

EXHIBIT A

CHAPTER 1185 Mixed-Use Districts

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1185.01 PURPOSE.

The purpose of the Mixed Use Districts is to encourage a compact mix of uses, including retail, service, office, and housing, to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the existing density of Parma Heights, the convenience provided by multi-modal transportation options along Pearl Road and W. 130th Street, and the vitality that mixed uses can bring to a community.

These districts and associated regulations are intended to create and enhance areas of concentrated development along Pearl Road and W. 130th Street in order to:

- a) Promote a diverse mix of business, commercial, office, institutional, educational, cultural, and entertainment activities in suitable locations for workers, visitors, and residents.
- b) Promote integrated residential living environments that provide a broad range of housing types for an array of housing needs and lifestyle options.
- c) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit and contemporary businesses.
- d) Promote the health and well-being of residents by encouraging development that fosters physical activity, alternative transportation, and greater social interaction.
- e) Create a place that represents a unique, attractive, and memorable destination for visitors and residents.
- f) Enhance the community's character through the promotion of high quality urban design.
- g) Ensure that new development and redevelopment occurs in a unified manner.
- h) Ensure the mixed use districts reflect the existing and desired development along the Pearl Road and W. 130th Street commercial corridors, based on the Comprehensive Plan, other planning documents and existing development characteristics, as highlighted below:
 - 1) Town Center Mixed Use District (TC-MUD). The Town Center district is primarily intended to encourage and enhance the desired high-intensity and social function of the Town Center. The regulations support and build on the Town Center's role as a hub for business, office, government, retail, culture, entertainment and recreation. The district regulations support a mix of uses and residential projects, which are an important component of the Town Center's vitality, and promote connectivity to Greenbrier Commons civic center and Big Creek Parkway.

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- 2) W. 130th Street Mixed Use District (W130-MUD). This district is intended to foster a mixed-use environment that provides employment opportunities located within walking distances of residents and the range of compatible uses that are suitable for proximity to Southland Shopping Center, a major regional destination and transit hub.
- 3) Neighborhood Mixed Use District (N-MUD). This district is primarily intended to accommodate moderate-density residential development and small-scale commercial and office uses in locations between the larger, denser Town Center and W 130th Street Mixed Use Districts. Development is of a size and intensity suitable for smaller lots and compatible with the residential character of the adjacent neighborhoods.

1185.02 PERMITTED USES.

No building, structure, premises, or portion thereof, shall be used, arranged to be used, or designed to be used, except as established below.

- a) Permitted Use Table Summary. Table 1185.02 sets forth the uses allowed in the Mixed Use districts. The abbreviations used in the table are described as follows:
 - 1) Uses Permitted By Right. A "P" in a cell indicates that the use is allowed by-right as a principal use in the respective district provided that all requirements of other City ordinances and this Planning and Zoning Code have been met.
 - 2) Conditional Uses. A "C" in a cell indicates that the use is regulated as a conditional use. The use may be permitted in the respective district if approved through the conditional use review process in compliance with Chapter 1135, provided that all standards for specific uses found in Chapter 1195, Supplemental Use Requirements, or elsewhere as referenced herein and other relevant City ordinances and this Planning and Zoning Code have been met.
 - 3) Accessory Uses. An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal or conditional use listed in Table 1185.02 and that the requirements of all other City ordinances and this Planning and Zoning Code have been met.
 - 4) Uses Not Permitted.
 - A. An "N" in a cell indicates that a use is not permitted in the respective district.
 - B. Any use not specifically listed in Table 1185.02 shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1163 or approval as a similar use as provided in Section 1135.10.
- b) Compliance with Standards. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards referenced in Table 1135.02.
- c) Indoor/Outdoor Operations. All permitted uses in the Mixed Use Districts shall be conducted within a fully enclosed building unless otherwise expressly authorized. This requirement does not apply to accessory off-street parking and loading areas.

