

City of Berea Proposed Zoning Code Summary

Introduction

This summary guide is intended to provide an overview of the most significant amendments to the proposed zoning code and zoning map. The existing zoning code has witnessed a number of piecemeal amendments through the past few decades to deal with new or newly discovered zoning issues.

PROJECT GOAL #1 The first major goal of this zoning code amendment project was to implement those zoning and land use related elements of the recently adopted Berea Master Plan. When a city adopts a new master plan for the community, it is very typical for that adoption to be closely followed by a partial or full review of the existing zoning code to determine what zoning text and zoning map changes are required to implement and be consistent with the adopted community master plan.

PROJECT GOAL #2 The second major goal of this project was to create a zoning document that was up to date relative to both maintaining language consistent with Ohio and Federal case law decisions as well as providing modern zoning standards and strategies.

PROJECT GOAL #3 The third goal of this zoning code amendment project was to repair cross referencing issues with the current code and create an overall zoning document that is more clear and understandable.

Zoning standards have varying effects on parcels based on a large number of site and use related variables. As such, this analysis cannot address how every parcel is ultimately affected by the proposed zoning code language. For this to occur, each parcel would require individualized analysis. This level of personalized parcel analysis is available by contacting the City of Berea Planning Department to discuss in detail how the proposed zoning code language may or may not affect a particular parcel within the city.

Section 1: Proposed Zoning Districts

Proposed Berea Zoning Districts Overview:

R-SF-A Standard Single Family Residential A - *The R-SF-A district is proposed to permit similar residential and lower level intensity uses as permitted in the existing R-SF-A.*

R-SF-B Standard Single Family Residential B – *The R-SF-B district is proposed to permit similar residential and lower level intensity uses as permitted in the existing R-SF-B.*

R-SF-T Single Family Townhouse Residential – The R-SF-T district is proposed to permit similar uses as the existing R-SF-T district but smaller lots are proposed to be allowed.

MFR Multiple Family Residential – The MFR district is proposed to permit multi-family dwellings consisting of two-family units and above.

R-O Residential Office - *The RO District is intended to provide a framework for a mixed use zoning district featuring both low intensity office and commercial uses. The intent of this district is to eventually transition from a mixed use residential / office district to a predominantly office / commercial district over time.*

NC Neighborhood Commercial – The NC district is proposed to permit low level commercial uses that offer goods and services to a smaller (neighborhood) market area. Examples of permitted uses include general merchandise retail, restaurants, doctor offices and professional services.

CC Commercial Center – The CC district is proposed to permit commercial, retail and office uses that are slightly more intensive than those permitted in the Neighborhood Commercial district. Examples of uses permitted in a CC district include an indoor theatre, convenience store, auto parts store and business services such as a delivery service or a pest control service.

DT Downtown District – The DT district is proposed to permit a mixture of commercial, retail and office uses that are well suited for a more dense, urban environment as is found in the downtown Berea area. Examples of permitted uses include restaurants, personal services such as a travel agency or pet grooming and multi-family dwelling when located on the upper floor of a permitted commercial / office establishment. Flexible zoning standards for parking and land development are incorporated into this district to provide a suitable environment for redevelopment projects.

BR-CD West Bagley Road Commercial District – The BR-CD district was recently adopted by City Council and permits a mixture of heavy commercial and light industrial land uses consistent with the heavy traffic flow and large parcel sizes found in the district. In addition to many of the retail, service and office uses permitted in the other commercial districts, the district also permits more intensive uses such as auto related uses, outdoor storage, light industrial uses and certain heavy industrial uses.

UT Uptown District – The UT district is proposed to create a special district that creates a framework for planned redevelopment in the northern portion of the city. This district is based on recommendations from the Berea Comprehensive Plan and would permit a mixed use environment consisting of retail, entertainment and office uses sought to create a destination based zoning district.

DD Depot District – The DD district is proposed to create a special district that creates a framework for planned redevelopment. This district is based on recommendations from the Berea Comprehensive plan to create a new redevelopment districts featuring a mixture of retail, office, heavy commercial and light industrial uses building upon the existing character of the area contained in the proposed district.

GI General Industrial – The GI district is proposed to permit heavy commercial and industrial land uses that are not well suited for the less intensive commercial and industrial zoning districts. Examples of permitted uses include manufacturing, large recycling facilities, heavy equipment sales and truck yards.

CD College District – The CD District is intended to provide a flexible set of zoning guidelines for the area encompassing a higher education use. Standards addressing adequate building setbacks from neighboring zoning districts are provided to protect the surrounding neighborhood character and scale.

How does the Zoning Map differ from the Zoning Code?

The Berea Zoning Map and the Berea Zoning Code are two separate documents that, together, form the basis of zoning for the City. The zoning map displays the boundaries of the various zoning districts. The zoning code provides the rules and standards that regulate activities, land uses and other property related matters. In terms of permitted land uses, the zoning code provides a listing of permitted uses and conditionally permitted uses, along with other related property regulations such as building setbacks, minimum yard areas and maximum building height for each specific zoning district. Therefore, both the zoning code text and the zoning map must be used to fully understand how your property may be used.

How are nonconforming uses created?

In zoning terms, a property may be used in a manner that is not permitted by the zoning code; if that property is considered a legal non-conforming use. For example, it would be possible for a single family dwelling to be located in a business zoning district that does not permit single family dwellings. This would be legal if the single family dwelling was a legal non-conforming use. In this example, this typically occurs when there is an amendment to the zoning code that would no longer permit a single family dwelling in that particular business district. Since the dwelling existed prior to the zoning amendment, the dwelling is considered to be “grandfathered” under the old zoning code regulations, thus creating the legal nonconforming use.

How to Compare What Land Uses are Permitted in the Existing and Proposed Zoning Code & Zoning Map For Your Property

Step 1

Determine Permitted Uses Under Existing Code & Map

First, locate your property on the existing zoning map. (See Page 8 of this Summary)

Every parcel within the city has a specific zoning district associated with it.

When you locate your zoning district designation on the existing zoning map, go to the Existing Land Use Chart on Page 6 of this Summary to identify those uses that are either permitted or conditionally permitted in the specific zoning district.

Step 2

Determine Permitted Uses Under Proposed Code & Map

Next, locate your property on the proposed zoning code map. (See Page 15 of this Summary)

When you locate your zoning district designation on the proposed zoning map, go to the Proposed Land Use Chart on Page 9 of this Summary to identify those uses that are either permitted or conditionally permitted in the specific zoning district.

