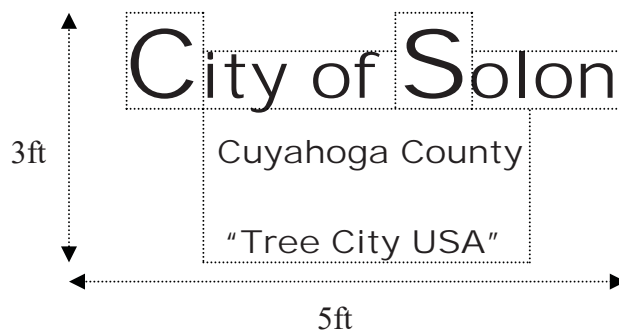
1288.04 SIGN REGULATIONS

- 1. MEASUREMENT OF SIGN AREA** – The surface area of a sign shall be computed as including the entire area within contiguous rectangular forms comprising all of the display area of the sign, including the sign face and/or all of the elements of the matter displayed. Frames and supporting structural members not being used for display purposes shall not be included in the computation of surface area. The total surface area of a free standing sign consisting of two (2) directly opposite faces shall be considered to be equivalent to the surface area of a single side of the sign.

FIGURE #1 - SAMPLE MEASUREMENT OF A “5 FT. HIGH, 12 SQ. FT.” FREE STANDING SIGN



**FIGURE #2 - SAMPLE MEASUREMENT OF A WALL SIGN
UTILIZING STAND ALONE LETTERING**



2 GENERAL SIGN REQUIREMENTS -

- a. **ILLUMINATION** - Any illuminated sign or device lighting a sign shall only emit light of a constant intensity, and no sign shall be illuminated by flashing, intermittent, rotating, or moving lights. Under no circumstance shall an illuminated sign or lighting device be placed or directed in such a manner so as to permit lighting to be beamed upon a street right of way, or adjacent premises, so as to cause glare or reflection constituting a traffic hazard or nuisance.

This section shall not apply to any sign performing a government service or function such as directing or regulating vehicular or pedestrian traffic patterns, providing warnings or directions relating to physical conditions or emergency situations, or performing any other legitimate government purpose.

(Ordinance 2010-129, passed 7/19/10, effective 8/28/10)

- b. **MOVING DEVICES PROHIBITED** – No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such

devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.

- c. **ROOF MOUNTED SIGNS PROHIBITED** - No sign shall be placed on the roof of any building except those signs whose supporting structure is screened so as to appear to constitute a continuation of the face of the building.
- d. **SIGNS WITHIN STREET RIGHT OF WAYS RESTRICTED** – No sign shall be permitted within any street right of way except for publicly owned signs, such as those customarily utilized for traffic control purposes.
- e. **WINDOW SIGNS RESTRICTED** - Signs located inside of windows shall be permitted provided that such signage covers no more than twenty five percent (25%) of the total window area of the business unit in which it is located. Window signage located on doors shall cover no more than fifteen percent (15%) of the glass area.
- f. **SIGN MAINTENANCE** - All signs shall be well maintained in a safe and secure condition. No sign shall be permitted to become faded, chipped, cracked, damaged or otherwise permitted to degenerate to an unsightly and/or unsafe condition.
- g. **CHANGEABLE COPY RESTRICTED** - Signs shall be composed of permanent unchangeable copy, except that up to fifty percent (50%) of the area of a permitted free standing sign may be devoted to changeable copy subject the following requirements:
 - 1. Each message or display shall remain fixed and unchanging for a period of at least one (1) minute, and no scrolling, moving, strobing, flashing lights, animation, movies, or any other moving effect shall occur during the entirety of the period in which the message or display is posted. Any subsequent message shall be posted instantaneously and shall remain fixed and unchanging as specified herein. In addition, changeable copy areas shall otherwise be in compliance with all General Sign Requirements as specified within this Code.
 - 2. The minimum lettering height utilized in any changeable copy message shall not be less than 4 inches.
 - 3. The total changeable copy area of any sign shall not be comprised of more than three (3) lines of text.
 - 4. Changeable copy areas shall be comprised of one (1) solid background color with one (1) color permitted for any text, illustration(s), symbols or combination thereof comprising the message or display area of the sign.
 - 5. Lighting intensity for any changeable copy area shall not exceed 8 foot candles of light when measured at night as a distance of three (3) feet perpendicular from the center of any sign face.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)
(Ordinance 2010-129, passed 7/19/10, effective 8/28/10)