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<i>Table 1185.02 Permitted Uses</i>				
	<i>TC-MUD Town Center Mixed-Use</i>	<i>W130-MUD W 130th St. Mixed-Use</i>	<i>N-MUD Neighborhood Mixed-Use</i>	<i>Use-Specific Regulations</i>
Residential:				
Artist Live/Work units, above ground floor	P	P	P	1195.03(a)
Artist Live/Work units, ground floor	C	C	P	1195.03(a)
Dwelling Units, above nonresidential ground floor	P	P	P	
Group Home, Large	C	C	C	1195.03(b)
Multi-Family Building	C	C	P	1195.03(c)
Skilled Nursing and Rehabilitation Facility	C	C	C	1195.03(d)
Town House /Attached Single-Family Dwellings	C	C	P	1195.03(e)
Public and Civic:				
Cultural Institution, Libraries, Religious Assembly	P	P	P	
Day Care Centers, child and adult	P	P	P	
Hospitals	N	C	N	1195.04(a)
Parks, Other Public Open Space	P	P	P	
Public Safety Services	P	P	P	
Recreational Facilities, indoor, public or private	N	C	C	1195.04(b)
Schools, colleges, trade schools	C	C	C	1195.04(c)
Schools, primary and secondary	C	C	C	1195.04(d)
Commercial:				
Animal Services, including veterinary clinics, sales and grooming (but not including boarding kennel)	P	P	P	
Artist Work or Sales Space, Artisan production/fabrication	P	P	P	
Brew pubs and wine bars	P	P	C[1]	1195.05(a)
Business services	P	P	P	
Drive-Through Facility	C	C	N	1195.05(b)
Entertainment, indoor, in association with a permitted use	A	A	C	1195.05(c)
Financial Services	P	P	P[1]	
Funeral Home	P	P	P	
Medical Marijuana Dispensary	C	C	N	Chap 1190
Medical/Dental offices or clinic	P	P	P[1]	
Medication Maintenance Facility or Dispensary	N	C	N	1195.05(f)
Micro production facility (Micro-brewery, Micro-distillery, Micro-winery)	C	C	N	1195.05(a)
Offices, administrative, general, professional	P	P	P[1]	
Outdoor Dining in association with a restaurant	C	C	C	1195.05(g)
Restaurants	P	P	P[1]	
Personal Service, including health clubs and gyms	P	P	P[1]	
Repair Service, consumer	P	P	P[1]	
Permanent Cosmetics Services in association with a permitted personal service establishment	C	C	N	1195.05(h)
Tattoo or Body Piercing Services	N	C	N	Chap 733
Retail Sales, general	P	P	P[1]	
Laboratories and Research Facilities	C	C	N	1195.05(d)
Light Industrial	N	C	N	1195.05(d)
Limited Outdoor Operations	N	C	N	1195.05(e)

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<i>Table 1185.02 Permitted Uses</i>				
	<i>TC-MUD Town Center Mixed-Use</i>	<i>W130-MUD W 130th St. Mixed-Use</i>	<i>N-MUD Neighborhood Mixed-Use</i>	<i>Use-Specific Regulations</i>
Automotive Uses:				
Car wash	C	C	CN	1195.06(a)
Gas station	C	C	CN	1195.06(b)
Parking, Commercial Garage	C	C	C	1195.06(c)
Vehicle repair, restoration	C	C	C	1195.06(d)
Vehicle sales, New car sales and associated service	C	C	C	1195.06(e)
Vehicle service	C	C	C	1195.06(f)
Other Accessory Uses and Structures				
Fences and Walls	A	A	A	
Landscape features (including gardens, fountains, sidewalks, and lawns) and ornamental structures	A	A	A	
Maintenance, storage, utility and waste disposal facilities in enclosed structure	A	A	A	
Off-street parking and loading	A	A	A	
Outdoor recreational structures, accessory to a day care center	A	A	A	
Signage	A	A	A	
Temporary transient outdoor business/sales[2]	A	A	A	1195.07

P = permitted by right; C = conditional use; A = accessory use; N = not allowed

[1] Individual business establishments are limited to a maximum of 5,000 square feet in area. Larger establishments or expansions beyond 5,000 square feet require conditional use approval.

[2] Permitted only upon obtaining authorization from the Director of Public Services.