You will notice that more detailed description of permitted and conditionally permitted land uses have been proposed for the new zoning code. This is intended to greatly reduce those instances where there are questions (and confusion) surrounding what is permitted and what is not permitted in a particular zoning district.

Another change proposed in the new code is that every permitted and conditionally permitted land use would have a detailed land use definition to further provide a clear understanding of what is permitted. (See Chapter 400 of the proposed code for a full list of land use definitions).

Step 3

Determine if Your Property is a Nonconforming Use

When a city amends its zoning code or zoning map including adding or removing zoning districts or adding and removing permitted uses for a particular zoning district, there is always the possibility of creating legal nonconforming uses. A legal nonconforming use is a use that was permitted under the existing zoning code regulations at the time the new zoning code or zoning map is officially adopted, but not permitted under the new zoning code or zoning map.

Frequently Asked Questions

I just found out that my property is a non-conforming use, what does that mean?

If, after completing Steps 1 & 2, you determine that your existing land use is no longer permitted under the proposed zoning code and zoning map, you would be considered a legal nonconforming use. This means that you may legally continue to use your property in the same manner you have been using it, so long as it is fully compliant with all provisions of the existing zoning code regulations at the time of the adoption of the new zoning code.

Can a nonconforming use be expanded or enlarged?

In most instances, no. A legal nonconforming use may not be expanded or enlarged. If a nonconforming use is proposed to be expanded or enlarged, Ohio courts have ruled that the proposed expansion or enlargement nullifies the legal nonconforming use status for the property. This means that the property owner would be required to adhere to the regulations and guidelines of the new zoning code.

What if a nonconforming use is discontinued or abandoned?

A legal nonconforming use may continue in its current level of activity until the use or activity is discontinued or abandoned for a continuous six month period of time. If the legal nonconforming use is deemed to have discontinued or be abandoned for a continuous six month period, then the legal nonconforming use status is revoked and the property must comply with all the applicable regulations of the new zoning code before the property may be used again.

What if a nonconforming use is damaged due to fire or other natural act?

If a legal nonconforming use is damaged by fire or a natural act such as a tornado, for example, the nonconforming use may preserve its protected status if no more than 60% of the value of the structure or use is destroyed. If more than 60% of the value of a nonconforming structure or use is deemed to have been destroyed, that property must comply with the new zoning code regulations before the property is used or rebuilt.

What if my legal nonconforming residential dwelling is 100% destroyed?

Please note, residential dwellings located in the proposed R-SF-A, R-SF-B and CC zoning districts are exempt from the 60% damage requirement stated above. Therefore, if a residential dwelling located in one of these three proposed zoning districts is 100% destroyed, the property owner would be able to rebuild the structure back to the same size, same residential structure type and same building lot setbacks as existed prior to the damage.

Can I repair or restore a nonconforming structure?

Yes, a property owner may repair or restore a legal nonconforming structure to a safe and sanitary condition when it is declared that the nonconforming use is unsafe or unsanitary by the city and no more than 60% of the fair market value of the structure is destroyed. The proposed code does exempt residential dwellings from this 60% damage rule when located in the following districts: R-SF-A, R-SF-B and CC. Therefore, if a residential dwelling is completely destroyed in one of those three zoning districts, it may be rebuilt as it existed prior to the damage and the legal nonconforming use status will continue to remain intact.

Can I change from one nonconforming use to another nonconforming use?

The Planning Commission would maintain the authority to permit or reject requests to change from one nonconforming use to another nonconforming use on a particular parcel within the city. The Planning Commission could not permit a change unless the new nonconforming use is equally or more compatible with permitted uses in the district in which it is located than the existing nonconforming use. The Planning Commission would not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use.

STEP 1: Existing Land Use Matrix Chart

Existing Land Use Description	R-SF-A	R-SF-B	R-SF-T	MF-MD	MF-HD	RT	R-O	N	CC	G	LI	GI
Residential												
Single Family	P	P	P	-	-	P	-	-	-	-	-	-
Two Family Dwelling	-	-	-	-	-	P	-	-	-	-	-	-
Townhouses	C	C	P	P	-	P	P	-	C	-	-	-
Multi-Family Dwellings	-	-	-	P	P	-	P	-	C	-	-	-
Planned Unit Residential Developments	-	C	C	-	-	C	-	-	-	-	-	-
Public & Quasi Public Uses												
Government Administration Offices	-	C	-	C	C	C	-					
Public Safety Facilities	C	C	C	C	C	C	C	-	C	C	P	P
Public Service & Utility Facilities	-	C	C	C	C	C	C	C	C	C	P	P
School Facilities	-	C	C	C	C	C	C	-	C	-	-	-
Religious Institutions	C	C	C	C	C	C	C	-	C	-	-	-
Higher Education Facilities	-	C	-	-	-	-						
Cultural Facilities	-	C	C	C	C	C	C	-	C	-	-	-
Welfare Facilities	C	C	C	C	C	C	C	-	C	-	-	-
Mortuaries	-	-	-	C	C	-	C	-	C	-	-	-
Recreation												
Neighborhood Recreation Facility	C	C	C	C	C	C	C					
General Recreation Facilities	-	C	C	C	C	C	C					
Non-Profit Membership Organization Facilities	-	-	-	C	C	-	C	-	C	-	-	-
Indoor Commercial Recreation & Entertainment	-	-	-	-	-	-	-	-	C	P	-	-
Outdoor Commercial Recreation & Entertainment	-	-	-	-	-	-	-	-	-	C	C	C
Retail & Office (continued)												
Financial Institutions (with drive-thru)	-	-	-	-	-	-	C	-	-	-	-	-
Personal & Household Needs Shops	-	-	-	-	-	-	P	P	-	-	-	-
Motels & Hotels	-	-	-	-	-	-	-	-	P	P	-	-
Hardware Stores	-	-	-	-	-	-	-	-	-	P	-	-
Agricultural & Horticultural Sales	-	-	-	-	-	-	-	-	-	P	-	-
Drive-In Commercial Facilities	-	-	-	-	-	-	-	-	-	P	-	-
Automobile & Recreational Equipment Sales	-	-	-	-	-	-	-	-	-	P	-	-
General Retail Facilities	-	-	-	-	-	-	-	-	P	-	-	-
Custom Goods Shops	-	-	-	-	-	-	-	P	-	-	-	-
Personal Service Establishments	-	-	-	-	-	-	P	P	-	-	-	-

