

AN ORDINANCE AMENDING AND/OR SUPPLEMENTING SECTION 1287.06(t) "SUPPLEMENTAL REGULATIONS FOR CERTAIN USES"; SECTION 1284.04 "OFF-STREET PARKING STANDARDS"; SECTION 1274.06 RESERVED; SECTION 1250.08 "APPROVAL AND DESIGN STANDARDS"; SECTION 1283.06 "HEIGHT REQUIREMENTS"; SECTION 1283.10 "SUPPLEMENTAL DESIGN CRITERIA"; SECTION 1283.07 "REQUIRED LANDSCAPING AND BUFFERING"; SECTION 1296.05 "SCREENING AND LANDSCAPING OF PARKING LOTS"; AND SECTION 1296.06 "BUFFERING AND SCREENING BETWEEN DISTRICTS AND USES" OF TITLE SIX "ZONING CODE", PART TWELVE "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRLAWN

WHEREAS, the City of Fairlawn Planning Commission has recommended updating various zoning code sections; and

WHEREAS, from time to time certain sections of the zoning code require updating in order to promote desirable and logical development and maintain and promote quality of life for the community; and

WHEREAS, by updating the zoning code, the City Council has determined that the proposed changes are in the best interest of the community.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF FAIRLAWN, OHIO, THAT:

Section 1: Section 1287.06(t) "Supplemental Regulations For Certain Uses"; Section 1284.04 "Off-Street Parking Standards"; Section 1274.06 Reserved; Section 1250.08 "Approval And Design Standards"; Section 1283.06 "Height Requirements"; Section 1283.10 "Supplemental Design Criteria"; Section 1283.07 "Required Landscaping and Buffering"; Section 1296.05 "Screening and Landscaping of Parking Lots"; and Section 1296.06 "Buffering and Screening Between Districts and Uses" of Title Six "Zoning Code", Part Twelve "Planning and Zoning Code" of the Codified Ordinances of the City of Fairlawn shall be amended and/or supplemented as described in Exhibit A which is attached hereto and made a part hereof.

Section 2: All other chapters of Title Six "Zoning Code" remain unchanged.

Section 3: It is hereby found and determined that this legislation complies with Section 121.22, O.R.C. regarding notification of meetings and all deliberations of this Council pertaining hereto have been conducted in accordance therewith.

Section 4: This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

Enacted: _____, 2018

Tonja K. Caldwell, Clerk of Council

Russell T. Sharnsky, President of Council

Approved: _____, 2018

Approved as to Form:

Mayor William J. Roth, Jr., Mayor

R. Bryan Nace, Director of Law

CERTIFICATION OF PASSAGE

CERTIFICATION OF POSTING

I, Tonja K. Caldwell, Clerk of Council of the City of Fairlawn, Summit County, Ohio, do hereby certify that the foregoing Ordinance 2018-003 was duly and regularly passed at a Regular Meeting on _____, 2018.

This is to certify that on _____, 2018 the within ordinance was published by posting a true copy of the same in five public places within the City as prescribed in Section 222.03(a), Codified Ordinances of Fairlawn.

Tonja K. Caldwell, Clerk of Council

Tonja K. Caldwell, Clerk of Council

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1287.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

- (t) Restaurants-counter service & sit down: Such establishments shall be permitted only when:
- (1) **It is** part of a multi-establishment building, in which the majority of the uses are permitted by right in the B-2 District;
 - (2) ~~When~~ Such an establishment is the principal or main use in a building, it shall only be permitted when part of a multi-building development whose principal or main uses are permitted by right in the B-2 District; or,
 - (3) ~~When~~ Located on a parcel as the only business, ~~the restaurant shall be on a minimum lot of one and one half (1 1/2) acres with a minimum lot width of one hundred fifty (150) feet and the Planning Commission shall~~ determines that:
 - A. Any outdoor dining is in a location and with appropriate screening to minimize disturbances (such as noise, light, and visual considerations) to adjacent or nearby properties; and
 - B. Drive-thru services are in compliance with the requirements of subsection (i) of this Section 1287.06.
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1284.04 OFF-STREET PARKING STANDARDS.

(a) The number of off-street parking spaces for each facility or use shall be determined by application of the standards set forth in Schedule 1284.04, except as otherwise provided for in this Zoning Code.