1185.03 USE REQUIREMENTS FOR LARGE PARCEL DEVELOPMENT.

- a) Within the Town Center Mixed-Use District, development proposals that involve at least 1.5 acres or 60,000 square feet of building floor area, whichever is less, shall:
 - 1) Include a mix of retail, office, residential or civic uses, so that no one use category exceeds 90% of the total floor area of the proposed development.
 - 2) A minimum of 50% of the linear first floor building frontage along primary streets shall be designed for retail, restaurant, and/or service uses, with a floor to ceiling height of at least 10 feet.
 - 3) Façade Transparency Requirements. The ground floor façade of buildings that contain nonresidential uses on the ground floor shall include clear windows that permit views into the interior of the building and/or product display areas, in compliance with the minimum percentages set forth below:
 - A. Ground floor transparency is measured between two and eight feet above the sidewalk elevation on all ground story facades, regardless of whether a sidewalk is adjacent to the façade.
 - B. Street-facing building façades and non-street facing facades that include the primary building entrance shall provide a minimum of 60% ground floor transparency.
 - C. All other ground floor facades shall provide a minimum of 30% ground floor transparency.
 - 4) These requirements may be waived for conditional uses based on their location within the Town Center District.
- b) All parking structures shall be located toward the rear of the site and screened from view from the primary street by with other permitted uses.

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1185.04 DEVELOPMENT STANDARDS.

a) New lots and construction of new buildings shall comply with the regulations in Table 1185.04.

Table 1185.04 Development Standards.			
	<i>TC-MUD Town Center</i>	<i>W130-MUD W 130th St</i>	<i>N-MUD Neighborhood</i>
1) Lot and Density Requirements			
A. Minimum lot area	20,000 sq ft	20,000 sq ft	none
B. Minimum lot width	50 ft	50 ft	50 ft
C. Maximum Residential Density	40 units per acre	40 units per acre	12 units per acre
2) Front Yard - building setback from street right-of-way:			
A. Minimum:	5 feet	10 feet	5 feet
B. Maximum:	25 feet[1]	30 feet[1]	25 feet[1]
3) Side Yard - building and parking setback:			
A. Setback abutting nonresidential district			
1. Minimum:	None[1]	None[1]	5 feet
2. Maximum:	One third (1/3) the height of principal building.	None[1]	None[1]
B. Minimum setback abutting a residential district	20 feet	20 feet	20 feet
4) Rear Yard - building and parking setback:			
A. Minimum setback abutting nonresidential district	5 feet	5 feet	5 feet
B. Minimum setback abutting a residential district	40 feet	40 feet	20 feet
5) Minimum building front to lot width ratio	65%	65%	50%
6) Minimum Parking setback from street right-of-way	10 ft[3]	10 ft[3]	10 ft
7) Parking setback and landscaped buffer when abutting a residential district [4]			
A. Side yard buffer	10 feet	10 feet	10 feet
B. Rear yard buffer	20 feet	20 feet	10 feet
8) Public Open Space Requirements[5]			
A. Nonresidential development proposals with 1.5 acres or 60,000 square feet of building floor area, whichever is less	5% of the project area	5% of project area	5% of project area
B. Residential development	10% of project area	10% of project area	15% of project area
Notes			
[1] Or the average front yard depth of the nearest two lots on either side of the subject lot, whichever is less.			
[2] Provided that abutting walls are constructed in accordance with building code requirements.			
[3] But no closer to the street than the principal building.			
[4] Shall also comply with the screening requirements in Section 1185.08.			
[5] In the case of a mixed use project, public open space shall be allocated to the property in proportion to the floor area devoted to uses included in the development and shall be located in relation to those uses.			

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- b) Minimum building front to lot width ratio: In order to create continuity of the streetwall, the front façades of principal buildings shall be located within the front setback limits in compliance with the minimum building front to lot width ratio specified in Table 1185.04.
 - 1) A public plaza, unenclosed landscaped courtyard or other publicly accessible open meeting the open space type requirements may count for up to 25% of the requirement.
 - 2) The building front to lot width ratio is determined by dividing the length of the principal building(s) parallel to the front lot line and within the front setback limits by the length of the front lot line (not including side setbacks).
- c) Exceptions: The following exceptions to the maximum front building setback and maximum building front to lot width ratio shall apply:
 - 1) A portion of the building may be located beyond the maximum setback line to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one (1) square foot for every linear foot of building frontage.
 - 2) A building may be may located beyond the maximum setback to accommodate an outdoor eating area or designed to meet the public open space requirement. In order to preserve the continuity of the streetwall, the building setback shall not exceed 50 feet from the street right-of-way line, or at least 40 percent of the building façade must be located at the maximum setback line.

