

AN ORDINANCE ADOPTING REVISIONS TO CHAPTERS 1123, 1125, 1127, 1129, 1131 AND 1133 OF THE PLANNING AND ZONING CODE TO ADOPT RESIDENTIAL DISTRICT ZONING OPEN SPACE REGULATIONS

WHEREAS, the Village Planner has recommended revisions to Chapters 1123, 1125, 1127, 1129, 1131 and 1133 of the Planning and Zoning Code to provide for open space and conservation developments in residential districts; and

WHEREAS, these recommendations have been reviewed and approved by the Planning Commission; and

WHEREAS, this Council has held a public hearing on the recommendations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That this Council does hereby amend Chapters 1123, 1125, 1127, 1129, 1131 and 1133 of the Planning and Zoning Code to provide for open space and conservation developments in residential district zoning regulations which amendments shall read as follows: See Exhibit "A" attached hereto and incorporated herein fully as if by reference.

SECTION 2. That all Ordinances and Resolutions in conflict with this Ordinance be, and the same hereby are, repealed as of the effective date of this Ordinance.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: February 1, 2000

Michael Hyson
President of Council

Donald W. Larsen
Mayor

Dated: 2/3/2000

ATTEST:
Carole Gibson

Clerk of Council

VILLAGE OF RICHFIELD

Suggested Revisions
Residential Districts Zoning Regulations
(Chapter 1123, 1125, 1127, 1129, and 1131)
Approved by Village Council 2-1-00

K.L.C.
January 1999
Revised 4-19-99
Revised 6-8-99
Final Draft
Revised 10-4-99
Revised as per Council 2-1-00

Village of Richfield
Suggested Revisions to Residential Districts Zoning Regulations
Including Provision for Conservation Developments

OUTLINE

Chapter 1123 R-1 Rural Residential District

1123.01 Purpose

1123.02 Uses

- (a) Permitted Uses
- (b) Conditionally Permitted Uses
 - (1) thru (7)
 - (8) *Single Family Conservation Development*

1123.03 Lot Requirements

1123.04 Yard Requirements

- (a) Front yard
- (b) Side yard
- (c) Rear yard
- (d) *Yards for accessory buildings*

1123.05 Maximum Building Height

- Main building
- Limits height of accessory buildings*

1123.06 Off-Street Parking

Chapter 1125 R-2 Residential District

1125.01 Purpose

1125.02 Uses

- (a) Permitted Uses
- (b) Conditionally Permitted Uses
 - (1) thru (6): (8) and (9)
 - (7) *Replace existing and replace with Single Family Conservation Development*

1125.03 Lot Requirements

1125.04 Yard Requirements

- (a) Front yard
- (b) Side yard
- (c) Rear yard
- (d) *Yard for accessory buildings*

1125.05 Maximum Building Height

Main building height
Limits height of accessory buildings

1125.06 Off-Street Parking

Chapter 1127 R-3A Cluster Residential District

(suggest renumbering of chapters to reflect order of density-ie- low to highest. Chapter 1127 is presently R-3 High Density Residential District followed by Chapter 1129 Cluster Residential District)

1127.01 Purpose

1127.02 Uses

- (a) Permitted Uses
- (b) Conditionally Permitted Uses
- (c) Accessory Uses

1127.03 Lot Requirements

Reworded to clarity

1127.04 Yard Requirements

1127.05 Parking Requirements

1127.06 Building Height

1127.07 Supplemental Regulations

1127.08 Development Plan

Chapter 1129 R-3 High Density Residential District
(Presently Chapter 1127)

1129.01 Purpose

1129.02 Uses

- (a) Permitted Uses
- (b) Conditionally Permitted Uses
Eliminate personal service activities
- (c) Accessory Buildings and Uses

1129.03 Lot Requirements

- (a) *Minimum Development Area
Increased to 5 acres*
- (b) *Minimum Lot Area per unit
Increased thereby decreasing
Density from almost 8 units per
Acres to 6 units per acres.*

1129.04 Yard Requirements

1129.05 Lot Standards

1129.06 Minimum Open Space

1129.07 Parking Regulations

1129.08 Building and Site Design

1129.09 Lot Supplemental Regulations

1129.10 Supplement Regulations

1129.11 Development Plans

Chapter 1131 Conditional Zoning Certificates

1131.01 Purpose

1131.02 Application Procedures

1131.03 Review and Approval Procedures

1131.04 Basis of Determination

1131.05 Regulations Pertaining to Conditionally

(1) thru (14)