Schedule 1284.04 Required off-Street Parking Spaces	
Community/Educational Facilities	Minimum Parking Requirement^{(a)(c)}
1. Place of worship, including convents and monasteries	One space for every six (6) seats in the portion of the building to be used for assembly use plus one space for every three hundred (300) square feet of a multipurpose room in a place of worship
2. College, universities	One (1) space per three hundred (300) square feet of floor area
3. Library, cultural institution or similar use	One (1) space per three hundred (300) square feet of floor area
4. Kindergarten, child or adult day care center	Two (2) spaces per classroom but not less than six (6) spaces for the building
5. Elementary and junior high schools	Two (2) spaces per class room plus one (1) space for every four (4) seats in the largest auditorium or assembly room
6. High School	One (1) space for every teacher, employee and administrator, plus one (1) space per seven (7) students, plus one (1) space for every four (4) seats in the largest auditorium or sports arena
7. School, specialty/personal instruction	One (1) space for every instructor, employee and administrator, plus one (1) space for every two (2) students
8. Municipal buildings	One (1) space per three hundred (300) square feet of floor area
Residential Uses	
1. One-family detached dwelling	One (1) enclosed space per dwelling unit plus two (2) open spaces
2. Two-family dwelling	One (1) enclosed space per each dwelling unit plus two (2) open spaces
3. Three-family dwelling	One (1) enclosed space per each dwelling unit plus one (1) open space per each dwelling unit

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4. One-family attached dwelling; cluster one-family detached dwelling	Two (2) spaces per dwelling unit at least one (1) enclosed in a garage, plus guest parking at the rate of one (1) space for every four (4) dwelling units
5. Multi-family dwelling	Two (2) spaces for each dwelling unit, plus guest parking at the rate of one (1) additional space for each four (4) units
6. Residential Uses in the R-6 District	See Chapter 1270

Schedule 1284.04 Required off-Street Parking Spaces	
Community/Educational Facilities	Minimum Parking Requirement^{(a)(c)}
7. Adult care facility and residential facility	One (1) space per two (2) beds
8. Congregate care facility/Nursing home	One (1) space per two (2) beds
Office, Professional Services	
1. Office, administrative/business/ professional (excluding medical and dental)	One (1) space for every three hundred (300) square feet of floor area
2. Banks, financial institutions	One (1) space for every three hundred (300) square feet of floor area
3. Medical/dental/health services and/or clinics, including urgent care clinic	Four (4) spaces per one thousand (1,000) square feet of floor area
4. Hospital	One (1) space for every two (2) beds, plus one (1) space for every three (3) employees
5. Laboratories - research and testing	One (1) space per four hundred (400) square feet of floor area
Retail/Personal Uses	
1. Retail Business or personal service establishment (except as otherwise specified below)	One (1) space for every two hundred fifty (250) square feet of floor area
2. Hotels and Motels	One (1) space for each guest sleeping room plus one (1) space for every two (2) employees
3. Restaurants	
- Restaurant (including bars/taverns) - <u>Sit-down and Counter Service</u>	- Ten (10) spaces per one thousand (1,000) square feet of floor area plus one (1) space for each delivery vehicle
-Restaurants -- counter service when located in a shopping center(b)	-Ten (10) spaces, or one (1) space per fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each delivery vehicle

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–Restaurants – counter service when located as the only use in a free-standing building	–Twenty (20) spaces, or one (1) space per fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each delivery vehicle
4. Funeral Homes, Mortuaries	One (1) space for each fifty (50) square feet of floor area of sitting or service rooms, plus one (1) space for each vehicle maintained on the premises
5. Beauty salons and barber shops	Two (2) spaces per beauty or barber chair

Schedule 1284.04 Required off-Street Parking Spaces	
Community/Educational Facilities	Minimum Parking Requirement^{(a)(c)}
6. Kennel	One (1) space per one thousand (1,000) square feet of floor area
7. Nightclub	One (1) space per three (3) seats, plus one (1) space for every two (2) employees
Automotive Uses	
1. Vehicle repair garages; service stations with or without convenience store	Two (2) spaces for each service bay, plus one (1) space for every employee, but never less than five (5) spaces
2. Car washes	Two (2) spaces per wash bay
3. Automobile sales and service	One (1) space for each four hundred (400) square feet of floor area of sales room plus one (1) space for each auto service stall in the service room and one (1) space per employee
4. Gasoline station/pumps	Two (2) spaces per pump + other use requirements
Entertainment-Recreation	
1. Theaters, sports facility	One (1) space for each four (4) seats
2. Places of assembly including auditoriums, assembly halls, conference centers, membership clubs, community recreation facilities	One (1) space for every six (6) seats
3. Commercial recreation, indoor	Four (4) spaces per one thousand (1,000) square feet of floor area
4. Commercial recreation, outdoor	One (1) space per one thousand (1,000) square feet of recreation area

