

**ORDINANCE NO. 2023-9**

**AN ORDINANCE AMENDING CHAPTER 1141 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “MIXED USE DISTRICT;” SPECIFICALLY, SECTION 1141.09, TITLED “DEVELOPMENT STANDARDS; EXCEPTIONS,” AND DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, STATE OF OHIO:

**Section 1.** Chapter 1141 of the Codified Ordinances of the City of Willowick, Ohio, titled “Mixed Use District,” specifically Section 1141.09, Titled “Development Standards; Exceptions,” is hereby amended to read and provide as follows:

**1141.09 DEVELOPMENT STANDARDS, EXCEPTIONS.**

The Final Development Plan shall comply with the development standards set forth herein.

(a) Project Area. The minimum area to qualify as a planned development area is five contiguous acres, as shown by the deed or deeds to the included land, unless a waiver is granted by the Planning Commission as set forth in Section 1141.04(b).

(b) Density. The average number of dwelling units or buildings for other permitted uses permitted per acre shall not be more than six for single family units, nine for multi-family dwellings, or retail or professional offices in which the maximum of gross floor area for a building devoted to a main use of retail or professional offices shall not exceed seventy-five gross square feet of floor area in a building for each one hundred feet of gross land area.

(c) Parking garage areas. The minimum area within a parking garage required and assigned to each parking space shall not be less than two hundred square feet of floor area exclusive of all circulation space.

(d) Land Coverage. For the purpose of computing land coverage, a garage at ground level shall be included but garage roofs below grade, if landscaped or developed as a terrace or with similar landscape treatment, may be excluded, or such roofs may be used for outdoor parking purposes. Land coverage by buildings shall not exceed one-third of the development area. Not less than one-third of the development area shall be devoted to permanent landscaping.

(e) Maximum Height. No building in a development area shall be more than forty feet in height, exclusive of a peak style roof.

(f) Landscape Plan and Appearance.

- a. 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.

- b. 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.
- c. Landscape Plan Required. A Landscape Plan shall be provided at the time of the submission of the Preliminary Plan with a chart indicating the scientific and popular name of each species of landscaping proposed, the proposed height of the species at planting and at maturity, and the specific number of each species. Landscape plans shall comply with the requirements of Chapter 1163. The Zoning Inspector shall have discretion to approve minor modifications to the Landscape Plan 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 Landscape Plan.
- d. The development area shall be located to take advantage of the topography, water, natural features and superior views of the shoreline existing in the development area and shall be designed and arranged so that the distance between buildings and the various parts thereof and between buildings and the boundaries of the development area will enhance privacy, use and enjoyment of the maximum number of units within the buildings.
- e. The Planning Commission shall have the authority to reasonably determine the layout of the Landscape Plan and appearance to support the principles of this subsection.

(g) Distance Between Residential Structures. The minimum distance between residential structures shall be as follows:

(1) There shall be provided on each lot side yards of at least the total distance set forth in column one of the following charts. In no case shall the distance between single family homes be less than twelve feet, except in the case of corner lots, where the distance shall be no less than ten feet:

Lot Width at Least Building Line	Total Side Yard Yard Distance
45 or less	12
46 to 50	13
51 to 60	14

Lot Width at Least Building Line	Total Side Yard Yard Distance
61 to 70	15
71 to 80	16
81 to 90	18
91 to 100	20
Over 100	20

(2) The Planning Commission shall have the authority to waive the standard set forth in Section 1141.09(g) if it determines, after public hearing, that due to unique circumstances, the minimum distances outlined in this subsection, cannot practically be achieved, and that the adjustments made to the development in this subsection will not have a material adverse impact on the City.

(h) Distance Between Commercial Structures. The minimum distance between commercial structures shall be as follows:

There shall be a minimum distance of at least twenty feet between commercial building structures.

(i) Distance Between Residential and Commercial Structures. There shall be a minimum distance of at least thirty feet between commercial building structures and the lot line of any residential structure.

(j) Parking and Roadway Setbacks in Commercial Areas. Off street parking areas and roadways must be screened when parking areas, circulation aisles, loading areas and driveways abut residential areas. The commercial property owner shall provide one or more of the following on the commercial property:

(1) A ten-foot-wide landscaped area planted with trees and/or shrubs, a minimum of six feet high, extending to, but not in front of, the building setback line, which will act as an effective screen in both winter and summer seasons.

(2) A five-foot masonry wall, of brick or split face block, and/or a decorative wood or vinyl fence, extending to, but not in front of, the building setback line.

(3) Earth mounding planted with trees and/or shrubs, extending to, but not in front of, the building setback line. The combined height of mounding and plants shall be a minimum of five feet and shall comply with the following setback requirements:

A. All off street parking areas shall be set back from an existing or proposed public right of way a distance of at least twenty feet.

B. All off street parking areas and roadways shall be set back from all other boundaries of not less than twenty feet.

(k) Setback for Single Family Residential Units. The minimum setback from the public right of way for a single-family residential unit shall be not less than forty feet.

(l) Setback for Multi-Family Residential Units. The minimum setback from the public right of way for Multi-Family Residential Units shall be not less than twenty feet.

(m) Setback for Commercial Areas. The minimum setback from the public right of way for Commercial Areas shall be not less than fifty feet.

(n) The Planning Commission shall have the authority to adjust the setback requirements contained in subsections (k), (l), and (m) of Section 1141.09 if it determines, after public

hearing, that due to unique circumstances, the minimum setbacks cannot be practically achieved, and that the modification of the setbacks will not have a material adverse impact on the City.