1185.05 HEIGHT REQUIREMENTS.

Development in a Mixed-Use District is subject to the following building height standards:

- a) All buildings shall comply with the maximum building height listed in Table 1185.05.
- b) Buildings that are located within the front setback limits shall comply with the minimum number of required stories.
- c) The required building stories shall not be less than the minimum story height listed in Table 1185.05
 - 1) Unless otherwise specified, story height is measured in feet between the floor of one story to the floor of the story above it.
 - 2) For single story buildings and the uppermost story of a multi-story building, story height shall be measured from the floor of the story to the eave line on pitched roofs and to the tallest point of the roof deck on parapet and flat roofs.
- d) Accessory buildings shall not exceed the height of the principal building.
- e) Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

Table 1185.05 Height Standards [1]			
	<i>TC-MUD Town Center</i>	<i>W130-MUD W 130th St</i>	<i>N-MUD Neighborhood</i>
A. Maximum Building Height	60 feet	60 feet	30 feet
B. Minimum number of stories [2]	Two (2) stories	Two (2) stories	One (1) story
C. Minimum height of ground story	12 feet	12 feet	12 feet
D. Minimum height of upper story	10 feet	10 feet	Not Applicable

[1] Site-specific height restrictions may be established as part of the overall site plan to promote design compatibility with the surrounding area and to minimize negative visual impacts, particularly on adjacent or nearby residential areas.

[2] See subsection 1185.05b. for compliance requirements.

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1185.06 PARKING REQUIREMENTS.

- a) General Requirements. Off-street parking and associated driveways shall conform to the parking requirements set forth in Chapter 1187, except as modified herein. Where there is a conflict between a provision in this section and a provision in Chapter 1187, the requirements of this Chapter shall prevail.
- ~~b) Modified Parking Standards:~~
- ~~1) Required parking may be reduced to not less than 60% of the minimum required in Chapter 1187 when the City Planning Commission determines that, based on credible evidence provided by the applicant, certain factors such as, but not limited to, availability of transit, mix of land uses and shared parking options are likely to result in lower off-street parking demand than indicated by the requirements in Chapter 1187.~~
 - ~~2) The maximum amount of parking provided shall not exceed 100% of the standards contained in Chapter 1187. The maximum provision shall not apply to park-and-ride facilities or other parking provided as part of a transit facility.~~
- ~~e)b) Location of Off-Street Parking Spaces~~. Off-street surface parking shall not be located between the façade of a building and the primary street. Parking shall be located to the rear or side of a building, provided that the building complies with the minimum building front to lot width ratio set forth in Table 1185.04(5).
- ~~e)c) Bicycle Parking~~. Bicycle parking facilities shall be located so as to not interfere with pedestrian and vehicular circulation.
- ~~e)d) Parking lots shall be designed to include features that support alternative forms of transportation, such as bike racks, bus stops, benches, and walkways.~~
- ~~f)e) Common driveways shall be created wherever possible to serve commercial facilities in order to reduce curb cuts.~~

1185.07 PARKING LOT LANDSCAPING.

- a) Internal Parking Lot Landscaping. Parking lots that contain 40 or more spaces shall provide interior parking lot landscaping in compliance with the following standards”
- 1) A minimum of 5% of the parking lot area shall be planted as landscaped island areas, developed and distributed throughout the parking lot so as to provide visual and climatic relief from broad expanses of pavement.
 - 2) Each landscaped island shall be a minimum of ten feet in any horizontal dimension and shall provide at least one major shade tree with a clear trunk height of at least six feet and a minimum caliper of two inches. At least one tree is required for every landscaped island within a parking lot.
 - 3) Shrub plantings adjacent to a building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior landscaping of the parking lot For the purpose of this section the area of a parking lot shall be the total vehicular surface area including circulation aisles.
 - 4) Wheel stops, curbs or walkways shall be used to protect landscaped islands from vehicles.
- b) Additional Plantings along Public Streets. Whenever parking areas consisting of five spaces or more are located such that the parked cars will be visible from a public street, landscaping, in addition to the interior landscaping required in subsection (a) hereof, shall be planted and maintained between the

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street and the parking lot. Such landscaping shall be a minimum height of two and one-half feet, located adjacent to the parking lot and shall be placed to effectively obscure a minimum of fifty percent (50%) of the parking area.

