



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

DATE: SEPTEMBER 4, 2019

**TO: EDWARD KRAUS, MAYOR
CITY COUNCIL**

**RE: PROPOSED AMENDMENTS TO EXPAND RESTAURANT USES IN THE
"C-2" (RESTRICTED COMMERCIAL) AND "C-6" (GENERAL
COMMERCIAL) ZONING DISTRICTS**

Please find attached for your consideration, proposed amendments to the permitted uses in the "C-2" (Restricted Commercial) and "C-6" (General Commercial) zoning classifications for the purpose of expanding the types of restaurant uses allowed therein.

The locations of the respective zoning districts generally corresponds to the following:

- 1) "C-2" - Uptown Solon and the vicinity on Kruse Drive.
- 2) "C-6" - Aldi/Hobby Lobby Plaza area and vicinity, and, the area located on the west side of Solon Road, between Bainbridge Road and Aurora Road.

Three distinct categories of restaurant uses are permitted under the Solon Zoning Code, including "fast food", "casual" and "sit-down" restaurants. These three categories are permitted in all of the City's principal commercial zoning districts - except the aforementioned "C-2" and "C-6" zoned areas*.

In specific, the "C-2" zoning district only permits "casual" and "sit down" restaurants, and not "fast food" restaurants. While the "C-6" zoning district explicitly prohibits all restaurant uses. Each of these conditions reflect past city aspirations that are arguably not relevant to today's development environment and goals.

This is particularly true in consideration of the combination of growing demands placed upon developers and shopping center owners to remain viable in a shrinking "brick and mortar" tenant market; City Master Plan goals that seek to expand local restaurant availability; and long term consumer trends that increasingly demand varied, quick and convenient food service options.

With this in mind, the attached amendments propose that the permitted uses within the "C-2" and "C-6" zoning classification be expanded to permit the full range of restaurant types that are permitted in the City's other commercial zoning classifications, including "fast food", "casual" and "sit down" restaurants.

In addition, it should be noted that an amendment to the definition of "Fast Food Restaurant" is proposed so as to provide increased flexibility for restaurants to incorporate drive through options within the City's primary commercial areas.

Should City Council wish to consider this proposal further, the next step would be to refer the matter to the Planning Commission for further review and recommendation.

Please do not hesitate to let me know if I can answer any questions that you may have regarding this information or the attached amendments.

(* Note: Fast food restaurants are not currently permitted in the "C-1" (Historic Commercial) zoning district due to the nature and intent of the zoning.)

Cc: Planning Commission
Lon Stolarsky, Assistant Law Director
Tom Lobe, Law Director

PROPOSED AMENDMENT #1 - "C-2" (RESTRICTED COMMERCIAL) ZONING

AMEND SECTION 1276.02, ITEM A-4 ,AND SECTION 1276.02, ITEM C-7, TO ADD
"FAST FOOD RESTUARANTS" AS A PERMITTED USE.

(Note: Existing wording is designated in "black" and proposed wording is designated in "red")

1276.02 PERMITTED USES:

A. PRINCIPAL USES:

The following uses shall be permitted in accordance with the provisions of this Ordinance:

1. Retail sales such as clothing stores, electronics stores, houseware stores, jewelers, office supply stores, bakeries, food stores, etc.;
2. Retail services such as beauty shops, barbers, travel agents, photographers, insurance sales, etc.;
3. Business and professional offices, including medical and dental offices;
4. **Fast Food Restaurants;**
5. Sit-down restaurants;
6. Casual restaurants;
7. Banks and other financial institutions;
8. Physical therapists;
9. Child day care and pre-schools;
10. Exercise and fitness studios;
11. Pet shops;
12. Any use that is determined by the City of Solon to be substantially similar to any of the above listed uses.

B. ACCESSORY USES:

C. PROHIBITED USES:

Prohibited uses within the "C-2" zoning district shall include, but are not limited to, the following. This list shall be considered to be supplementary to "Item A" (Principal Uses) and "Item B" (Accessory Uses) of this Chapter.