- 3. SIGNS NOT REQUIRING A ZONING PERMIT** - The following signs do not require a zoning permit, but are otherwise subject to the provisions of this Section as specified below:
- a. GOVERNMENTAL SIGNS** - No permit shall be required for signs erected or maintained in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.
 - b. SIGNS ADVERTISING THE SALE, LEASE, OR RENTAL OF ANY PREMISES:** No permit shall be required for any sign advertising the sale, lease, or rental of the premises on which the sign is located. Such sign shall not exceed thirty two (32) square feet in area in any area zoned for non-residential use, nor shall such signs exceed six (6) square feet in any area zoned for residential use. Signs advertising the sale, lease, or rental of the premises may be located no closer than ten (10) feet to any street right of way line, nor closer than five (5) feet to any side property line, and such signs shall be removed from the property within ten (10) days of the close of the sale, lease or rental of the property.
 - c. SIGN DENOTING THE NAME AND ADDRESS OF THE OCCUPANTS OF A RESIDENCE** - No permit shall be required to erect a sign denoting the name and address of the occupants of a residence on the premises. Such signs shall not exceed two (2) square feet in area and shall be located on the front wall of the structure, and shall not be a free standing sign. One such sign per dwelling is permitted.
 - d. NON-COMMERCIAL OPINION SIGNS** – In order to promote the free expression of religious, political and other forms of opinion speech, the following sign types shall be permitted and shall require no permits. The accompanying regulations are intended to be the minimum necessary to advance the legitimate government interests of the community in general and to protect the health, safety and welfare of Solon residents in specific.
 - 1. Permanent Non-commercial Opinion Signs - One (1) “Permanent Non-Commercial Opinion Sign”, not exceeding eight (8) square feet in area per face and not exceeding four (4) feet in height above grade shall be permitted provided that such signage is not located in any public right of way or easement and does not otherwise pose a general public safety hazard as determined by the safety forces of the City of Solon. For the purposes of this Section, a “Permanent Non-Commercial Opinion Sign” shall mean any sign which: 1.) does not advertise a product, good, business or service; and 2.) expresses one or multiple messages on one or more issues. Non-commercial opinion signs shall not be illuminated. All parcels including those having frontage on more than one (1) street are limited to one (1) such sign.
 - 2. Temporary Non-Commercial Opinion Signs - Additional "Temporary Non-

Commercial Opinion Signs", as further defined below, shall be permitted on any parcel provided that such signage is erected no sooner than thirty (30) days before an election. A "Temporary Non-Commercial Opinion Sign" shall mean any sign which promotes a candidate, party, issue, levy, referendum or other matter eligible to be voted upon in any upcoming general, primary, or special election. Such signage shall be limited to one (1) sign per candidate, party, issue, levy, referendum or other eligible matter per parcel, including any parcel having frontage on more than one (1) street. Such signage shall not exceed six (6) square feet in area per face, nor exceed four (4) feet in height above grade, nor shall such signage be located in any public right of way or otherwise pose a public safety hazard as determined by the City safety forces. Temporary Non-Commercial Opinion Signs shall not be illuminated. The removal of such additional signage shall occur within two (2) days following the election in question, and shall be the responsibility of the candidate, campaign committee, political organization or the property owner.

(Ordinance 2017-183, passed 12-4-17, effective 1-13-18)

- e. **DIRECTIONAL SIGNS** – No permit shall be required for signs directing traffic and/or parking on multi-family or non-residential properties. However, such signs shall comply with the requirements of this Section, and shall be subject to review and approval by the Director of Planning and Community Development as further specified within this code. Directional sign(s) shall not exceed six (6) square feet in area nor shall such sign(s) exceed four (4) feet in height above the surrounding grade, nor shall such signs be located closer than five (5) feet to any street right of way line.