(o) The following development and design standards shall apply to all new construction or rehabilitation of retail buildings or premises in the Mixed Use District within the City and shall be shown in the Preliminary Plan and Final Development Plans:

#### **A. Fundamental Goals for Design and Development**

- a. The preservation and promotion of pedestrian access to Lake Erie and public spaces around the lakefront or incorporating it into designs is highly recommended.
- b. The creation of connections will make it easy for people to navigate and connect to adjoining municipalities.
- c. Commercial design projects will emphasize the following concepts:

##### **i. Think Pedestrian First**

1. Willowick's commercial districts shall be designed and developed to provide for a safe and inviting pedestrian experience.
2. Buildings should be designed to promote walkability or rehabilitated to recapture the qualities of existing buildings and their original pedestrian orientation.
3. Business entrances shall engage the street and provide a clear entry sequence.
4. Sidewalk areas should be wide enough to accommodate pedestrian activity while also allowing space for amenities such as landscaping, benches, transit waiting areas and refuse containers.
5. Design Elements shall include:
  - a. Windows at street level;
  - b. Landscape planters;
  - c. Signage to scale (blade and pendant);
  - d. Emphasis of window displays;
  - e. Entry promotes 4-season activity;
  - f. Limited head-in parking;
  - g. Limited curb-cuts and vehicle access;
  - h. Lighting building facades
  - i. Building is to scale with adjacent buildings or properties;
  - j. Consistent setbacks to sidewalks with adjacent properties;
  - k. Promoting safe outdoor dining experiences;
  - l. Emphasis on transitions/connections to Lakefront Park;
  - m. Promoting business and retail use;
  - n. Preservation of green space

##### **ii. Lakefront Connectivity**

1. Development or rehabilitation projects in the retail district should include a Lakefront element of design including boats or beach themed signage and sidewalk patterns encouraging pedestrian traffic to the park.

##### **iii. Continuity of Design**

#### **iv. Quality of Design**

1. The retail district should have well designed buildings of high-quality materials, thoughtful detailing and have potential for effective reuse.
2. Four-sided design is encouraged to utilized and make aesthetically pleasing building elevations.
3. Building rehabilitation and new construction shall include the appropriate high-quality treatment of all visible elevations.
4. Design, construction methods and materials used in rehabilitation work should be appropriate to the period of construction of a building and should include built-in longevity.
5. Fundamental Concepts
  - a. Building materials for new and rehabilitated structures should complement and be compatible with existing historic buildings.
  - b. Unacceptable building materials include stucco or EIFS, split face concrete masonry units, jumbo brick and vinyl siding.
  - c. Design that is contextual and brings visual interest to the streetscape should be encouraged.
  - d. The Secretary of the Interior's Standards for Rehabilitation should be used to guide the rehabilitation of historic buildings. Demolition of historic buildings is discouraged.
  - e. Design elements shall include:
    - i. Maintaining or reinstating bulkheads, storefronts, transoms, doors, windows, cornices, and parapets.
    - ii. Maintaining unused secondary door locations in storefronts.
    - iii. Maintaining or reinstating original interior ceiling lights. Ceilings shall not be dropped in front of window openings or transoms. Where necessary, dropped ceilings shall be held off the storefront walls.
    - iv. New construction and additions shall provide a transition, such as a setback or graduated height increase, to buffer visual effect and feeling when adjacent to a historic building.
    - v. Appropriate, traditional, quality building materials shall be used for repair, rehabilitation, and new construction.

#### **B. Building and Structure Design and Color Standards**

- a. **Purpose of Standards.** To protect property values, provide cohesive City character and promote high-quality non-residential development and redevelopment. The following standards shall be adhered to:

- i. General Design Standards. All buildings and structures shall have an equal level of finish on all sides, and shall utilized not more than two (2) primary building materials and not more than two (2) accent materials.
    - ii. Color Schemes. Building colors shall be earth-toned (i.e. brown, gray, and variations of brown and gray). Bright, chromatic colors are not permitted. All structures shall utilize a single coordinated color scheme with one (1) predominant color and not more than three (3) colors to accent, de-mark or otherwise provide interest to the structure.
    - iii. Architectural Features. The use of long, unbroken building facades shall be avoided. Exterior building facades shall exhibit the use of recesses, fenestration, pilasters, or other architectural features deemed appropriate by the Plan Review Board 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 is not permitted unless the features present a quality, finished appearance from all sides and are consistent with the purpose of the district.
    - iv. 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 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 into the building design and shall be concealed from view from adjacent properties and from street right of ways.
  - b. Primary Building Materials. Acceptable primary building materials include brick, stone, and solid wood fencing. 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 City of Willowick Planning Commission. Exposed roofing materials shall be earth-tone in color. Appropriate materials shall include asphalt shingles, wood shingles and seamed metal products.
  - c. 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 to the Willowick Planning Commission.
- C. The Planning Commission shall have the authority to waive the standards set forth in Chapter 1141.09 if it determines at the time of formal review, that due to unique circumstances, the standards set forth herein cannot practically be achieved, and the waiver of each such specific standard will not have a material adverse impact on the City, or adjoining properties.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 3. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick and the operation of its Building Department; wherefore, this Ordinance shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2023

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Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2023

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Michael J. Vanni, Mayor

Approved by the Mayor: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
Christine Morgan, Clerk of Council