Existing Land Use Description	R-SF-A	R-SF-B	R-SF-T	MF-MD	MF-HD	RT	R-O	N	CC	G	LI	GI
Eating & Drinking Places	-	-	-	-	-	-	P	-	P	-	-	-
Convenience Commercial Facilities	-	-	-	-	-	-	P	-	-	-	-	-
Convenience Commercial Facilities (20% max)	-	-	-	-	-	-	C	-	-	-	-	-
Administrative and Professional Offices/Services	-	-	-	-	-	-	P	-	P	-	-	-
Outdoor Sales	-	-	-	-	-	-	-	-	-	P	-	-
Street Oriented Outdoor Displays	-	-	-	-	-	-	-	-	-	C	-	-
Child Day Care	-	C	C	C	C	-	C	-	C	-	-	-
Eating, Drinking & Food Sales												
Dancing & Entertainment (in eating & drinking places)	-	-	-	-	C	-	-	-	-	-	-	-
Heavy Retail Sales & Service												
Animal Kennel	-	-	-	-	-	-	-	-	-	C	-	-
Health Services												
Acute Care Facilities	-	-	-	C	C	-	C					
Extended Care & Geriatric Medical Facilities	-	C	C	C	C	C	C					
Veterinary Office – Animal Hospital	-	-	-	-	-	-	C	-	C	C	-	-
Vehicle Sales, Rental & Service												
Automobile Wash Facility (self service or automatic)	-	-	-	-	-	-	-	-	-	C	-	-
Automobile Repair Facility	-	-	-	-	-	-	-	-	-	C	-	-
Pay Parking Facilities	-	-	-	-	-	-	-	-	C	-	-	-
Storage & Wholesale												
Outdoor Storage & Display	-	-	-	-	-	-	-	-	-	-	P	P
Storage & Wholesale (continued)												
Storage & Distribution Facilities	-	-	-	-	-	-	-	-	-	-	P	P
Industrial												
Commercial Service Facility	-	-	-	-	-	-	-	-	-	-	P	P
Manufacturing Facility	-	-	-	-	-	-	-	-	-	-	P	P
Research & Development Facility	-	-	-	-	-	-	-	-	-	-	P	P

STEP 2: Proposed Land Use Matrix Chart

Proposed Land Use Description	R-SF-A	R-SF-B	R-SF-T	MFR	R-O	NC	CC	DT	BR-CD	UT	DD	GI	CD
Residential													
Single Family	P	P	P	-	-	-	-	-	-	-	-	-	-
Two Family Dwelling	-	-	-	P	-	-	-	-	-	-	-	-	-
Multi-Family Dwelling	-	-	-	P	-	-	-	-	-	-	-	-	P
Multi-Family Dwelling (upper floor only)	-	-	-	-	-	-	-	P	-	P	-	-	P
Senior Care Facility & Assisted Living	-	-	-	C	-	C	C	C	C	-	-	-	-
Hospice	-	-	-	-	-	-	C	-	C	-	-	-	-
Adult Day Care Facility	-	-	-	-	-	C	C	-	C	-	C	-	-
Adult Family Home	P	P	P	P	-	-	-	-	-	-	-	-	-
Adult Group Home	-	-	-	C	-	-	-	-	-	-	-	-	-
Professional Home Office	P	P	P	P	P	-	-	-	-	-	-	-	P
Boarding House	-	-	-	-	-	-	-	-	-	-	-	-	-
Public & Quasi Public Uses													
Government & Civic Services	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Service & Utility Facilities	-	C	C	C	C	C	C	C	C	C	C	C	C
Cultural & Museum Facility	-	-	-	-	C	C	C	C	C	C	C	C	P
Assembly Hall	-	-	-	-	C	C	C	C	C	C	C	-	P
Religious Institutions	C	C	C	C	C	C	C	C	C	C	C	C	C
Community Education K-12	C	C	C	C	C	C	C	C	C	C	C	-	-
Technical School	-	-	-	-	-	-	C	-	C	-	-	C	P
College	-	-	-	-	-	-	-	-	-	-	-	-	P
Public Parks	P	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery	-	C	C	C	-	-	-	-	-	-	-	-	-
Library	-	C	C	C	C	C	C	C	C	C	C	-	P
Recreation													
Commercial Recreation (indoor & outdoor)	-	-	-	-	-	-	C	C	C	C	C	-	C
Private Recreation (indoor & outdoor)	-	-	-	-	-	-	C	C	C	C	C	-	C
Theaters (Indoor Motion Picture & Live)	-	-	-	-	-	-	P	P	P	P	P	-	P
Neighborhood Recreation Facility	C	C	C	C	C	-	-	-	-	-	-	-	-
Theaters (Outdoor Drive-In)	-	-	-	-	-	-	C	-	C	-	-	-	-
Campground	-	-	-	-	-	-	C	-	-	-	-	-	-
Lodges & Fraternal Organizations	-	-	-	-	C	C	C	C	C	C	C	-	-
Retail & Office													
General Merchandise Sales	-	-	-	-	P	P	P	P	P	P	P	-	C
Used Merchandise Sales	-	-	-	-	P	P	P	P	P	P	P	-	C
Apparel & Shoes	-	-	-	-	P	P	P	P	P	P	P	-	C
Specialty Retail	-	-	-	-	P	P	P	P	P	P	P	-	-