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5. Health club	One (1) space per two hundred fifty (250) square feet of exercise area, including locker and equipment rooms
6. Golf course (nine (9) holes or more)	Eight (8) spaces per green
7. Swimming pools, public or private (not associated with residences)	One (1) space for every five (5) persons, based on pool capacity
8. Municipal Park Buildings	Based on use requirements within the building
9. Parks, recreational fields/playground	Five (5) spaces per acre + other use requirements
10. Bowling Alleys	Three (3) spaces for every lane in the building

- (a) A minimum of five (5) spaces is required for each facility other than a one (1)-family detached, one (1)-family attached, two (2) or three (3)-family dwelling.
- (b) For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and/or group of buildings where the required parking spaces are provided in a shared parking lot.
- (c) Buildings having flexible floor arrangements for various business and ancillary uses, which will not be used for assembly (auditorium), shall be treated Office, administrative/business/ professional for calculating parking requirements.

(b) Parking Requirement Reductions. The Planning Commission may approve a site plan with fewer parking spaces than required by Schedule 1284.04 according to the findings of a parking assessment when submitted according to the regulations of this subsection.

(1) A parking assessment shall be submitted with the site plan for all proposed uses according to the site plan review procedures set forth in Chapter 1240.

(2) The goal of this parking assessment is to document the applicant's request to provide fewer parking spaces than required in Section 1284.04. In reviewing the parking assessment, the Planning Commission may approve a fewer number of parking spaces, provided that the parking proposed shall satisfy the parking demands of the use without placing excess burden on other available parking facilities or in surrounding areas of the City.

(3) The parking assessment shall include a description of the use and its anticipated relationship to, and impact on the surrounding community. At a minimum, the assessment shall include the following:

- A. The nature of the proposed uses, activities and events that will be accommodated.
- B. The maximum design capacity of the facility.
- C. The anticipated pattern of use, including peak hours.
- D. The estimated traffic generation and parking demand, including the estimated number of parking spaces required at peak capacity.
- E. The number of parking spaces required according to Schedule 1284.04 compared to the number of spaces proposed.
- F. How the available spaces meet the needs of the proposed use.
- G. Suggested parking management solutions to address any anticipated discrepancy between the number of parking spaces available and anticipated parking demand.

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1274.06 ~~RESERVED~~ DESIGN CRITERIA

(a) The purpose of this section is to ensure quality development in all Business Districts. To achieve this end, the building design and site design shall be subject to the site plan review process in accordance with Chapter 1240 of this Zoning Code. In reviewing such applications, the Planning Commission shall determine that the applicant has complied with following design criteria:

(1) **Building Considerations.**

A. **Design.** Except for all-glass buildings, large expanses of blank walls shall be avoided. Blank walls are generally characterized by the use of a single wall material and/or all elements of the wall being on the same plane. Blank walls may be avoided by use of, but not limited to, the following:

1. Using windows and architectural details for emphasis.
2. Breaks and fluctuations in the overall rhythm of a building, which are used to draw attention to important areas such as the entry, or simply to relieve the monotony or uniformity of an otherwise blank facade.
3. Using multiple and contrasting building materials. However, the number of materials used should be kept to a minimum so as not to compete for attention and create a visually confusing building design.
4. Recessing windows slightly or expressing the building's structure to allow sunlight and shade to create a more three (3)-dimensional appearance.

B. **Materials.**

1. Materials shall be used that contribute to the character of the area. Examples of such contributing materials include:

- a. Glass - mirrored, transparent and/or reflective;
- b. Brick, not less than three (3) inches thick;
- c. Stone and other natural material;
- d. Veneers of suitable materials not less than three (3) inches thick; and marble and similar materials shall be not less than one and one-half (1-1/2) inches thick;
- e. Exposed concrete (poured in place or precast) or steel when used and designed to convey the structure of the building.

2. Conversely, the following materials are not consistent with the intended character of the Business Districts and are considered inappropriate for use:

- a. Stucco/insulation systems or similar materials unless such materials are utilized as an accent with belt courses, joints, contrasting materials, exposed structural elements, or similar design features and only comprise a small percentage of the building surfaces; and
- b. Unfinished and industrial type materials such as exterior insulated finishes and standing seam or ribbed metal siding unless such materials are part of a roof structure or architectural feature and the use of the materials is otherwise consistent with the overall quality and character of the building design; and

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c. Concrete masonry block whether painted or unpainted, except that decorative concrete masonry units four (4) scores or more may be used in the same locations as in B.1. above; and

d. Exposed concrete (poured in place or precast) or steel except when these materials are part of the buildings structure pursuant to B.1.e above.

3. The design and materials on the sides and rear of the proposed building should be substantially consistent in the quality of materials and design given to the main or street frontage.