(15) Single Family Conservation Development

- (a) Minimum Open Space Development Regulations*
- (b) Percentage Of Open Space*
- (c) Open Space Standards*
- (d) Design Criteria*
- (e) Required Improvements*
- (f) Review Procedures*

(16) Repeal

Existing (15) becomes (16)

Eliminate all references to multifamily dwellings

(17) Private Stable

1131.06 Additional Conditions

Chapter 1133 Residential Parking and Loading Requirements

1133.01 Off-Street Parking

1133.02 Minimum Number of Off-Street Parking
Spaces Required

(a) thru (c)

(d) Dwellings

Single Family

Single Family Detached

And single family attached

· In condominium developments

Multifamily

CHAPTER 1123
R-1 Rural Residential District

1123.01 Purpose.

1123.02 Uses.

1123.03 Lot requirements.

1123.04 Yard requirements.

1123.05 Maximum building height.

1123.06 Off-street parking

CROSS REFERENCES

Municipal zoning – see Ohio R.C. 713.06 et seq.

General provisions and administration – see P. & Z. Ch. 1101 et seq.

Signs – see P. & Z. Ch. 1171

Oil and gas production – see P. & Z. Ch. 1173

Grades – see P. & Z. Ch. 1175

Erosion control plans – see P. & Z. Ch. 1177

Supplementary regulations – see P. & Z. Ch 1179

1123.01 PURPOSE.

The purpose of the R-1 District is to accommodate residential development which will protect the health, safety, and welfare of the community through encouraging large lots and low density development, preservation of open space, reduced impact on drainage, water and sewer systems, reducing the need to alter natural topography; discouraging overcrowding and minimizing the impact on existing and future services. The established density is intended to maintain the rural character of the District.

(Ord. 83-1990. Passed 11-6-90.)

1123.02 USES.

(a) Permitted Uses.

- (1) Single-family dwellings containing no less than 1,000 square feet of floor area.
- (2) Agricultural buildings and uses, provided that:
 - A. Buildings used to house animals shall be located no less than 200 feet from all property lines.
 - B. Livestock or poultry raising or breeding for commercial purposes shall be permitted only on lots of five acres or more.
- (3) Roadside stands, offering for sale agricultural products which are produced on the premises, including only one sign advertising such products, not exceeding twenty square feet in area, may be erected beyond the building line on lands used for agricultural purposes.

Such roadside stand and sign shall not be erected nearer than thirty feet from either side lot line. Such stand, sign, and required off-street parking shall be located and set back in such manner as not to create a traffic hazard.

- (4) *Detached* accessory buildings incidental to the principal use which do not include any activity conducted as a business ***provided the total area of all such buildings shall not exceed two percent (2%) of the area of the lot.***
- (5) Signs, as regulated by Chapter 1171.
- (6) Home occupations, subject to the following conditions:
 - A. Such use shall be conducted entirely within and/or from the dwelling, and no use of any accessory building or yard space shall be permitted.
 - B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - C. Such use shall be conducted only by persons residing in the dwelling unit.
 - D. The use shall not involve the use of more than thirty-three and one-third percent of the floor area of the dwelling.
 - E. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

(b) Conditionally Permitted Uses.

The Planning and Zoning Commission may issue conditional zoning certificates for uses listed herein, subject to the general and specific requirements of Chapter 1131 referred to below.

- (1) Public and parochial schools, subject to Section 1131.05(b)(1), (2), (3), (5), (6), and (11).
- (2) Privately or governmentally owned and/or operated parks, playgrounds or golf courses, subject to Section 1131.05(b)(1), (2), (3), (4), (5) and (13).
- (3) Cemeteries. Subject to Section 1131.05(b)(3) and (7).
- (4) Churches and other buildings for the purpose of religious worship, subject to Section 1131.05(b)(1), (3), (7), (11), (12) and (13).
- (5) Governmentally owned and/or operated buildings or facilities, subject to Section 1131.05(b)(3), (7), (8) and (11).
- (6) Public utility rights of way and pertinent structures, subject to Section 1131.05(b)(1), (10) and (11).
- (7) Private stables, subject to Section 1131.05(b)(10), (11), (13) and (17). (Ord. 62-1984. Passed 10-16-84.)
- (8) ***Single family Conservation Development subject to Section 1131.05(b)(15).***

1123.03 LOT REQUIREMENTS.

Lot requirements are as follows:

- (a) Minimum Lot Acres Per Dwelling Unit. Two acres.
- (b) Minimum Lot Width. 200 feet at the building line.
(Ord. 21-1983. Passed 11-1-83; Ord. 83-1990. Passed 11-6-90.)