Proposed Land Use Description	R-SF-A	R-SF-B	R-SF-T	MFR	R-O	NC	CC	DT	BR-CD	UT	DD	GI	CD
Retail & Office (continued)													
Antiques & Collectables Sales	-	-	-	-	P	P	P	P	P	P	P	-	-
Plant Sales (outdoor)	-	-	-	-	-	-	P	P	P	P	P	-	-
Guns and Ammunition Sales	-	-	-	-	-	-	P	-	P	-	P	-	-
Video Store	-	-	-	-	-	P	P	P	P	P	P	-	-
Hardware Store	-	-	-	-	-	C	P	P	P	P	P	-	-
Electronic Equipment Sales	-	-	-	-	P	C	P	P	P	P	P	-	C
Paint, Wallpaper, Floor & Window	-	-	-	-	-	C	P	P	P	P	P	-	-
Carpet & Rug Stores	-	-	-	-	-	C	P	P	P	P	P	-	-
Adult Oriented Business	-	-	-	-	-	-	-	-	P	-	-	-	-
Hotel & Motel	-	-	-	-	-	-	P	P	-	P	P	-	C
Bed and Breakfast Inn	-	-	-	-	C	C	P	C	-	C	C	-	C
Financial Institutions (with drive-thru)	-	-	-	-	-	-	C	C	C	C	C	-	C
Financial Institutions (with no drive-thru)	-	-	-	-	-	-	P	-	P	P	P	-	P
Automated Teller Machine (ATM)	-	-	-	-	C	C	C	C	C	C	C	-	P
Pawn Shop	-	-	-	-	-	-	-	-	C	-	-	-	-
Loan Companies	-	-	-	-	-	-	-	-	P	-	-	-	-
Check Cashing Service	-	-	-	-	-	-	-	-	P	-	-	-	-
General Business Office	-	-	-	-	P	P	P	P	P	P	P	-	P
Professional Services Office	-	-	-	-	P	P	P	P	P	P	P	-	P
Architectural & Engineering Offices	-	-	-	-	P	P	P	P	P	P	P	-	-
Nursery School	-	-	-	-	C	C	C	C	C	C	C	-	C
Child Day Care & Learning Center	-	-	-	-	C	C	C	C	C	C	C	-	P
Home Operated Day Care (Type A)	C	C	-	-	-	-	-	-	-	-	-	-	-
Home Operated Day Care (Type B)	P	P	P	P	P	-	-	-	-	-	-	-	-
Home Occupation	C	C	C	C	C	C	C	C	C	C	C	-	-
Artist's Studio (Commercial)	-	-	-	-	P	P	P	P	P	P	P	-	-
Not-for-Profit Organization Office	-	-	-	-	P	P	P	P	P	P	P	-	P
Florists	-	-	-	-	P	P	P	P	P	P	P	-	-
Sweepstakes Terminal Cafe	-	-	-	-	-	-	-	-	C	-	-	-	-
Roadside Stands	-	-	-	-	-	-	C	-	C	-	-	-	-
Flea Markets	-	-	-	-	-	-	C	-	-	-	-	-	-
Eating, Drinking & Food Sales													
Convenience Store	-	-	-	-	-	-	P	P	P	P	P	-	C
Restaurant	-	-	-	-	-	P	P	P	P	P	P	-	P
Restaurant (with drive-up or drive-through)	-	-	-	-	-	-	C	-	C	C	C	-	-
Restaurant (small scale)	-	-	-	-	P	P	P	P	P	P	P	-	P
Catering Service	-	-	-	-	-	-	P	-	P	-	-	-	P
Bar, Cocktail Lounge	-	-	-	-	-	P	P	P	P	P	P	-	-

Proposed Land Use Description	R-SF-A	R-SF-B	R-SF-T	MFR	R-O	NC	CC	DT	BR-CD	UT	DD	GI	CD
Eating, Drinking & Food Sales (continued)													
Restaurant & Bar (with live entertainment)	-	-	-	-	-	-	P	P	P	P	P	-	-
Bakery, Pastry Shop	-	-	-	-	-	P	P	P	P	P	P	-	P
Grocery Store	-	-	-	-	-	P	P	P	P	P	P	-	-
Farmers Market	-	-	-	-	-	-	P	P	-	P	-	-	-
Liquor Store	-	-	-	-	-	-	P	-	P	-	-	-	-
Meat Market	-	-	-	-	-	P	P	P	P	P	P	-	-
Personal Services													
Barber & Beauty Shop	-	-	-	-	P	P	P	P	P	P	P	-	C
Shoe Repair	-	-	-	-	P	P	P	P	P	P	P	-	-
Funeral Parlor	-	-	-	-	-	-	P	-	P	-	-	-	-
Studio – Dance, Music, Voice, Martial Arts	-	-	-	-	P	-	P	P	P	P	P	-	P
Health Club	-	-	-	-	-	-	P	P	P	P	P	-	C
Laundromat	-	-	-	-	-	-	P	-	P	-	P	-	C
Laundry - Dry Cleaning (pick-up only)	-	-	-	-	-	-	-	P	-	P	P	-	-
Laundry – Dry Cleaning (on site)	-	-	-	-	-	P	P	P	P	P	P	-	-
Photography Studio	-	-	-	-	P	P	P	P	P	P	P	-	P
Pet Grooming	-	-	-	-	P	P	P	P	P	P	P	-	-
Travel Agency	-	-	-	-	P	P	P	P	P	P	P	-	-
Tattoo Parlor & Body Piercing Studio / Business	-	-	-	-	-	-	-	-	C	-	-	-	-
Beauty Schools	-	-	-	-	-	-	P	-	P	-	P	-	-
Other Personal Services	-	-	-	-	-	P	P	P	P	P	P	-	-
Heavy Retail Sales & Service													
Building Materials Sales	-	-	-	-	-	-	-	-	P	-	-	-	-
Heating & Air Conditioning	-	-	-	-	-	-	P	-	P	-	P	P	-
Bottled Gas	-	-	-	-	-	-	-	-	P	-	-	P	-
Animal Kennel	-	-	-	-	-	-	-	-	C	-	C	-	-
Equipment Sales, Rental, Repair	-	-	-	-	-	-	-	-	P	-	-	-	-
Furniture & Appliance Sales, Rental, Repair	-	-	-	-	-	-	P	-	P	-	-	-	-
Landscape Operation (with yard storage)	-	-	-	-	-	-	-	-	P	-	P	P	-
Nursery (with yard storage)	-	-	-	-	-	-	-	-	P	-	P	P	-
Pool Service & Sales	-	-	-	-	-	-	P	-	P	-	P	-	-
Tree Service	-	-	-	-	-	-	-	-	P	-	P	-	-
Small Recycling Collection Center	-	-	-	-	-	-	-	-	C	-	-	P	-
Package Distribution Center	-	-	-	-	-	-	-	-	P	-	P	P	-
Taxicab Service	-	-	-	-	-	-	P	-	P	-	P	-	-
Mobile Home Sales, Rental, Repair	-	-	-	-	-	-	-	-	P	-	P	-	-
Film / TV / Radio Production Studio	-	-	-	-	-	-	P	-	P	-	P	-	P
Firewood (outdoor sale)	-	-	-	-	-	-	-	-	P	-	-	-	-