(Ordinance 2010-129, passed 7/19/10, effective 8/28/10)

- f. **OFF PREMISES SIGNS PROHIBITED** - Off premises signs are prohibited in all zoning districts. Signs may only be located on the building and or premises containing the activity that is being advertised, as further specified within this ordinance.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

4. NON-RESIDENTIAL SIGNS - PERMITTED TYPES, DIMENSIONS, AREAS, AND SET-BACKS:

- A. **WALL SIGNS:** Each business unit shall be permitted one (1) flat wall sign for each exterior wall of the business that has direct lot and building wall frontage on a separate dedicated and accepted road. However, under no circumstance may a business unit utilize more than two (2) wall signs. Up to one (1) of the wall signs permitted as per the street frontage requirement, above, may be located on an exterior wall of the business unit containing a main customer entrance to the business rather than on the particular street frontage elevation. A business unit that does not have exterior wall frontage on a street may locate one (1) wall sign on an exterior wall occupied by the business unit containing a main customer entrance to the business unit.

Wall signs shall only be placed on the portion of the building wall occupied by the business unit, and no wall sign may project more than two (2) feet as measured from the face of the building wall.

1. WALL SIGN REQUIREMENTS FOR “C-2”, “C-3”, “C-3-A”, “C-4”, “C-5”, “C-6”, “I-1” AND “I-2” ZONING DISTRICTS:

- a. **SIGN AREA:** The area of a wall sign shall not exceed one (1) square foot of sign area for each lineal foot of the exterior building wall width occupied by the particular business unit, and no wall sign shall exceed one hundred (100) square feet in area. The wall sign shall be located on the exterior wall from which the above measurement was taken.

(Ordinance 2010-39, passed 2-16-10, effective 3-28-10)

2. WALL SIGN REQUIREMENTS FOR THE “C-1” (HISTORIC BUSINESS) ZONING DISTRICT:

- a. **SIGN AREA:** The area of a wall sign shall not exceed one (1) square foot of sign area for each lineal foot of the exterior building wall width occupied by the particular business unit, and no wall sign shall exceed twenty (20) square feet in area. The wall sign shall be located on the exterior wall from which the above measurement was taken. The design of any wall sign within the “C-1” (Historic Business) district shall be compatible with the historic character of the building or use that the sign services.

3. WALL SIGN REQUIREMENTS FOR THE “O-1” AND “O-2” ZONING DISTRICTS:

- a. **SIGN AREA:** The area of a wall sign shall not exceed one (1) square foot of sign area for each lineal foot of the exterior building wall width occupied by the particular business unit, and no wall sign shall exceed fifty (50) square feet in area. The wall sign shall be located on the exterior wall from which the above measurement was taken.

- B. FREE STANDING SIGNS:** Each business unit shall be permitted one (1) ground mounted free standing sign as specified herein. A free standing sign may consist of up to two (2) sign faces, provided that such faces are directly opposite to each other. Pole signs are prohibited. Free standing signs shall not be located within paved areas, but shall be surrounded on all sides by at least two hundred (200) square feet of contiguous green space and shall be integrated in to the overall site landscaping. The structural and supporting members of a free standing sign shall consist of brick, stone, wood, or metal and shall be consistent the materials, colors, and style of the building (s) on the premises.

1. FREE STANDING SIGN REQUIREMENTS FOR THE “C-2”, “C-3”, “C-3-A”, “C-4”, “C-5”, “C-6”, “I-1” AND “I-2” ZONING DISTRICTS.

- a. **SINGLE TENANT:** A sole tenant on a lot shall be permitted one (1) ground mounted free standing sign. Such sign shall not exceed forty (40) square feet in area, nor shall such sign exceed six (6) feet in height above the existing grade, nor shall such sign exceed eight (8) feet in width. Single tenant signs shall be located no closer than ten (10) feet to any street right of way line, side property line, or rear property line.

(Ordinance 2010-39, passed 2-16-10, effective 3-28-10)

- b. **MULTI-TENANT :** Integrated developments such as shopping centers and multiple buildings and/or tenants located on the same parcel shall use a single ground mounted multi-tenant sign system. Individual single tenant free standing signs shall not be permitted. Such sign shall not exceed sixty (60) square feet in area, nor shall the portion of the sign area devoted to any individual business unit exceed thirty (30) square feet in area. No portion of a multi-tenant sign may exceed eight (8) feet in height above the existing grade, nor shall such signs exceed ten (10) feet in width, nor shall such signs be located closer than ten (10) feet to any street right of way line, nor closer than ten (10) feet to a side or rear property line.

2. FREE STANDING SIGN REQUIREMENTS FOR THE “C-1”

(HISTORIC BUSINESS) DISTRICT: The design of any free standing sign within the “C-1” (Historic Business) district shall be compatible with the historic character of the building or use that the sign services, and shall otherwise be subject to the requirements specified herein.