1123.04 YARD REQUIREMENTS.

Yard requirements are as follows:

- (a) Minimum Front Yard Depth. 100 feet.
- (b) Minimum Rear Yard Depth. Sixty feet.
- (c) Minimum Side Yard Width on Each Side. Twenty-five feet, except on corner lots, where the side yard on the side street shall be not less than eighty-five feet.
(Ord. 21-1983. Passed 11-1-83; Ord. 83-1990. Passed 11-6-90.)
- (d) *Accessory buildings shall have side yard; a rear yard and a front yard not less than required for the main building provided that an accessory building shall not be located closer to a street right-of-way than the main building.*

1123.05 MAXIMUM BUILDING HEIGHT.

The maximum building height *of a permitted main building* shall be thirty-five feet. (Ord. 21-1983. Passed 11-1-83.)

The maximum height of an accessory building shall not exceed the height of the main building but in no case shall exceed twenty-six (26) feet.

1123.06 OFF-STREET PARKING.

Off-street parking shall be as regulated by Chapter 1133.
(Ord. 21-1983. Passed 11-1-83.)

CHAPTER 1125
R-2 Residential District

1125.01 Purpose.

1125.02 Uses.

1125.03 Lot requirements.

1125.04 Yard requirements.

1125.05 Maximum building height.

1125.06 Off-street parking

CROSS REFERENCES

Municipal zoning – see Ohio R.C. 713.06 et seq.
General provisions and administration – see P. & Z. Ch. 1101 et seq.
Signs – see P. & Z. Ch. 1171
Oil and gas production – see P. & Z. Ch. 1173
Grades – see P. & Z. Ch. 1175
Erosion control plans – see P. & Z. Ch. 1177
Supplementary regulations – see P. & Z. Ch. 1179

1125.01 PURPOSE.

The R-2 District is established to accommodate single-family residential dwellings in areas that may reasonably be expected to be provided with central sewer and water facilities in the future. The stipulated densities are intended to maintain the suburban character of the community. (Ord. 60-1989. Passed 2-6-90.)

1125.02 USES.

(a) Permitted Uses.

- (1) Single-family residential dwellings.
- (2) Agricultural buildings and uses, provided that:
 - A. Buildings used to house farm animals shall be located no less than 200 feet from all property lines.
 - B. Livestock or poultry raising or breeding for commercial purposes shall be permitted only on lots of five acres or more.
- (3) Accessory uses, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building. ***The total area of all detached accessory buildings shall not exceed two percent (2%) of the area of the lot.***
- (4) Signs, as regulated by Chapter 1171.
- (5) Home occupations, subject to the following conditions:

- A. Such use shall be conducted entirely within and/or from the dwelling, and no use of any accessory building or yard space shall be permitted.
- B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- C. Such use shall be conducted only by persons residing in the dwelling unit.
- D. The use shall not involve the use of more than thirty-three and one-third percent (33 1/3%) of the floor area of the dwelling.
- E. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

(b) Conditionally Permitted Uses. The Planning and Zoning Commission may issue conditional zoning certificates for uses listed herein, subject to the general and specific requirements of Chapter 1131 referred to below.

- (1) Public and parochial schools, subject to Section 1131.06(b)(1), (2), (3), (5), (6), and (11).
- (2) Churches and other buildings for the purpose of religious worship, subject to Section 1131.05(b)(1), (3), (7), (11), (12) and (13).
- (3) Public utility rights of way and pertinent structures, subject to Section 1131.05(b)(1), (2), (3), (4), (5) and (13).
- (4) Governmentally owned and/or operated parks, playgrounds and golf courses (except miniature), subject to Section 1131.05(b)(1), (2), (3), (4), (5) and (13).
- (5) Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs and riding academies, subject to Section 1131.05(b)(1), (2), (3), (4), (5), (9), (11) and (13).
- (6) Governmentally owned and/or operated buildings and facilities other than those listed above, subject to Section 1131.05(b)(3), (7), (8) and (11).
- ~~(7) Planned unit residential developments, subject to Section 1131.05(b)(15).~~
- (7) ***Single family Conservation Development subject to Section 1131.05(b)(15).***
- (8) Institutions for higher education, subject to Section 1131.05(b)(1), (2), (3), (4), (5), (7) and (11).
- (9) Private stables, subject to Section 1131.05(b)(10), (11), (13), (17). (Ord. 62-1984. Passed 10-16-84; Ord. 59-1989. Passed 2-6-90; Ord. 60-1989. Passed 2-6-90.)