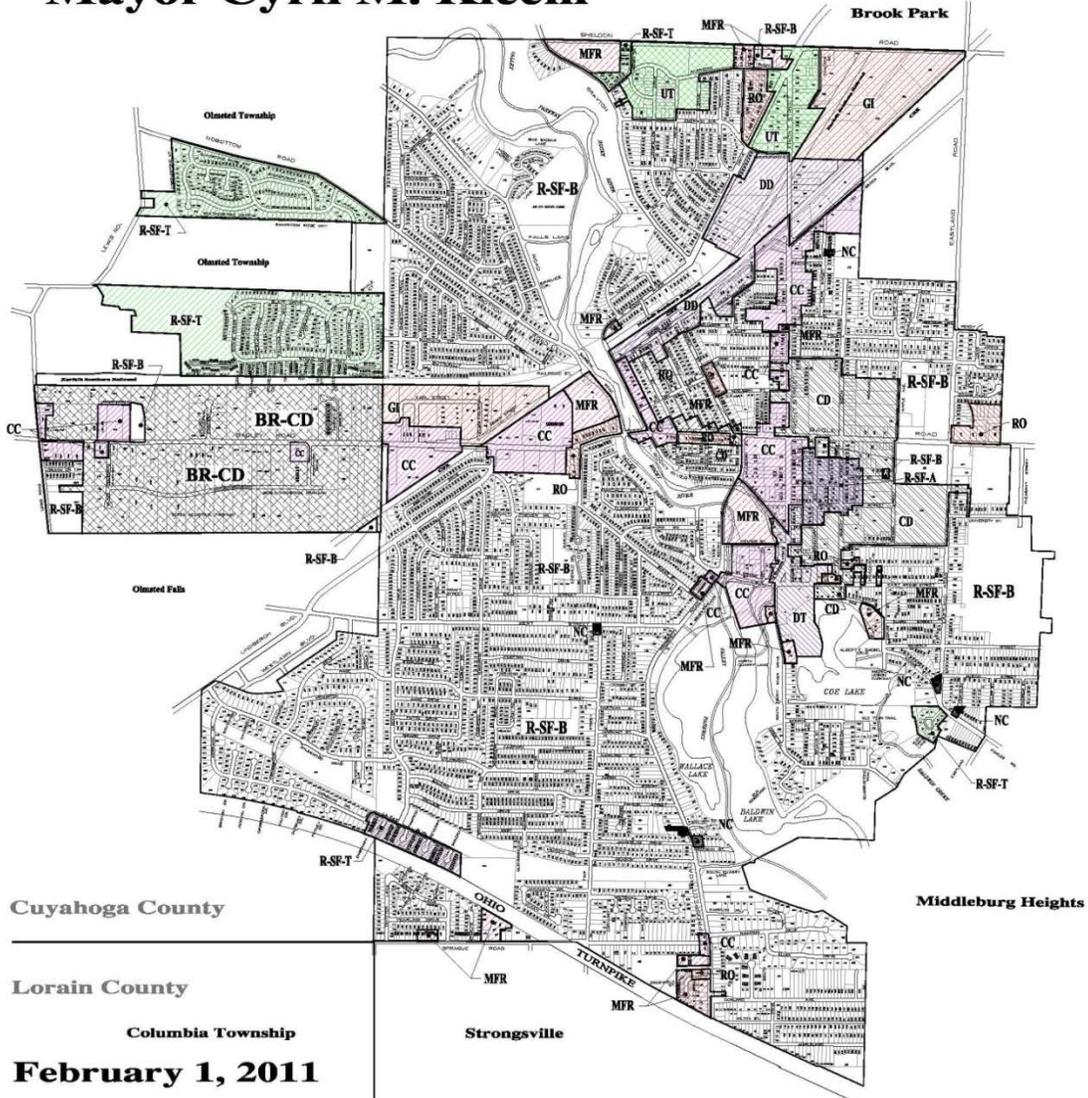
Proposed Land Use Description	R-SF-A	R-SF-B	R-SF-T	MFR	R-O	NC	CC	DT	BR-CD	UT	DD	GI	CD
Health Services													
Medical, Dental & Vision Office	-	-	-	-	P	P	P	P	P	P	P	P	P
Mental Health Counseling	-	-	-	-	P	P	P	P	P	P	P	P	P
Hospital	-	-	-	-	-	-	C	-	C	C	C	C	C
Veterinary Office – Animal Hospital	-	-	-	-	C	C	C	C	C	C	C	C	-
Pharmacy	-	-	-	-	-	-	P	P	P	P	P	-	C
Emergency Medical Care	-	-	-	-	-	-	P	-	P	-	P	-	P
Ambulance Service	-	-	-	-	-	-	P	-	P	-	-	-	-
Business Services													
Computer Service & Training	-	-	-	-	P	-	P	-	P	-	P	-	P
Data Processing Services	-	-	-	-	P	-	P	-	P	-	P	P	P
Delivery Services	-	-	-	-	-	-	P	-	P	-	P	P	P
Janitorial Service	-	-	-	-	-	-	P	-	P	-	P	P	P
Pest Control Service	-	-	-	-	-	-	P	-	P	-	P	P	-
Photographic & Retail Printing	-	-	-	-	-	P	P	P	P	P	P	-	P
Other Business Services	-	-	-	-	-	P	P	P	P	P	P	-	P
Vehicle Sales, Rental & Service													
Automobile Wash Facility (self service or automatic)	-	-	-	-	-	-	C	-	C	-	C	-	-
Automobile Parts & Accessory Store	-	-	-	-	-	-	P	-	P	-	P	-	-
Automobile Repair Facility	-	-	-	-	-	-	C	-	C	-	C	-	-
Automobile Rental	-	-	-	-	-	-	-	-	P	-	-	-	-
Automobile Wholesale	-	-	-	-	-	-	-	-	P	-	P	P	-
Automobile Sales	-	-	-	-	-	-	-	-	C	-	-	-	-
Gasoline Station	-	-	-	-	-	-	C	-	C	-	-	-	-
Motorcycle Sales	-	-	-	-	-	-	-	-	P	-	-	-	-
Semi-Truck & Trailer Sales or Rental	-	-	-	-	-	-	-	-	-	-	-	P	-
Parking Facilities	-	-	-	-	-	-	C	C	C	C	C	-	P
Boat Sales & Repair	-	-	-	-	-	-	-	-	P	-	-	-	-
Camper & Recreational Vehicles Sales & Leasing	-	-	-	-	-	-	-	-	P	-	-	-	-
Towing Service	-	-	-	-	-	-	-	-	-	-	-	P	-
Truck Service Station	-	-	-	-	-	-	-	-	-	-	-	P	-
Heavy Equipment Sales, Rental, Repair	-	-	-	-	-	-	-	-	-	-	-	P	-
Storage & Wholesale													
Outdoor Storage	-	-	-	-	-	-	-	-	P	-	-	P	-
Freight Terminal	-	-	-	-	-	-	-	-	P	-	-	P	-
Warehouse & Wholesale Operations	-	-	-	-	-	-	-	-	P	-	P	P	-
Bus & Heavy Equipment Terminal	-	-	-	-	-	-	-	-	-	-	-	P	-
Lumber & Wood Products	-	-	-	-	-	-	-	-	-	-	-	P	-
Mini-Storage (self-storage)	-	-	-	-	-	-	-	-	P	-	-	P	-