4. Materials should be selected and used in combination with other materials to reasonably assure that rusting, soiling, staining, streaking or similar types of discoloration or deterioration does not occur.

C. **Colors.** Bright or primary colors and other colors that are in stark contrast to other buildings in the area should be avoided as the principal building color.

D. **Additions.** The design, colors and materials used for additions to buildings should be guided by the existing work to which it is attached or associated.

E. **Parking Structures.** The design and materials of parking structures should be similar to and complement those of the principal building.

F. **Appurtenant and Accessory Structures.** Mechanical equipment and other similar appurtenant or accessory structures shall be located to minimize the impact on the building and the community.

1. Air-conditioning units, condenser elements, antennas, and other mechanical equipment shall not be located on the front of the building.

2. Mechanical equipment on the ground shall be screened in accordance with subsection 1296.07(b), or housed in a structure that is constructed with materials that are similar to and compatible with the materials used on the principal building as approved by the Planning Commission.

3. Mechanical equipment attached to the side or placed on the roof of a building, including heating vents, shall be kept as low as possible and shall be screened with materials that are similar to and compatible with the background. When placed on the roof of the building the mechanical equipment should be a minimum of twenty (20) feet from the edge of the roof.

(2) **Site Design.** To create a unified development area, a single consistent material or a complementary pattern of materials should be used for all walkways and pedestrian paths. Likewise, similar styles of street furniture, light poles and other site amenities should be used throughout the district the structure is located in.

A. **Access.** When feasible, shared driveways serving multiple buildings are encouraged to limit the number of curb cuts and provide greater areas for street landscaping and shared signage.

B. **Walkways and Pedestrian Paths.** Walkways and pedestrian paths, which are required pursuant to Section 1283.05(e) shall also comply with the following:

1. Paths shall be separated from vehicular ways.

2. Whenever a walkway or pedestrian path intersects with or crosses through a parking lot, the walking path should be delineated with stripes, painting or contrasting materials to differentiate the walking path from the parking lot.

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3. Paths shall be constructed with high quality materials such as concrete, brick, or stamped concrete. However, when the path is proposed as an informal walkway, either extending in and around the natural areas on the site and/or connecting with any adjacent natural or recreation areas, the Planning Commission may approve a gravel or similar soft surface path when constructed to the City's specifications.

C. Outdoor Plazas.

1. Such areas should include amenities such as chairs, tables, benches, fountains, decorative walls and light poles.

2. Such areas should be lit in the evening. Lighting should be kept at a low level and should not disturb adjacent residential properties.

3. The use of landscaping in connection with an outdoor plaza is encouraged. Such landscaping may be located along the perimeter of the plaza to create the illusion of a more intimate setting.

D. Street Furniture, Lighting and Other Similar Amenities.

1. Benches, landscaping, trash receptacles and other similar amenities should be located near walkways.

2. Lighting should be located near all walkways and pedestrian paths. Lighting should be provided with decorative fixtures, kept at a low level and designed and located so as not to disturb adjacent residential properties.

3. Light poles should not be more than fourteen (14) feet in height.

E. Fences and Screening Walls. Materials and colors of fences and screening walls should be consistent with its associated building's architectural design.

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1250.08 APPROVAL AND DESIGN STANDARDS.

(a) Criteria for reviewing a site plan for a public facility shall be:

(1) That the proposed building or use shall be located properly in relation to the criteria of this chapter and this Zoning Code.

(2) That the proposed public facility building and use shall be located on major arterial roadway so as to generate a minimum of traffic on local streets. Elementary schools and City of Fairlawn Parks may, however, be located on local streets.

(3) That the location, design and operation of such principal and accessory public facility building and use shall not adversely affect the surrounding residential neighborhood.

(b) In addition to the above requirements, **Design Criteria as specified in section 1274.06 shall also be required in all M Districts** and appropriate conditions applying to the particular situation may also be specified in the **Planning Commission** approval.

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1283.06 HEIGHT REQUIREMENTS.

(a) Principal buildings shall have a maximum height of four (4) floors provided that no part of the building including the roof exceeds sixty-five (65) feet. It is further required that the height of any principal building in any Office Park/Research District that is located between one hundred (100) feet and one hundred ninety-five (195) feet of property in a Residential District, which is either vacant or used for residential purposes, shall have a building height no greater than one-third (1/3) the width of that yard which adjoins such Residential District.