1125.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area. Two acres per dwelling unit, without centralized sewer and City water. One acre per dwelling unit with centralized sewer and City water.
- (b) Minimum Lot Width. 200 feet at the building line for two acres; 125 feet at the building line for one acre. (Ord. 54-1990. Passed 8-7-90.)

1125.04 YARD REQUIREMENTS.

Yard requirements are as follows:

- (a) Minimum Front Yard Depth. 100 feet.
- (b) Minimum Rear Yard Depth. Fifty feet.
- (c) Minimum Side Yard Width. Twenty feet. If the lot is a corner lot, the side yard on the street shall be set by the Planning and Zoning Commission, but in no event shall it be less than fifty feet. (Ord. 54-1990. Passed 8-7-90.)
- (d) *Accessory buildings shall have side yards, a rear yard, and a front yard not less than required for the main building provided that in no case shall an accessory building be located closer to a street right-of-way than the main building.*

1125.05 MAXIMUM BUILDING HEIGHT.

No *permitted main* building shall exceed two and one-half stories or thirty-five feet in height, except as otherwise provided in Chapter 1179. (Ord. 21-1983. Passed 11-1-83.)

The maximum height of an accessory building shall be twenty-six (26) feet.

1125.06 OFF-STREET PARKING.

Off-street parking shall be as regulated by Chapter 1133. (Ord. 21-1983. Passed 11-1-83.)

CHAPTER 1127
R-3A Cluster Residential District

1127.01 Purpose.

1127.02 Uses.

1127.03 Lot requirements.

1127.04 Yard requirements.

1127.05 Parking regulations.

1127.06 Building height.

1127.07 Supplemental regulations.

1127.08 Development plan.

CROSS REFERENCES

Municipal zoning – see Ohio R.C. 713.06 et seq.

General provisions and administration – see P. & Z. Ch. 1101 et seq.

Signs – see P. & Z. Ch. 1171

Oil and gas production – see P. & Z. Ch. 1173

Grades – see P. & Z. Ch. 1175

Erosion control plans – see P. & Z. Ch. 1177

Supplementary regulations – see P. & Z. Ch. 1179

1127.01 PURPOSE.

The purpose of the R-3A District is to encourage detached single-family and attached single-family dwellings in areas that may reasonably be expected to be developed with such facilities in the future. The regulations are intended to restrict the overcrowding of land and to encourage the provision of amenities of urban living in areas offering unique advantages. The stipulated densities are intended to maintain the residential character of the community in areas where central sewers and water are available.

(Ord. 55-1989. Passed 2-6-90).

1127.02 USES.

(a) Permitted Uses.

- (1) Single-family dwellings, as regulated by the R-1 and R-2 District regulations.
- (2) Detached single-family residential dwellings on separate one-half acre lots where central sewer and water service are provided.

(b) Conditionally Permitted Uses. Where central sewer and water service are provided:

- (1) Detached single-family cluster dwelling units in ~~on separate lots,~~
~~or as a~~ condominium development.

(2) Attached single-family dwellings containing condominium units of two or more residential dwellings, subject to Section 1131.05(b)(16).

(c) Accessory Uses. The following accessory uses are permitted, provided that such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.

(1) Signs, as regulated by Chapter 1171.

(2) Home occupations, subject to the following conditions:

A. Such use shall be conducted entirely within and/or from the dwelling, and no use of any accessory building or yard space shall be permitted.

B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.

C. Such use shall be conducted only by persons residing in the dwelling unit.

D. Such use shall not involve the use of more than thirty-three and one-third percent (33 1/3%) of the floor area of the dwelling.

E. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

(3) Parking areas for residents of the dwellings as regulated in Chapter 1133.

(4) Private recreational facilities for the residents of the dwellings. (Ord. 55-1989. Passed 2-6-90.)

1127.03 LOT REQUIREMENTS.

(a) Standard Single-Family Detached Residential Dwellings. The minimum lot area shall be not less than one-half acre *and the minimum lot width shall be not less than 100 feet at the building line.*

(b) Single-Family Detached Cluster Dwellings. The maximum overall density shall be ~~one single family dwelling per one-half acre.~~ *1.7 dwelling units per acre.* All land not included in lots or public roadways shall be preserved as common open space. If cluster dwellings are developed on recorded lots and not as a condominium, the minimum lot area shall be not less than one-third acre with an average lot area of one-half acre for all lots in the entire subdivision. *The minimum lot width shall be not less than 75 feet.*

If cluster dwellings are developed as condominium units the overall density shall not exceed ~~two~~ *1.7* dwelling units per acre.