Proposed Land Use Description	R-SF-A	R-SF-B	R-SF-T	MFR	R-O	NC	CC	DT	BR-CD	UT	DD	GI	CD
Storage & Wholesale (continued)													
Auto, Boat, Recreational Vehicle Storage (indoor)	-	-	-	-	-	-	-	-	P	-	-	P	-
Frozen Food Lockers (cold storage)	-	-	-	-	-	-	-	-	-	-	-	P	-
Bakery Sales (Wholesale)	-	-	-	-	-	-	-	-	P	-	P	P	-
Commercial Parking Lots	-	-	-	-	-	-	-	-	P	-	-	P	P
Bulk Storage (indoor)	-	-	-	-	-	-	-	-	P	-	-	P	-
Bulk Storage (outdoor)	-	-	-	-	-	-	-	-	C	-	-	C	-
Recycling & Salvage Yards	-	-	-	-	-	-	-	-	-	-	-	C	-
Pallet Yards	-	-	-	-	-	-	-	-	-	-	-	P	-
Truck Yards	-	-	-	-	-	-	-	-	-	-	-	P	-
Light Industrial													
Semi-Conductor Manufacture	-	-	-	-	-	-	-	-	P	-	P	P	-
Food Product Manufacture	-	-	-	-	-	-	-	-	P	-	-	P	-
Machine Shops	-	-	-	-	-	-	-	-	P	-	P	P	-
Bottling Plants	-	-	-	-	-	-	-	-	P	-	P	P	-
Printing Plants	-	-	-	-	-	-	-	-	P	-	P	P	-
Electroplating Shops	-	-	-	-	-	-	-	-	P	-	P	P	-
Industrial Laundry	-	-	-	-	-	-	-	-	P	-	-	P	-
Finished Goods Assembly	-	-	-	-	-	-	-	-	P	-	P	P	-
Laboratory (medical, dental, optical)	-	-	-	-	-	-	-	-	P	-	P	P	-
Cabinet Makers & Carpentry	-	-	-	-	-	-	-	-	P	-	P	P	-
Contractor's Office (with indoor storage)	-	-	-	-	-	-	-	-	P	-	P	P	-
Construction Contractor's Yard	-	-	-	-	-	-	-	-	P	-	-	P	-
Textile Mill Products	-	-	-	-	-	-	-	-	P	-	-	P	-
Laboratory (research, experimental)	-	-	-	-	-	-	-	-	P	-	P	P	P
Laboratory (materials testing)	-	-	-	-	-	-	-	-	P	-	P	P	-
Machine Manufacture	-	-	-	-	-	-	-	-	-	-	-	P	-
Large Recycling Collection & Light Process	-	-	-	-	-	-	-	-	-	-	-	P	-
Wireless Telecommunications (* See Chapter 307 for additional permitted locations)	*	*	*	*	*	*	*	*	P	*	*	P	-
Heavy Industrial													
Building Material Manufacture	-	-	-	-	-	-	-	-	-	-	-	P	-
Hazardous Material Manufacture	-	-	-	-	-	-	-	-	-	-	-	P	-
Heavy Processing Recycling	-	-	-	-	-	-	-	-	-	-	-	P	-
Waste Transfer, Storage, Disposal	-	-	-	-	-	-	-	-	-	-	-	P	-
Tire Retreading, Recapping, Rebuilding	-	-	-	-	-	-	-	-	-	-	-	P	-
Planing & Sawmills	-	-	-	-	-	-	-	-	-	-	-	P	-
Paper & Pulp Manufacture	-	-	-	-	-	-	-	-	-	-	-	P	-
Paper Recycling	-	-	-	-	-	-	-	-	-	-	-	P	-
Metal Forging, Casting, Smelting	-	-	-	-	-	-	-	-	P	-	-	P	-

Proposed Land Use Description	R-SF-A	R-SF-B	R-SF-T	MFR	R-O	NC	CC	DT	BR-CD	UT	DD	GI	CD
Heavy Industrial (continued)													
Auto, Truck, Boat, Mobile Equipment Manufacture	-	-	-	-	-	-	-	-	P	-	-	P	-
Fertilizer Manufacture	-	-	-	-	-	-	-	-	-	-	-	P	-
Petroleum Refining & Related Uses	-	-	-	-	-	-	-	-	-	-	-	P	-
Rubber, Plastic, Raw Material Manufacture	-	-	-	-	-	-	-	-	-	-	-	P	-
Vehicle Parts Manufacture	-	-	-	-	-	-	-	-	P	-	P	P	-
Animal Rendering Plant	-	-	-	-	-	-	-	-	-	-	-	P	-
Asphalt, Cement, Aggregate Plant	-	-	-	-	-	-	-	-	-	-	-	P	-
Miscellaneous Uses													
Small Wind Conversion Energy System	-	-	-	-	-	-	-	-	P	-	-	P	-
Roof / Structure Mounted Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground Mounted Solar Energy System	-	-	-	-	-	-	P	P	P	P	P	P	P
Carport	-	-	-	-	-	-	-	-	-	-	-	-	-
<p>Notes: If a permitted use within the CD zoning district is proposed to be located 150 feet or less from any boundary of the CD zoning district, then a conditional use permit shall be obtained by the applicant following the procedure and applicable standards set forth in Chapter 304. The 150 foot location requirement is measured from any point along the property line of the zoning lot under review.</p>													

City of Berea, Ohio

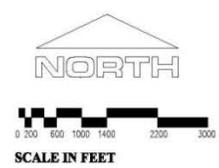
Mayor Cyril M. Kleem



February 1, 2011

Proposed Zoning Map of The City of Berea ZONING DISTRICTS

R-SF-A		Standard Single Family Residential - A District	BR-CD		West Bagley Road Commercial District
R-SF-B		Standard Single Family Residential - B District	NC		Neighborhood Commercial District
R-SF-T		Standard Single Family Residential - T District	CC		Commercial Center District
MFR		Multiple Family District	UT		Uptown District
CD		College District	DT		Downtown District
RO		Residence Office District	GI		General Industrial District
			DD		Depot District



Section 3: Summary of New Zoning Code Regulations

Overview: The following proposed zoning code regulations are either entirely or mostly unaccounted for in the existing zoning code. This summary highlights the more significant zoning standards that are proposed to be introduced or substantially upgraded to reflect modern trends in development, land use and Ohio / Federal court decisions.