- a. **SINGLE TENANT:** A single tenant on a lot shall be permitted one (1) ground mounted free standing sign. Such sign shall be single or double faced and shall not exceed twenty (20) square feet in area per side, nor shall such sign exceed five (5) feet in height above the existing grade, nor shall such sign exceed five (5) feet in width, and such signs shall be located no closer than ten (10) feet to any street right of way line, nor closer than ten (10) feet to a side or rear property line.
- b. **MULTI-TENANT:** Integrated developments such as shopping centers and multiple buildings and/or tenants located on the same parcel shall use a single ground mounted multi-tenant sign system. Individual single tenant free standing signs shall not be permitted. Such sign shall be single or double faced and shall not exceed thirty two (32) square feet in area per side, nor shall the portion of the sign area devoted to any individual business unit exceed sixteen (16) square feet in area. No portion of a multi-tenant sign may exceed seven (7) feet in height above the existing grade, nor shall such sign exceed eight (8) feet in width, and such signs shall be located

no closer than ten (10) feet to any street right of way line, nor closer than ten (10) feet to a side or rear property line.

3. FREE STANDING SIGN REQUIREMENTS FOR THE “O-1” AND “O-2” ZONING DISTRICTS:

- a. **SINGLE TENANT:** A single tenant on a lot shall be permitted one (1) ground mounted free standing sign. Such sign shall be single or double faced and shall not exceed thirty (30) square feet in area per side, nor shall such sign exceed five (5) feet in height above the existing grade, nor shall such sign exceed seven (7) feet in width. Single tenant signs shall be located no closer than ten (10) feet to any street right of way line, side property line or rear property line.
- b. **MULTI-TENANT:** Integrated developments such as office centers and multiple buildings and/or tenants located on the same parcel shall use a single ground mounted multi-tenant sign system. Individual single tenant free standing signs shall not be permitted. Such sign shall be single or double faced and shall not exceed fifty (50) square feet in area per side, nor shall the portion of the sign area devoted to any individual business unit exceed twenty five (25) square feet in area. No portion of a multi-tenant sign may exceed seven (7) feet in height above the existing grade, nor shall such sign exceed nine (9) feet in width, and such signs shall be located no closer than ten (10) feet to any street right of way line, nor closer than ten (10) feet to a side or rear property line.

<p>1288.05 BUILDING AND STRUCTURE DESIGN AND COLOR STANDARDS</p>

A. PURPOSE OF STANDARDS: In order to protect property values, provide city character, and promote high quality non-residential development and redevelopment consistent with the City Master Plan, the following commercial, office, and industrial building design standards are hereby established.

B. STANDARDS FOR “C-2”, “C-3”, “C-3-A”, “C-4”, “C-5”, AND “C-6” COMMERCIAL ZONING DISTRICTS:

- 1. GENERAL DESIGN STANDARDS - All buildings and structures shall have an equal level of finish on all sides, and shall utilize no more than two (2) primary building materials, and no more than two (2) accent materials.
- 2. COLOR SCHEMES - Building colors shall be earth-tones (ie: browns and grays and variations of browns and grays – red brown, blue gray, ochre etc.) and bright, chromatic, colors will not be permitted. All structures shall utilize a

single coordinated color scheme. The color scheme shall have one (1) predominant color and may utilize up to three (3) additional colors to accent, de-mark, or otherwise provide interest to the structure.

3. ARCHITECTURAL FEATURES - The use of long unbroken building facades shall be avoided. To this end exterior building walls facades shall exhibit the use of recesses, fenestration, pilasters, or other architectural features deemed appropriate to provide character. In addition, major building entrances shall be clearly de-marked through the use of architectural features. The use of false building facades will not be permitted unless such features present a quality, finished, appearance from all sides, and are consistent with the purpose of the zoning district.
4. MECHANICAL EQUIPMENT AND UTILITIES - All utilities serving the site, including electric, telephone and all supporting equipment thereto, including meters, transformers, etc., shall be placed underground or within the main building. Where meters, transformers, or other equipment cannot be located within the main building, no such equipment shall be visible from any adjacent property or from any street right of way.

Any proposed mechanical equipment shall be integrated in to the building design and shall be concealed from view from adjacent properties and from street right of ways.

5. PRIMARY BUILDING MATERIALS - Acceptable primary building materials will include brick, stone, and solid wood siding. Other building materials determined by the City to be substantially similar in appearance and quality to those listed above may be recommended upon petition to the Director of Planning and Community Development.