1185.08 SCREENING REQUIREMENTS ABUTTING RESIDENTIAL DISTRICTS.

When a lot in any Mixed Use District abuts a Residential District or when a nonresidential use is approved in a Residential District, buffering along the entire length of the common boundary shall be provided in accordance with the following regulations, and shall be approved as part of the development plan required by Chapter 1133.

- a) No structure shall be permitted within a required buffer area other than a wall, fence, mound, or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer.
- b) Screening shall consist of one or any combination of the following:
 - 1) A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.
 - 2) A nonliving opaque structure such as a solid masonry wall, solidly constructed decorated fence, or louvered fence.
 - 3) A landscaped mound or berm.
- c) The height of screening shall be in accordance with the following:
 - 1) Visual screening walls, fences or mounds and fences in combination shall be a minimum of six feet high in order to accomplish the desired screening effect.
 - 2) Vegetation shall be planted with such minimum height to assure that the required six feet screening effect shall be achieved not later than twelve months after the initial installation.
- d) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
- e) Materials used in any ornamental wall or fence shall be compatible with the character of the proposed development and abutting properties.
- f) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.

1185.09 DESIGN STANDARDS AND PRINCIPLES.

All new development or redevelopment projects in a Mixed Use District shall be subject to the following design standards and principles.

- a) Building and Site Design.
 - 1) Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.
 - 2) Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture.
 - 3) All sides of a building open to view by the public shall display a similar level of architectural quality, and shall be subdivided and proportioned using features such as windows, entrances, arcades, awnings, or other such features.

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- 4) Each building facade shall incorporate design elements for each 20 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions.
 - 5) First floor facades facing streets or pedestrian ways should incorporate large amounts (at least 60% of the facade) of clear windows that permit views into the interior of the building and/or product display areas.
 - 6) Building facades shall have highly visible customer service entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face, and be visible from the street on which they are located and shall be directly accessible and visible from the sidewalk.
 - 7) Buildings shall be designed and arranged to define the public and private space with open views and surveillance for public areas and privacy for private areas.
- b) Vehicular Circulation and Access.
- 1) To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.
 - 2) Consolidation of existing vehicular access points along Pearl Road and W. 130th Street is encouraged.
 - 3) Transit stops should be incorporated into site plans, where feasible.
- c) Pedestrian Access and Circulation.
- 1) Pedestrian connections shall be provided to adjacent properties to the maximum extent feasible.
 - 2) Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.
 - 3) Pedestrian-scale lighting fixtures shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
 - 4) Street furniture, benches, decorative light and similar pedestrian amenities are encouraged.
 - 5) Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas.
- d) Parking Lot Design and Layout.
- 1) The required interior parking lot landscaped islands should be distributed throughout the parking lot to divide parking spaces into groupings to minimize the visual impact of off-street parking lots.
 - 2) Parking structures shall be designed to be compatible with the adjacent buildings and district architecture and shall provide clearly marked pedestrian connections to the sidewalk.
 - 3) Parking structures should be designed so that all or a portion of the structure could be converted to alternative uses.
- e) Landscaping and Screening.
- 1) Landscaping shall be used to define public entrances using signature landscaping elements.
 - 2) Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.

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- 3) Landscaping should be designed and constructed to promote on-site water management and infiltration through the use of native plants and porous landscape detention, swales, and filter strips.
- f) Streetscape Improvements.
 - 1) Whenever a development project includes the creation a new streets, a streetscape plan shall be submitted for the entire site. The streetscape plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.
 - 2) Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be provided as part of the streetscape plan.
- g) Service Area and Mechanical Screening.
 - 1) Service areas shall be located away from streets and pedestrian areas, and shall be screened to reduce the visual impact of service activities.
 - 2) The following shall be screened from public view with obscuring material: mechanical equipment (regardless of location), waste containers, recycling containers, and utilities.
- h) Signage. All signs shall be constructed and located in conformance with all applicable provisions of Chapter 1383.
- i) Lighting.
 - 1) Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.
 - 2) A lighting plan shall be prepared, including a photometric illustration.

1185.10 DEVELOPMENT PLAN REVIEW.

Building permits for proposed development shall be issued only after a development plan has been reviewed and approved by the Planning Commission according to the procedures set forth in Sections 1133.04 through 1133.12.

*** End of Chapter ***