Chapter 300 Site Plan Review. The site plan review chapter will likely be one of the most used chapters within the code. The regulations found in this chapter deal with new buildings, certain building additions and new parking lots creating five or more new spaces. (please note single family and duplex residential dwellings do not fall under this chapter) The Planning Commission is the body responsible for approving or disapproving site plan applications, based on staff recommendations. The regulations provided in this chapter deal with technical site development and engineering design issues including stormwater management, access management, traffic impacts and outdoor lighting. These regulations ensure that new and expanded development within Berea is designed and built to modern standards. These regulations also provided protection against developments creating adverse, water drainage and traffic impacts that could otherwise cost Berea time and money to correct at a later date.

The existing zoning code does not address most of these issues in a level of detail that is sufficient to protect the interests of the city or to protect adjacent property values.

Chapter 301 Off Street Parking and Loading Facilities. This chapter proposes to greatly enhance the current off-street parking guidelines.

- Parking area design standards were added to incorporate uniform design principles for all new and expanded parking lots. ODOT design standards were also incorporated into the required design approach.
- Parking space dimensions were added.
- Access driveway standards were enhanced to provide minimum standards for both residential and non-residential access drives. These standards protect against the occurrence of multiple driveway cuts and sets minimum drive widths to provide safe vehicular access.
- Parking lot landscaping and buffering requirements were added to the proposed code. These standards will help mitigate the visual impacts of parking lots by requiring landscaping based on the size of the parking lot. The buffering standards will help protect adjacent properties from associated parking lot noise and visual impacts.
- The parking space requirements are based on type of land use. The proposed language provides much greater detail in the number and types of land uses listed and their associated minimum parking spaces requirements.
- Parking standards are proposed to provide for the joint use of a common parking lot and for compact car stall standards. These standards provide the flexibility required in more dense urban commercial

areas such as the greater downtown Berea area. This parking stall flexibility is critical in helping to create the necessary parking required to support an active commercial business district.

- Parking lot maintenance requirements are proposed for the new code. These requirements will provide the city the necessary enforcement authority against a property to ensure that their parking lot is maintained at reasonable standards. Specific maintenance items to be addressed include parking lot landscaping, parking lot potholes, parking stall striping and parking lot directional signage.

Chapter 302 Landscape and Bufferyard Standards. This chapter proposes to add regulations to address the landscaping of new and expanded developments in addition to providing buffering and screening requirements between residential and non-residential land uses.

- Minimum bufferyard standards were added to require screening between certain types of land uses. In particular, these standards will help protect residential properties when located adjacent to new and expanded non-residential development projects. Within the minimum bufferyard areas, no structures would be permitted and adequate vegetative or solid fence / wall screening is required.

- Screening for Dumpsters and Other Service Structures. New dumpsters and similar trash collection areas would be required to be fully screened with either a solid planting of evergreens, a solid brick wall or solid wood fence.

- Building Foundation Planting. Landscaping would be required for all new buildings around the perimeter of the structure (or it's foundation). This would not apply to new single family or two-family dwellings.

- Street Frontage Landscaping. Landscaping would be required for a new development project that has frontage on a public road. The minimum street frontage landscaped area would be six feet and would provide an aesthetic buffer between the public roadway and the building site.

- Plant Lists. A comprehensive plant list was added for an applicant to choose from when designing required landscaped areas.

Chapter 303 Sign Standards. The proposed outdoor sign standards proposes a clear and comprehensive set of regulations intended to provide reasonable sign and messaging opportunities while controlling the number and size of signs to ensure the protection of property values and enhancement of the physical appearance of the community.

- Sign Definitions. A comprehensive list of sign related definitions are proposed to create a detailed and straight forward explanation of sign related terms.

- Sign Illumination Standards. Lighting standards for outdoor signs are proposed to be incorporated into the new code. These standards provide protection against signs employing excessive lighting which can decrease property values or create certain traffic hazards.

- Maintenance of Signs. Standards are proposed to create minimum maintenance requirements for sign owners. Both sign structure and associated sign landscaping would be addressed under this section. These standards would also provide a procedure by which the city would have the authority inspect signs and enforce a process to correct the defects.

- **Sign Construction Standards.** New sign construction standards are proposed to ensure all new signs are constructed in a manner that protects the public's safety and protects property values.
- **Temporary Sign Standards.** Sign standards are proposed to regulate temporary signs sought to be placed within the city. A procedure is suggested to provide for the issuance of up to three (30 day) temporary sign permits per parcel. Size and location standards are also proposed to set reasonable limits on temporary sign size and permitted sign locations.
- **Removal and Disposal of Signs.** Standards are proposed to create a process for the removal and disposal of signs determined to be abandoned.

Chapter 304 Conditional Use Standards.

- **Specific standards for identified conditional uses** are proposed to provide increased regulation of land uses that requires higher levels of scrutiny. These conditional land uses often involve safety, quality of life, traffic impacts and other secondary effects due to the nature of the particular land uses. The specific standards are tailored for each identified land use and their potential secondary effects.
- **Expiration of Conditional Uses.** A six month expiration date is proposed for all discontinued or abandoned conditional uses. A conditional permit use would also expire upon the change of ownership of the property.

Chapter 305 Accessory Use Standards.

- It is proposed that no more than two accessory uses will be permitted per parcel. In addition, maximum size limits and minimum setback distances are proposed for accessory use structures. No accessory uses would be permitted in the front or rear yards in residential districts.
- The new language would also propose setting a maximum rear yard coverage ratio of 25% to avoid large accessory use structures placed on small rear yard areas. The maximum height for a new residential accessory use would be 15 feet.