Exposed roofing materials shall be earth-tone in color. Appropriate materials shall include asphalt shingles, wood shingles, and seamed metal products.

6. ACCENT MATERIALS - Acceptable accent materials will include the “primary materials” listed above as well as E.I.F.S, stucco, aluminum siding and vinyl siding. Other building materials determined by the City to be substantially similar in appearance and quality to those listed above may be authorized upon petition.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)
(Ordinance 2010-39, passed 2-16-10, effective 3-28-10)

C. STANDARDS FOR “O-1” AND “O-2” OFFICE ZONING DISTRICTS:

Structures within “O-1” (General Office) and “O-2” (Office Park) zoning districts shall be required to meet all commercial district design standards as specified above, except that the use of glass and finished metal materials may be permitted as primary and secondary building materials.

1288.06 GREENSPACE AND LANDSCAPING REQUIREMENTS FOR NON-RESIDENTIAL PROPERTIES:

A. GENERAL REQUIREMENTS

1. **LANDSCAPING/GROUND COVER REQUIRED:** Any portion of a lot that is not occupied by a structure, parking area, access way, or aisle, shall be provided with all-season landscaping and/or vegetative ground cover.
2. **MAINTENANCE OF LANDSCAPING/GROUND COVER REQUIRED:** All ground cover and landscaping shall be well maintained and kept reasonably weed free. Dead or diseased plant material shall be immediately replaced.
3. **LANDSCAPE PLAN REQUIRED:** Any proposal to provide or alter site landscaping shall be accompanied by a landscape plan. Such plan shall be drawn to scale and shall clearly indicate site topography and the specific locations and types of all proposed plantings, as well as the location and type of all existing vegetation. A chart shall be provided on the landscape plan indicating the scientific and popular name of each species proposed, the proposed height of the species at planting and at maturity, and the specific number of each species. The Director of Planning and Community Development shall have discretion to approve minor landscape modifications affecting less than 20% of the landscaped area of the property and involving the replacement of existing landscaping, addition of landscaping, or other incidental modifications to the landscaping provisions of the site.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

B. GREEN SPACE AND LANDSCAPE BUFFERING REQUIREMENTS BY ZONING DISTRICT:

1. GREEN SPACE AND LANDSCAPE BUFFERING REQUIREMENTS APPLICABLE TO ALL “O-1”, “O-2”, “C-2”, “C-3”, “C-3-A”, “C-4”, “C-5”, AND “C-6” COMMERCIAL ZONING DISTRICTS:

- A. **MINIMUM GREEN SPACE COVERAGE** - A minimum of twenty five percent (25%) of any commercially zoned lot shall be reserved for green space. A minimum of thirty percent (30%) of any office zoned lot shall be reserved for green space.
- B. **FRONT YARD GREEN SPACE AND LANDSCAPING** - Minimum landscaping shall be provided in the front yard of the property (ie: between the front building façade and the front street) as per the following schedule and as

recommended by the Director of Planning and Community Development:

1. ORNAMENTAL TREES - At least ten (10) ornamental deciduous trees of two and one half inch (2 ½”) caliper or larger, or ten (10) ornamental evergreen trees of six (6) feet in height or larger, or any combination of ten (10) or more deciduous and evergreen trees at the dimensions specified above, shall be provided per every one hundred (100) feet of lot frontage.
 2. ORNAMENTAL SHRUBS/PLANTINGS - At least twenty five (25) ornamental shrubs, eighteen inches (18”) high or larger shall be provided per every one hundred (100) feet of lot frontage.
- C. PARKING AREA GREEN SPACE - Large unbroken parking areas shall be avoided. Therefore, no parking area shall contain more than twenty (20) spaces without interruption by green space, and at least five percent (5%) of the interior area of any parking area containing twenty one (21) or more parking spaces shall be reserved as green space.
- D. SITE BUFFER REQUIREMENTS -
1. NON-RESIDENTIAL USES ABUTTING RESIDENTIALLY ZONED OR USED LAND - Whenever a non-residential use abuts residentially zoned and or used land, the view of such abutting non-residential use shall be completely screened from the residential property through the use of site buffering consisting of vegetative materials, landscaping, and mounding. Such site buffering shall extend the entire portion of the side or rear yard so abutting the residential use, and shall consist of landscape and planting materials that will provide four season screening.
 2. PARKING AND/OR LOADING AREAS VISIBLE FROM STREETS - Any parking or loading area that is visible from any adjacent street shall be obscured with vegetative materials, landscaping, and mounding as recommended by the Director of Planning and Community Development.
 3. MECHANICAL EQUIPMENT - Any ground mounted mechanical equipment shall be screened from view and integrated in to the landscaping concept for the site.