(b) Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided such mechanical space and screening complies with the following:

- (1) Does not exceed fifteen (15) feet in height;
 - (2) Complies also with subsection ~~1283.10~~ **1274.06** (a)(1)F.;
 - (3) Is adequately screened from view; and
 - (4) ~~Are~~ **Is** approved by the Planning Commission.
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1283.10 ~~SUPPLEMENTAL DESIGN CRITERIA. RESERVED~~

~~—(a) The purpose of this section is to ensure quality development in the B-4 Office Park/Research District in order to achieve the intent of this Chapter as set forth in Section 1283.01. To achieve this end, the building design and site design shall be subject to the site plan review process in accordance with Chapter 1240 of this Zoning Code. In reviewing such applications the Planning Commission shall determine that the applicant has complied with following design criteria:~~

~~—(1) Building Considerations:~~

~~—A. Design. Except for all glass buildings, large expanses of blank walls shall be avoided. Blank walls are generally characterized by the use of a single wall material and/or all elements of the wall being on the same plane. Blank walls may be avoided by use of, but not limited to, the following:~~

~~—1. Using windows and architectural details for emphasis.~~

~~—2. Breaks and fluctuations in the overall rhythm of a building, which are used to draw attention to important areas such as the entry, or simply to relieve the monotony or uniformity of an otherwise blank facade.~~

~~—3. Using multiple and contrasting building materials. However, the number of materials used should be kept to a minimum so as not to compete for attention and create a visually confusing building design.~~

~~—4. Recessing windows slightly or expressing the building's structure to allow sunlight and shade to create a more three (3) dimensional appearance.~~

~~—B. Materials:~~

~~—1. Materials shall be used that contribute to the character of the area. Examples of such contributing materials include:~~

~~—a. Glass mirrored, transparent and/or reflective;~~

~~—b. Brick, not less than three (3) inches thick;~~

~~—c. Stone and other natural material; and~~

~~—d. Veneers of suitable materials not less than three (3) inches thick; and Marble and similar materials shall be not less than one and one half (1 1/2) inches thick;~~

~~—e. Exposed concrete (poured in place or precast) or steel when used and designed to convey the structure of the building.~~

~~—2. Conversely, the following materials are not consistent with the intended character of the B-4 district and are considered inappropriate for use:~~

~~—a. Stucco/insulation systems or similar materials unless such materials are utilized as an accent with belt courses, joints, contrasting materials, exposed structural elements, or similar design features and only comprise a small percentage of the building surfaces;~~

~~—b. Unfinished and industrial type materials such as exterior insulated finishes and standing seam or ribbed metal siding unless such materials are part of a roof structure or architectural feature and the use of the materials is otherwise consistent with the overall quality and character of the building design;~~

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~~———— c. Concrete masonry block whether painted or unpainted, except that decorative concrete masonry units four (4) scores or more may be used in the same locations as in B.1. above; and~~

~~———— d. Exposed concrete (poured in place or precast) or steel except when these materials are part of the buildings structure pursuant to B.1.e above.~~

~~1 ——— 3. The design and materials on the sides and rear of the proposed building should be substantially consistent in the quality of materials and design given to the main or street frontage.~~

~~———— 4. Materials should be selected and used in combination with other materials to reasonably assure that rusting, soiling, staining, streaking or similar types of discoloration or deterioration does not occur.~~

~~———— C. Colors. Bright or primary colors and other colors that are in stark contrast to other buildings in the area should be avoided as the principal building color.~~

~~———— D. Additions. The design, colors and materials used for additions to buildings should be guided by the existing work to which it is attached or associated.~~

~~———— E. Parking Structures. The design and materials of parking structures should be similar to and complement those of the principal building.~~

~~———— F. Appurtenant and Accessory Structures. Mechanical equipment and other similar appurtenant or accessory structures shall be located to minimize the impact on the building and the community.~~

~~———— 1. Air conditioning units, condenser elements, antennas, and other mechanical equipment shall not be located on the front of the building.~~

~~———— 2. Mechanical equipment on the ground shall be screened in accordance with subsection 1296.07(b), or housed in a structure that is constructed with materials that are similar to and compatible with the materials used on the principal building as approved by the Planning Commission.~~

~~———— 3. Mechanical equipment attached to the side or placed on the roof of a building, including heating vents, shall be kept as low as possible and shall be screened with materials that are similar to and compatible with the background. When placed on the roof of the building the mechanical equipment should be a minimum of twenty (20) feet from the edge of the roof.~~

~~———— (2) Site Design. To create a unified development area, a single consistent material or a complementary pattern of materials should be used for all walkways and pedestrian paths. Likewise, similar styles of street furniture, light poles and other site amenities should be used throughout the district.~~

~~———— A. Access. When feasible, shared driveways serving multiple buildings are encouraged to limit the number of curb cuts and provide greater areas for street landscaping and shared signage.~~