- (c) Attached Single-Family Dwellings. The maximum density shall not exceed ~~three-two~~ dwelling units per acre.
(Ord. 65-1989. Passed 2-6-90.)

1127.04 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth. Sixty feet to a public street; ~~forty~~ *thirty-five* feet to a private street or drive.
- (b) Minimum Rear Yard Depth. Fifty feet to an R-1 or R-2 District; forty feet to any other district.
- (c) Minimum Side Yard Width on Each Side. ~~Fifteen-Twenty~~ feet; within a cluster development, twenty-five feet between buildings and forty feet to any other district.
- (d) Maximum Lot Coverage. Twenty-five percent (25%).
- (e) Minimum Undeveloped Open Space. The minimum usable undeveloped open space shall be fifty percent (50%) of the lot area.
- (f) Minimum Distance Between Buildings on the Same Lot. Twenty-five feet.
- (g) Parking Buildings. Parking buildings, when having no part of the building used for residence purposes directly above them, shall not be considered in computing maximum lot coverage.
- (h) Accessory Buildings. Accessory buildings shall be located in the side or rear yard not less than ten feet from a side lot line *and not less than fifteen feet* from a rear lot line.
(Ord. 55-1989. Passed 2-6-90.)

1127.05 PARKING REGULATIONS.

Parking shall be as regulated by Chapter 1133, ~~except as follows:~~

- ~~(a) Enclosed Parking. At least one parking facility required in Section 1133.02(d) shall be in an enclosed parking building.~~
- ~~(b) Single Family Residential Dwelling. One two-car garage is required for each single-family residential dwelling.~~
(Ord. 55-1989. Passed 2-6-90.)

1127.06 BUILDING HEIGHT.

The maximum height for a main building shall not be greater than two and one-half stories or thirty-five feet. Accessory buildings shall not be greater than one story or fifteen feet in height.
(Ord. 55-1989. Passed 2-6-90.)

1127.07 SUPPLEMENTAL REGULATIONS.

- (a) Attached dwellings shall be limited to ~~six~~ *four* dwelling units per building.

- (b) Attached units shall have a variety of wall planes and setbacks so that no wall is longer than forty feet without a change in horizontal plane of at least two feet.
- (c) All required parking which is to be enclosed shall be in enclosed *attached* garages with permanent roof, continuous foundation, concrete floor and exterior walls pierced only by windows and doors.
- (d) Attached dwellings shall have gable-type roofs and be constructed with residential-type finish materials to provide a residential character compatible with single-family home in the Village.
- (e) All roof eaves of a main building shall be provided with gutters and downspouts that are connected to an approved storm sewer, drain or ditch.
- (f) All driveways and parking areas shall be paved in bituminous or concrete and designed and improved with catch basins, positive drainage and curbing where serving more than four dwelling units.
- (g) Buffering and landscaping of sufficient size, type, and density shall be planned and installed to visually separate R-3A developments from other zoning districts and uses.
(Ord. 55-1989. Passed 2-6-90.)

1127.08 DEVELOPMENT PLAN.

A development plan is required for all cluster and attached single-family developments in the R-3A Cluster District. Development plans shall be reviewed and approved by the Planning Commission.
(Ord. 55-1989. Passed 2-6-90.)

CHAPTER 1129
R-3 High Density Residential District

1129.01 Purpose.

1129.02 Uses.

1129.03 Lot requirements.

1129.04 Yard requirements.

1129.05 Lot standards.

1129.06 Minimum open space.

1129.07 Parking regulations.

1129.08 Building and site design.

1129.09 Supplemental regulations.

1129.10 Development plans.

CROSS REFERENCES

Municipal zoning – see Ohio R.C. 713.06 et seq.

General provisions and administration – see P. & Z. Ch. 1101 et seq.

Signs – see P. & Z. Ch. 1171

Oil and gas production – see P. & Z. Ch. 1173

Grades – see P. & Z. Ch. 1175

Erosion control plans – see P. & Z. Ch. 1177

Supplementary regulations – see P. & Z. Ch. 1179

1129.01 PURPOSE.

The purpose of the R-3 District is to regulate multifamily development that will maintain the residential character of the Village. The regulations are intended to restrict the overcrowding of land and to encourage the provision of amenities of urban living in areas offering unique regional transportation advantages. (Ord. 54-1989. Passed 2-6-90.)