**(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)
(Ordinance 2010-39, passed 2-16-10, effective 3-28-10)**

2. GREEN SPACE AND LANDSCAPE BUFFERING REQUIREMENTS APPLICABLE TO ALL “I-1” AND “I-2” INDUSTRIAL ZONING DISTRICTS.

- A. MINIMUM GREEN SPACE COVERAGE - A minimum of twenty five

percent (25%) of the total lot area shall be reserved for green space.

- B. FRONT YARD GREEN SPACE AND LANDSCAPING - The first eighty (80) feet from the front property line shall be reserved as a green area, and shall be clear of structures and paved surfaces (except for street accesses).
1. MINIMUM LANDSCAPING REQUIREMENTS: The minimum landscaping that shall be provided in the front yard area of the property (ie: between the front building façade and the front street) shall be as per the following schedule and as recommended by the Director of Planning and Community Development.
- A. ORNAMENTAL TREES - At least ten (10) ornamental trees of two and one half inch (2 ½”) caliper or larger shall be provided per every one hundred (100) feet of lot frontage.
- B. ORNAMENTAL SHRUBS/PLANTINGS - At least twenty five (25) ornamental shrubs, eighteen inches (18”) high or larger shall be provided per every one hundred (100) feet of lot frontage.
2. LANDSCAPE AND SCREENING REQUIREMENTS FOR FRONT YARD PARKING AND OFF-STREET LOADING AREAS : Front yard parking areas, and off-street loading areas adjacent to primary streets, are permitted subject to the requirements specified within the relevant zoning classification, and in accordance with the following landscaping requirements.
- A. FRONT YARD PARKING AND OFF-STREET LOADING AREA SCREENING STANDARDS: Front yard parking areas, and off-street loading areas adjacent to a primary street shall be screened from street level view (at normal passenger vehicle height) to no less than ninety 90% completeness at all seasons of the year.
- B. USE OF EVERGREEN PLANTINGS: It is recommended that evergreen plantings be utilized as a substantial part of any front yard parking or off-street parking landscape plan so as to provide an aesthetically pleasing year round design theme.
- C. USE OF MOUNDING : It is recommended that landscape mounding be utilized as part of the landscape plan. Such moundings should be of the golf course style, utilizing changing elevations to provide visual interest. Such mounding should not be lower than three feet, nine inches (3’9”) at the mound peak, nor exceed six feet (6’) above the existing grade.
- D. PARKING AREA GREEN SPACE - Large unbroken front yard parking areas shall be avoided. Therefore, when a parking area contains

thirty (30) or more spaces at least three percent (3%) of the interior area of the lot shall be reserved as green space. Parking area green space shall be included in the calculation of total site green space.

E. LANDSCAPE PLAN MINIMUM REQUIREMENTS : All landscape designs and plans associated with front yard parking, or with off-street loading areas adjacent to a primary street, shall be prepared by either a Registered Landscape Architect or a Certified Landscape Designer. In order to clearly demonstrate the effect and appearance of the proposed landscaping a street level elevation shall be submitted in addition to the customary landscape plan.

C. SITE BUFFER REQUIREMENTS - Whenever a non-residential use abuts residentially zoned and or used land, the view of such abutting non-residential use shall be completely screened from the residential property through the use of site buffering consisting of vegetative materials, landscaping, and mounding. Such site buffering shall extend the entire portion of the side or rear yard so abutting the residential use, and shall consist of landscape and planting materials that will provide four season screening.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

1288.07 - EXTERIOR LIGHTING REQUIREMENTS FOR NON-RESIDENTIAL ZONING DISTRICTS:

- A. LIGHTING REQUIRED – Non-residential buildings and uses, including parking and loading areas, shall be illuminated whenever necessary to protect the public safety.
- B. CUT OFF FIXTURES REQUIRED – All external outdoor lighting shall consist of cut-off fixtures or down lighting to avoid unnecessary glare and spillage onto adjacent properties.
- C. MINIMUM AND MAXIMUM FOOT CANDLE POWER OF LIGHTING - Lighting shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers. Lighting intensity shall not exceed zero (0) foot candles at the property line when abutting residentially zoned or used land. Lighting fixtures shall provide at least .6 foot candles, and shall average 2.5 foot candles of light for the project site.
- D. FIXTURE DESIGN AND DIMENSIONS - All external lighting fixtures on the project site shall be of the same or similar design. Parking lot lighting shall be located on poles, not exceeding twenty-four (24) feet in height.
- E. LIGHTING PLAN AND PHOTOMETRICS REQUIRED - A lighting plan, including

photometrics, demonstrating compliance with the requirements of this Section must be submitted with any new development proposal or with any proposal to alter or extend the lighting plan for any existing development. The requirements of this section shall not apply to illuminated signage.

1288.08 SEXUALLY ORIENTED BUSINESS REGULATIONS:

1. STATUS OF SEXUALLY ORIENTED BUSINESSES: Sexually Oriented Businesses may be located within “C-2” (Restricted Commercial), “C-3” (Commercial), and “C-6” (General Commercial) zoning districts provided that such sexually oriented business is substantially similar to a listed permitted use within the district, and provided that the Sexually Oriented Business is otherwise in compliance with the specific requirements of the zoning districts, the requirements of this Chapter, and the requirements of the City of Solon Planning and Zoning Code in general.

2. PRECEDENCE OF SEXUALLY ORIENTED BUSINESS REGULATIONS: Where there is a conflict between the requirements of this Chapter and any other Chapter of this City of Solon Planning and Zoning Code, the requirements of this Chapter shall prevail.

3. CLASSIFICATION:

Sexually Oriented Businesses are classified as follows:

- (a) adult arcades;
- (b) adult bookstores, adult novelty stores, or adult video stores;
- (c) adult cabarets;
- (d) adult motion picture theaters
- (e) adult theaters;
- (f) nude model studios;
- (g) sexual encounter centers; and
- (h) any combination of classification set forth in paragraphs (a) through (g) above

4. MINIMUM SPACING REQUIREMENTS: No building or property occupied by a Sexually Oriented Business may be located closer than seven hundred (700) feet to:

- A. Any church, synagogue, mosque, temple or any other building which is primarily used for religious worship and related religious activities

- B. Any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities.
- C. Any residentially zoned or used land, whether or not such residentially zoned or used land is located within the limits of the City of Solon.
- D. Any public or private park or public or private recreational area that has been designated for park or recreational activities including but not limited to a park, playground, swimming pool, reservoir, athletic field, basketball or tennis courts, miniature golf course or other similar family recreation area, and other similar public land which is under the control, operation or management of either the City recreation authorities or which is operated or managed by the Cleveland Metro Parks.
- E. Any state, federal, or local government building utilized by the general public.
- F. Any other Sexually Oriented Business.

5. PERMIT AND LICENSING REQUIREMENTS: A Sexually Oriented Businesses may not occupy any building or premises within the City of Solon prior to securing each of the following: A City of Solon Certificate of Zoning Compliance; A City of Solon Building Permit; A City of Solon Sexually Oriented Business License.

6. DEFINITIONS:

- (a) “ADULT ARCADE” means any place to which the public is permitted or invited where either or both motion picture machines, projectors, video or laser disc players, or other video or image producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- (b) “ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE” means a commercial establishment which, as its principal or predominant stock or trade, offers for sale or rental for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals or other printed matter, or photographs,

films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”;

- (2) instruments, devices, or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities”.
- (c) “ADULT CABARET” means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:
- (1) persons who appear in a state of semi-nudity;
 - (2) live entertainment characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities”;
 - (3) live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 - (4) films, motion pictures, video cassettes, slides, photographic reproductions, or other visual representations, that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- (d) “ADULT MOTION PICTURE THEATER” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions or visual representations are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and that take place outside the context of some larger form of expression.
- (e) “ADULT THEATER” means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by the depiction or description of “specified anatomical areas”, “specified sexual activities”, or live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment and which, for each of the previously mentioned categories, take place outside the context of some larger form of expression.
- (f) “COVERING” means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- (g) “LIVE VIEWING BOOTH” means any private or semi-private booth, or

any viewing room of less than one hundred fifty (150) square feet of floor space, to which the public may gain admittance, wherein a live performance is presented to five (5) or fewer persons at any one time.