~~———— B. Walkways and Pedestrian Paths. Walkways and pedestrian paths, which are required pursuant to Section 1283.05(e) shall also comply with the following:~~

~~———— 1. Paths shall be separated from vehicular ways.~~

~~———— 2. Whenever a walkway or pedestrian path intersects with or crosses through a parking lot, the walking path should be delineated with stripes, painting or contrasting materials to differentiate the walking path from the parking lot.~~

~~———— 3. Paths shall be constructed with high quality materials such as concrete, brick, or stamped concrete. However, when the path is proposed as an informal walkway, either extending in and around the natural areas on the site and/or connecting with any adjacent natural or recreation areas, the Planning~~

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~~Commission may approve a gravel or similar soft surface path when constructed to the City's specifications.~~

~~— C. Outdoor Plazas.~~

~~— 1. Such areas should include amenities such as chairs, tables, benches, fountains, decorative walls and light poles.~~

~~— 2. Such areas should be lit in the evening. Lighting should be kept at a low level and should not disturb adjacent residential properties.~~

~~— 3. The use of landscaping in connection with an outdoor plaza is encouraged. Such landscaping may be located along the perimeter of the plaza to create the illusion of a more intimate setting.~~

~~— D. Street Furniture, Lighting and Other Similar Amenities.~~

~~— 1. Benches, landscaping, trash receptacles and other similar amenities should be located near walkways.~~

~~— 2. Lighting should be located near all walkways and pedestrian paths. Lighting should be provided with decorative fixtures, kept at a low level and designed and located so as not to disturb adjacent residential properties.~~

~~— 3. Light poles should not be more than fourteen (14) feet in height.~~

~~— E. Dumpsters.~~

~~— 1. Dumpsters should be located in the side or rear yard and away from adjacent residential areas and public roads.~~

~~— 2. Dumpsters shall be screened in accordance with this Zoning Code.~~

~~— F. Fences and Screening Walls. Materials and colors of fences and screening walls should be consistent with its associated building's architectural design.~~

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1283.07 REQUIRED LANDSCAPING AND BUFFERING.

Landscaping, screening, and buffering shall be provided in accordance with the provisions set forth in Chapter 1296, Landscaping, Screening, and Open Space Regulations, and the following:

(a) Front Yard Parking. If a portion of the front yard is used for parking, a four (4)-foot high berm shall be constructed in the yard between the parking area and the street line, and it shall be attractively landscaped and maintained.

(b) Screening of Accessory Uses. Accessory uses in any Office Park/Research District shall be screened according to the following standards:

(1) Dumpsters. Trash and/or garbage collection and service areas shall be enclosed on all sides by a solid wall or fence and a gate at least one (1) foot higher than the highest refuse container in the collection area if such area is not within an enclosed building or structure, but in no case shall the wall be less than six (6) feet in height. Such solid wall or fence shall be situated so as to screen the view of the collection area from adjacent roads and properties. Such screening shall be constructed of brick, decorative concrete, natural wood, or other durable, long-lasting material and should be the same as or similar to those utilized on the principal building(s). These enclosures are to be located at least five (5) feet from the property line, unless otherwise specifically regulated in this Code. Supplemental plant materials shall be provided at a minimum height of five (5) feet to effectively screen fifty percent (50%) of the wall. Protective steel bollards shall be placed to protect the enclosure from trucks.

(2) Loading and Service Areas. Each loading area shall be screened along any perimeter that faces a street right-of-way or adjoining property according to the screening requirements of Section 1296.06(g)(1).

(c) Landscaping When Lot Abuts Cleveland-Massillon Rd. or Ridgewood Rd.

(1) Earth mounds shall be installed along these roads to give a consistent appearance and shall not be less than four (4) feet in height.

(2) Screening plantings shall be installed to supplement these mounds.

(3) Any combination of the above shall be acceptable provided the total height is nine (9) feet.

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1296.05 SCREENING AND LANDSCAPING OF PARKING LOTS.

(a) Landscaping on the Interior of Parking Lots. Interior landscaping of parking lots shall be provided in accordance with the following requirements.

(1) For any parking area designed to accommodate fifty (50) or more vehicles, a minimum of five percent (5%) of the parking lot shall be planted as landscaped island areas, developed, and reasonably distributed throughout the parking lot to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement, except perimeter plantings may be used to satisfy the requirements in this Section when parking facilities are less than sixty-two (62) feet in width.

(2) Each interior landscaped area shall be no less than two hundred (200) square feet. The minimum width for each area shall be ten (10) feet. In all cases, the minimum distance from a tree to the back of curb shall be four (4) feet.