Chapter 306 Nonconforming Use Standards.

- The nonconforming use standards are proposed to be upgraded to provide that any nonconforming use that is deemed to be discontinued or abandoned for a continuous six month period shall lose its nonconforming use (grandfathered) status. This regulation would not apply to residential dwellings located in any R-SF-A or R-SF-B zoning districts.
- Language is proposed to provide relief to residential dwellings located in any R-SF-A, R-SF-B or CC zoning districts when more than 60% of the structure is damaged. If 60% or more of that structure is damaged by fire or other natural causes, that residential structure may be rebuilt to the same size, scale and setbacks as previously existed.

Chapter 307 Wireless Telecommunication Facilities

This chapter is proposed to be added to provide Berea with a comprehensive set of technical guidelines by which future applicable wireless telecommunication facilities providers will design and operate their

facilities. Although much of the chapter involves highly technical RF engineering requirements to be met, there are a few site based regulations that provide increased protection to adjacent and nearby property owners.

- Location Requirements. The proposed language states that wireless telecommunication facilities may only be located in the following zoning districts:

- On existing towers or other structures without increasing the height of the tower or structure;
- On City-owned properties located in any zoning district;
- On properties in areas zoned for BR-CD West Bagley Road Commercial district;
- On properties in areas zoned for GI General Industrial district.

- Lot Setbacks Requirements. Regulations would require that any applicable wireless telecommunication facility structure be setback a minimum of 110% of the height of the structure from any nonresidential property line. When a wireless telecommunication structure is located adjacent to any residential zoning district, then the minimum structure setback is 500 feet.

- Lot Size Requirements. The minimum lot size for any tower or other telecommunication facility is proposed to be one acre.

- Lot Screening Requirements. Any ground mounted facilities associated with a wireless telecommunication facility would be required to be fully screened with a minimum six foot high solid wood privacy fence or a continuous evergreen hedge planting.

Tower Height Requirements. The maximum tower height for a wireless telecommunication facility is proposed to be 140 feet.

Chapter 308 Sustainable Facility Standards

A new chapter is proposed to be added to provide standards for a variety of sustainable facilities that may be put into use within the city. The intent of these regulations is meant to both encourage the use of these types of sustainable facilities while providing reasonable protection to surrounding property owners from possible adverse impacts of the sustainable facilities. The following types of sustainable facilities are regulated by the proposed code language:

- Small Wind Conversion Energy Systems
- Solar Energy Systems
- Geothermal Energy System
- Green Roof Systems
- Rail Barrels

Chapter 309 Supplemental Regulations

Chapter 309 was drafted with the intent of providing regulations for a variety of different land use topics that do not fall within other chapters within the proposed code. Some of the more pertinent new land use issues addressed include the following:

- Private Residential Swimming Pools. Proposed standards are suggested to provide safer swimming pool environments. Applicable swimming pools would be required to have five foot high fencing surrounding the pool area and a suitable latched gate.

- Certain spas, hot tubs, blow-up pools and kiddie pools would be exempt from these requirements based on their size.

- Regulations are proposed to control the use of portable, blow-up, wading and kiddie pools. With the advent of larger portable style pools, these standards are meant to provide a safe swimming environment for the users and neighbors alike. These portable pools are restricted to the side yard and rear yard areas of a residential lot.

- Performance Standards. Regulations are proposed to be added to protect the quiet and peaceful enjoyment of property by addressing the following issues that may arise from a variety of residential and non-residential land uses:

- Noise
- Odors
- Vibrations
- Glare and Heat
- Air and Water Pollutants
- Hazardous Materials
- Smoke

- Mobile Storage Dumpsters. Standards are proposed to regulate the newer concept of portable storage containers (or “Pods”) or traditional dumpsters within any lot in the city. A permit system is proposed to provide a property owner the ability to apply for a 30 day permit (up to 4 permits in a calendar year) to place no more than one portable storage container or dumpster in the front yard of any lot in the city. The maximum size of these structures is proposed to be ten feet in height and twenty feet in length.

- Professional Home Office Standards. Standards are proposed to regulate home based office operations. Home based office operations meeting the definition set forth in the proposed language would be allowed subject to no more than 400 square feet of the premises being allocated to the office operations. Other standards are suggested to protect adjacent property owners from intensive home based business operations including sign restrictions, on-site vehicle storage restrictions, regulated delivery times and limiting the number of employees engaged in the business to one person who also lives in the dwelling. For example, the existing zoning code allows for no more than 20% of the habitable dwelling space be dedicated towards a home office use. In a 1,500 sq. ft. house, 300 square feet would be permitted as home office. Under the proposed language, that same 1,500 sq. ft. dwelling would be permitted to use 400 square feet as a home office .

- Farmers Market Standards. Regulations are proposed for outdoor farmers markets that provide for hours of operation between April 1 and November 30 of any given year. Additional regulated activities include trash clean-up, sign regulation and removal, specified parking areas, designated sales areas and maximum area allowed for a farmer's market to occupy. Operators of a proposed farmer's market would also be required to apply for a zoning permit prior to engaging in business.
- Private Recreational Ramp Standards. Standards are proposed to be added to regulate the usage of private recreational sport ramps within the city. Commercial recreational sport ramps and public owned recreational sport ramps would be permitted in the designated zoning districts allowing this type of use.

Chapter 400 Definitions

The proposed zoning code proposed a greatly enhance definition section over the existing zoning code. When interpreting zoning code for real world applications, providing a comprehensive set of detailed definitions greatly assists both city staff and the applicant when understanding what is permitted and what is not. The proposed zoning code definitions are provided in three areas including the main list in Chapter 400, a separate sign definitions list in Chapter 303 and a separate definition list in the Wireless Telecommunications Chapter (Chapter 307).

Section 4: Existing Zoning Code Language (Regulations) Preserved

The following zoning code chapters or zoning code sections are proposed to be included in the new zoning code with no substantial changes beyond reorganizing the existing language into a more user friendly format in most instances:

- Historic Preservation and Review (Chapter 310)
- Minor Amenity Standards (Chapter 309)
- Demolition of Buildings Standards (Chapter 309)
- Recreational Vehicle Storage and Parking Standards (Chapter 309)

Please note that there are numerous other examples of existing zoning text that is proposed to be carried over into the new zoning code. However, these instances often involve smaller sections, parts of a section, or sometimes involve an existing zoning concept or regulations that has been re-worded or re-formatted to become more user friendly and understandable.