



**MEMORANDUM
ROBERT S. FRANKLAND, AICP
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

DATE: AUGUST 6, 2019

**TO: ED KRAUS, MAYOR
CITY COUNCIL
PLANNING COMMISSION**

**RE: PROPOSED “R-3-C” (MULTI FAMILY - SPECIAL NEEDS) ZONING
CLASSIFICATION**

Please find attached for your review, the proposed new “R-3-C” (Multi Family - Special Needs) zoning classification. *Should City Council wish to consider the proposed ordinance further, the next step would be to refer the matter to the Planning Commission for input and recommendation.*

Background information relating to the proposed ordinance, including its possible application on City owned property, is provided below.

BACKGROUND

The "R-3-C" (Multi-Family Special Needs) zoning is specifically designed to permit developments that accommodate the needs of persons with disabilities. As such, the ordinance specifies that persons residing within “R-3-C” zoned areas must either qualify under the ADA based definition of "disability" that is incorporated in the ordinance, or, must qualify as a “support provider” for such persons (also as defined within the ordinance).

The zoning requires a minimum project area of three (3) acres and a maximum density level of five (5) units per acre. Permitted uses include single family, two family and multi-family residences in both independent and assisted living configurations. The general format and amenities permitted within a "special needs" development would be similar to those allowed within our existing senior housing developments. However, special needs zoning is tailored to accommodate smaller sized developments with more limited building heights (35ft max).

APPLYING “R-3-C” ZONING

The “R-3-C” zoning is designed as a stand-alone ordinance that can be incorporated within the zoning code for general future application, as desired. Adoption of this type of zoning would provide the city with yet another tool to meet the diverse needs of its residents.

However, it is also understood that City Council may wish to consider the immediate implementation of this zoning on certain city owned properties located at the southwest corner of Portz Parkway and Aurora Road. To this end, "Map-A", below, illustrates the re-zoning area that would need to be considered in order to accommodate a special needs project, under current conditions.

"MAP- A" - ILLUSTRATION OF POTENTIAL "R-3-C" REZONING IN THE AURORA/PORTZ PARKWAY AREA



It should be noted that the proposed re-zoning area is larger than that which would likely be necessary to accommodate an actual special needs project. However, the proposed area is intended to provide maximum flexibility for Council to move forward with this issue, if desired, in consideration that: 1) an engineered design has not yet been completed for the Carrington Court/Portz Parkway connector road proposed for this area, and: 2) therefore, definitive boundaries for a potential special needs project cannot yet be established. By providing this flexibility, Council will maintain the option of proceeding in accordance with City and Board of Elections timelines for the March 17, 2020 ballot, as has been requested.

CONCLUSIONS

The "R-3-C" (Multi-family - Special Needs) zoning classification would provide a new tool to expand living opportunities within the City. The zoning can be adopted as a stand-alone classification, for future application. However, it is also suitable for immediate application in the Portz Parkway/Aurora Road area as per the current request before City Council. The "R-3-C" zoning would permit development in a neighborhood format, similar to our existing senior housing models, but at smaller scales and with more restricted building heights.

The draft ordinance has been previously provided to the residents, attorney and developer associated with the proposed re-zoning at the Portz/Aurora intersection area and initial input has been provided. It is expected that additional review and development of the ordinance will occur throughout the Planning/Council review process

To continue this process, City Council will need to refer the matter to the Planning Commission for further study and recommendation.

In the meantime, please let me know if I can answer any questions that you may have regarding this proposal.

CC: Lon Stolarsky, Assistant Law Director
Tom Lobe, Law Director

PROPOSAL TO AMEND THE SOLON ZONING CODE AND MAP TO

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

RESIDENTIAL ZONING DISTRICT

CHAPTER 12--

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

1271.01 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.

1271.02 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)

1271.03 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.
- 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 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)

1271.04 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)

1271.05 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.

1271.06 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 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 on 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;