(3) Within the landscaped islands, there shall be provided one medium or large tree for every ten (10) parking spaces.

(4) Small trees, shrubs, ornamental grasses or low, spreading plant materials may also be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.

(5) If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Planning Commission shall have authority to permit consolidation and relocation of these landscaped areas on the building site.

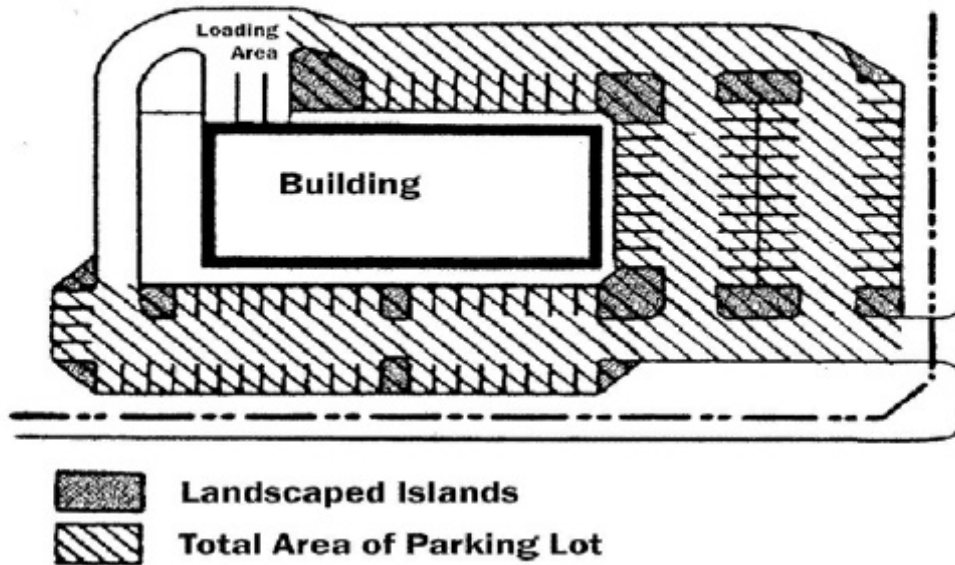
(6) Landscaped areas along the perimeter of the parking area, or in any part of a yard, shall not be counted as interior parking lot landscaped areas, except as provided for in subsection (1) above.

(7) If a landscaped island exceeds fifty (50) linear feet, one large tree shall be planted per fifty (50) feet of length.

(8) For the purpose of this Section, the area of a parking lot shall be the total vehicular use area within the perimeter of the parking lot, including the landscaped islands, parking spaces and all circulation aisles except those with no parking spaces or landscaped islands located on either side. See Figure 1, Parking Lot Interior Calculation.

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Figure 1. Parking Lot Interior Calculation.



(b) **Perimeter Landscaping Requirements.** In addition to the requirements of subsections 1296.05 (a) and 1296.05 (c) hereof, perimeter landscaping shall be required along any side of a parking lot that abuts adjoining property that is not a right-of-way. A landscaped strip, which is the depth of the minimum parking setback set forth in this Zoning Code for the district in which the lot is located, except as otherwise regulated in Chapter 1287, Conditional Use Regulations, shall be located between the parking area and the abutting property lines. One (1) large or two (2), medium or evergreen trees for each forty (40) lineal feet shall be planted in the landscaping strip. However, this does not mean that trees must be located forty (40) feet on center or be spaced forty (40) feet apart. This landscaping strip shall be landscaped open space free of any wall, fence, embankment and/or walkway. Such wall, fence, etc. may exist or be constructed on the edge of such landscape strip. The requirements of this section shall not apply where planting is required for screening pursuant to Section 1296.06, Buffering and Screening Between Districts and Uses.

(c) **Screening Along Public Streets.** In addition to the requirements of subsections 1296.05(a) and 1296.05(b) hereof, whenever parking areas consisting of five (5) spaces or more abut or are located within forty (40) feet of a public street, a buffer yard, which is the depth of the minimum parking setback set forth in this Zoning Code for the district in which the lot is located, except as otherwise regulated in Chapter 1287, Conditional Use Regulations, and screening shall be provided and maintained between the parking area and the street right-of-way line. This screening shall be any combination of ornamental fencing or a brick wall and landscaping such that a solid, continuous visual screen is provided, unless additional requirements are mandated elsewhere in this Zoning Code. When landscaping is utilized in combination with ornamental fencing, trees and/or shrubs, such materials shall be adequately spaced to form a solid, continuous visual screen within one (1) year after the initial installation. The requirements of this subsection shall not apply where planting is required for screening pursuant to subsection 1296.06(c)(5).