- (h) “NUDE MODEL STUDIO” means any place where a person who appears semi-nude or who displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

Nude Model Studio shall not include:

- (1) a proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely or in part by public taxation.
 - (2) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (3) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.
- (i) “NUDITY” or a “STATE OF NUDITY” means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
 - (j) “SEMI-NUDITY” or “SEMI-NUDE CONDITION” means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
 - (k) “SEXUAL ENCOUNTER CENTER” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- (l) “SEXUALLY ORIENTED BUSINESS” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, nude model studio, or sexual encounter center.
 - (m) “SPECIFIED ANATOMICAL AREAS” means:
 - (1) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (2) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.
 - (n) “SPECIFIED SEXUAL ACTIVITIES” means any of the following:
 - (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (3) excretory functions as part of or in connection with any of the activities set forth in (1) or (2) above.
 - (o) “VIDEO BOOTH” means any private or semi-private booth or any viewing room of less than one hundred fifty (150) square feet of floor space or area to which the public may gain admittance, wherein a still or motion picture machine, projector, video monitor, or similar equipment is available for the purpose of showing still or motion pictures, videos, or similar images or photographic reproductions to five (5) or fewer persons at any one time.
 - (p) “VIEWING BOOTH” means live viewing booth or video booth, and “VIEWING BOOTHS” means live viewing booths, video booths, or any combination thereof.

1288.09 TEMPORARY EVENT PERMIT

1. TEMPORARY EVENTS AUTHORIZED - The Mayor and/or his/her designee shall have the authority to approve permits for the holding of a temporary event on any non-residentially zoned property, or on any non-residentially used land within a residentially zoned area (such as schools, religious institutions, private parks, golf courses, and/or public property), subject to the provisions of this ordinance.
2. TEMPORARY EVENT, DEFINITION - A Temporary Event shall be considered to be an activity or use that is short term in duration, that has a specified beginning and ending date, and which for the purposes of this ordinance shall be considered to be coincidental to the principal use of the property. Examples of Temporary Events shall include sidewalk sales and/or other types of commercial promotional activities, art and craft shows, musical and theatrical shows, and any other activity that is determined by the City of Solon to be substantially similar to the foregoing.
3. REQUIREMENTS FOR THE ISSUANCE OF A TEMPORARY EVENT PERMIT - A permit shall be required for any temporary event held in the City. Said permit shall be valid for not more than three (3) consecutive days, unless otherwise specifically authorized by the Mayor and/or his/her designee, and shall not exceed seven (7) consecutive days, and shall be subject to the following requirements and procedures:
 - A. Application Required - An application shall be submitted for any temporary event. Said application shall include the following:
 1. Cover Letter - A cover letter shall be submitted explaining the location and purpose of the event; the principal activities that will be associated with the event; the specific proposed days and hours of operation of the event; the name(s), address(es), and phone number(s) of any persons responsible for the event; and any traffic plans and/or security measures proposed in association with the event.
 2. Event Site Plan - A site plan shall be submitted indicating the proposed layout and location of any proposed structures or features associated with the event, including but not limited to any signage, tents, stands, displays, lighting, vending areas, stages, equipment, gathering areas for the general public, parking areas, etc..
 - B. Safety Forces and Administrative Review - The safety forces and/or any other City Departments designated by the Mayor and/or his/her designee, shall review the proposed application and plan and provide recommendations as required.
 - C. Authority to Deny or Rescind any Application or approved permit - The Mayor and/or his/her designee shall have the authority to approve or deny any application to hold a temporary event, and/or rescind approval for any approved temporary event where it is determined that the event is not operating in accordance with the provisions governing

its approval, and/or where a threat to the public health safety and welfare is determined to exist by the City Police Chief, Fire Chief, or any other City or County Department, as confirmed by the Mayor and/or his/her designee.

- D. Frequency of Events and Time for Applications - Applications for proposed events shall be submitted at least fourteen (14) days prior to the proposed beginning of such event and no application shall be granted for more than four (4) substantially similar events at one property during a rolling twelve (12) month period.
4. PENALTIES - Any person or entity that violates the provisions of this ordinance shall be subject to the penalties and remedies prescribed in Section 1296.04 of this Code.

(Ordinance 2014-102, passed 5/5/2014, effective 6/14/2014)