1. Residential use of any building or premises;
2. Hotels and Motels;
3. Churches, Synagogues, Temples, and other places of worship;
4. Gasoline sales;
5. Repair shops, including but not limited to automobile repair and/or servicing;
6. Automobile sales;
- ~~7. Fast food Restaurants;~~
8. Contractor shops and landscape businesses;
9. Commercial self storage businesses;
10. Tattoo Parlors and/or body piercing shops;
11. Businesses selling products commonly used for drug paraphernalia;
12. Gambling establishments, including, but not limited to, internet gambling businesses;
13. Pawnshops, thrift stores, consignment shops, or any other businesses substantially dealing in the acquisition and/or resale of previously used goods;
14. Dance clubs and live entertainment venues;
15. Outdoor amusement enterprises;
16. Arcades and game rooms (however, "amusement devices", subject to the provisions of the Codified Ordinances of the City of Solon, shall be permitted as an accessory use.);
17. Laundry and dry cleaning shops, except that pickup and drop off facilities shall be permitted;
18. 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;
19. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.

PROPOSED AMENDMENT #2 - "C-6" (GENERAL COMMERCIAL) ZONING

AMEND SECTION 1281.02, ITEMS A-5 THROUGH A-7, AND SECTION 1281.02 ITEMS C-4 THROUGH C-6 OF THE ZONING CODE TO ADD "FAST FOOD RESTUARANTS", "CASUAL RESTAURANTS" AND "SIT DOWN" RESTAURANTS AS PERMITTED USES.

(Note: Existing wording is designated in "black", proposed wording is designated in "red", and wording proposed to be deleted is highlighted in "red and struck-through".)

1281.02 PERMITTED USES

A. PRINCIPAL USES:

The following uses shall be permitted in accordance with the provisions of this Ordinance:

1. Retail sales such as clothing stores, electronics stores, houseware stores, jewelers, office supply stores, bakeries, food stores, etc.;
2. Retail services such as beauty shops, barbers, travel agents, dry cleaners, photographers, insurance sales, etc.;
3. Business and professional offices, including medical and dental offices;
4. Banks and other financial institutions;
5. **Fast Food Restaurants;**
6. **Casual Restaurants;**
7. **Sit Down Restaurants;**
8. Physical therapists;
9. Child day care and pre-schools;
10. Exercise and fitness studios;
11. Pet shops;
12. Post Office;
13. Any use that is determined by the City of Solon to be substantially similar to any of the above listed uses.

B. ACCESSORY USES:

C. PROHIBITED USES:

Prohibited uses within the "C-6" zoning district shall include, but are not limited to, the following. This list shall be considered to be supplementary to "Item A" (Principal Uses) and "Item B" (Accessory Uses) of this Chapter.

1. Residential use of any building or premises;
2. Hotels and Motels;
3. Churches, Synagogues, Temples, and other places of worship;
4. ~~Sit-down restaurants;~~
5. ~~Casual restaurants;~~
6. ~~Fast food restaurants;~~
7. Gasoline sales;
8. Repair shops, including but not limited to automobile repair and/or servicing;
9. Automobile sales;
10. Contractor shops and landscape businesses;
11. Commercial self storage businesses;
12. Tattoo Parlors and/or body piercing shops;
13. Businesses selling products commonly used for drug paraphernalia;
14. Gambling establishments, including, but not limited to, internet gambling businesses;
15. Pawnshops, thrift stores, consignment shops, or any other businesses substantially dealing in the acquisition and/or resale of previously used goods;
16. Dance clubs and live entertainment venues;
17. Outdoor amusement enterprises;
18. Arcades and game rooms (however, "amusement devices", subject to the provisions of the Codified Ordinances of the City of Solon, shall be permitted as an accessory use.);
19. 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;
20. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.

PROPOSED AMENDMENT #3 - DEFINITION OF "FAST FOOD RESTAURANT"

AMEND SECTION 1261.02 (LIST OF DEFINITIONS)

(Note: Existing wording is designated in "black", proposed wording is designated in "red", and wording proposed to be deleted is highlighted in "red and struck-through".)

RESTAURANT, FAST FOOD – A restaurant where food may be consumed either onsite or off, and where most customers order food from a posted menu board at a counter or from a motor vehicle, ~~and where food and beverages are dispensed in disposable wrappings or containers with disposable utensils.~~ Carry-out and/or drive-through service may be a principal component of a fast food restaurant. (Ord. 2014-129)