(1) All shrubs, at the time of planting; berms; walls; and fences shall have a minimum height of three (3) feet, measured from the highest finished grade of the parking area.

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(2) Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.

(3) Where trees are included in the screening of parking areas, a minimum distance of four (4) feet shall be provided between the edge of pavement or back of curb and tree plantings.

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1296.06 BUFFERING AND SCREENING BETWEEN DISTRICTS AND USES.

(a) Intent. The intent of this Section is to establish provisions for a visual screen or buffer between incompatible uses and to reduce the effects of glare from automobile headlights, noise, and other objectionable activities conducted on a given lot.

(b) Screening. Screening, as required by the provisions of this Code, shall be of such nature and density that it will screen the activities on the lot from view from the normal level of a first story window on an abutting lot.

(c) When Required. A buffer yard shall be required when:

(1) A lot in any Business or Municipal District abuts a Residence District;

(2) A lot in a Multiple Dwelling Residence District abuts a Single-Family or Two-Family Residence District;

(3) A lot in a Residence District is devoted to a non-residential, conditional use;

(4) Required by the Conditional Use Regulations in Chapter 1287; and,

(5) When any wall of a non-residential building in a Business or Municipal District faces or is across the street from a Residence District, screening shall be installed along the full length of such street frontage. No screening shall be required when the Business or Municipal District lot is either not in use or is used for residential purposes.

(d) Width of Buffer Yard. The width of the buffer yard shall be equal to the applicable parking set back set forth in the applicable zoning district or fifteen (15) feet, whichever is greater.

(e) Location. The buffer yard shall be located entirely within the higher intensity zoning district or use and abutting the zoning district line or lot line of lower intensity use. However, the buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and the entire buffer yard width are within common ownership and a permanent easement is provided over any portion of the buffer yard not within the higher intensity zoning district. If a buffer yard is located in a residential development that has an owners' association or other similar legal entity, all buffer yards shall be located in open space owned by the association or in an open space easement controlled by the owners' association.

(f) Buffer Yard Abutting an Adjacent Jurisdiction. When property lines abut an adjacent jurisdiction, the Planning Commission shall determine the specific screening and buffering requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City of Fairlawn.

(g) Screening. When the natural vegetation within the required buffer yard does not form a solid, continuous, visual screen or does not have a minimum height of five (5) feet along the entire length of the common boundary at the time of occupancy, except as provided for in subsection (g)(3)B. below, screening shall be installed in compliance with the following:

(1) Screening Materials. Screening design and development shall be compatible with the existing and proposed land use and development character of the surrounding land and structures. Screening within the buffer yard shall consist of one (1) or more or combination thereof of the following:

A. A dense vegetative planting incorporating trees, evergreen trees, ornamental grasses and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within one (1) year after the initial

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installation. At a minimum, at the time of planting, the spacing of trees shall not exceed twelve (12) feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.

B. Non-living opaque structures, such as a solid masonry wall, that is compatible with the principal structure or a solid wood fence together with a landscaped area at least fifteen (15) feet wide. For solid fences, fences shall be designed, constructed, and finished so that the supporting members face the property owner of the fence and they shall be maintained in good condition, be structurally sound, and attractively finished at all times.

C. An ornamental fence with openings through which light and air may pass together with a landscaped area at least fifteen (15) feet wide. A chain link fence shall not be permitted.

D. A landscaped mound or berm with no more than a 2.5:1 slope.

(2) Installation of Screening. Screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.

(3) Height of Screening. The height of screening shall be in accordance with the following:

A. Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls shall be a minimum of five (5) feet high measured from the natural grade on any adjacent residential lot, except as set forth in subsection B. below.

B. Whenever the required screening is located within a front yard or within twenty- five (25) feet of a parking lot, drive, or driveway entrance, the required screening shall not exceed a height of three (3) feet.

C. When used alone, vegetation shall be a minimum of five (5) feet high, as measured from the natural grade on any adjacent residential lot, in order to accomplish the desired screening effect. The required height shall be achieved no later than one (1) year after the initial installation.

(h) Modifications to Buffering and Screening Requirements. Buffer yards required by this Chapter shall be applied equally to all similarly situated properties. The Planning Commission is empowered to modify the above buffer yard and screening requirements when it determines that:

(1) Natural land characteristics, such as topography or existing vegetation on the proposed building site, would achieve the same intent as this Section.

(2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening and buffering effect.

(3) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.

(4) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.

(5) It can be clearly demonstrated that it is highly improbable that the abutting property will be developed for residential purposes due to circumstances that have taken place since the adoption of this Code.