1129.02 USES.

~~(a) Permitted Uses. Any use permitted in the Residential District.~~

- ~~(1) *Any use permitted and as regulated in the R-3A Residential District.*~~
- ~~(2) *Multi-family dwellings. Where central sewer and public water supply is available.*~~

~~(b) Conditionally Permitted Uses. The Planning and Zoning Commission may issue conditional zoning certificates for uses listed herein, subject to the general and specific requirements of Chapter 1131 referred to below:~~

- ~~(1) *Multi family dwellings and ancillary personal service activities where central sewer and water are available, subject to Section 1131.05(b).*~~

- (1) Churches and other buildings for the purpose of religious worship, subject to Section 1131.05(b), (1), (3), (5), (7), (11), (12) and (13).
- (2) Governmentally owned and/or operated buildings or facilities, subject to Section 1131.05(b)(3), (5), (7), (8) and (11).
- (3) Governmentally owned parks and/or playgrounds, subject to Section 1131.05(b)(1), (2), (3), (4), (5) and (13).
- (5) ~~Any use permitted in the R-3 A Cluster Residential District, as regulated by Chapter 1127.~~

(c) Accessory Buildings and Uses. The following buildings and uses may be permitted by the Commission if they are incidental and customary to a permitted use:

- (1) Parking facilities.
- (2) Recreation facilities, including swimming pools, club houses, tennis courts, walkways, etc.
- (3) Storage and maintenance buildings.
- (4) Signs as regulated by Chapter 1171.
(Ord. 54-1989. Passed 2-6-90.)

1129.03 LOT REQUIREMENTS.

Lot requirements for the R-3 District are as follows:

Minimum Lot Area

<u>Number of Dwelling Units</u>	<u>Acres</u>
1	1/2
2	1
3	1 1/2
4	2

~~One additional dwelling unit of two bedrooms or less may be constructed for each additional 5,500 square feet of lot area over two acres. Dwelling units with more than two bedrooms may be constructed, provided that an additional 2,000 square feet of lot area, in addition to the 5,500 square foot unit required above, is available per additional bedroom over two.~~

(a) Minimum Development Area
The minimum development area shall be not less than five (5) acres.

(b) Minimum Lot Area Per Unit
There shall be not less than 7,250 square feet of lot area per unit.

*One additional dwelling unit may be constructed for each additional 7000 square feet of lot area over two (2) acres.
(Ord. 54-1989. Passed 2-6-90.)*

1129.04 YARD REQUIREMENTS.

- (a) Minimum Front Yard Depth. Sixty feet, plus one foot for each one foot of building height in excess of twenty-five feet.
 - (b) Minimum Rear Yard. Fifty feet plus one foot for each one foot of building height in excess of twenty-five feet.
 - (c) Minimum Side Yard Width on Each Side. Twenty-five feet for any R-2 permitted use and twenty-five feet for any multi-family buildings, plus two feet for each one foot of building height in excess of twenty-five feet.
 - (d) Minimum Yards for Accessory Uses. Accessory uses shall be located in side and rear yards and set back from side or rear lot lines equal to the minimum yard setbacks above, unless otherwise approved by the Planning and Zoning Commission but in no case shall the distance be less than twenty feet.
 - (e) Minimum Distance Between Buildings on the Same Lot. Separate buildings shall be no closer than the height of the highest adjacent exterior wall, but in no case shall the distance be less than twenty-five feet.
 - (f) Minimum Distance Between Multi-family and Single-family Dwellings. Where multi-family dwellings are developed adjacent to existing single-family homes, a minimum fifty-foot setback shall be provided.
- (Ord. 54-1989. Passed 2-6-90.)

1129.05 LOT STANDARDS.

(a) ~~Maximum lot coverage shall be as follows:~~

<u>Stories</u>	<u>Percent</u>
1 to 2 stories	25
3 stories	20

- (b) ~~Garages, when having no part of the building used for residence purposes directly above them, shall not be considered in computing maximum lot coverage.~~
- (a) Maximum lot coverage by main and accessory buildings shall not exceed 25 percent of the development area.
- (b) (e) Each development lot shall have frontage and access on a public street. More than one building or multi-family dwellings may be located on a single lot. In a condominium development, lots for mortgage purposes coterminous with the building foundation may be permitted if the entire site is maintained in common ownership by the condominium association.

- (c) ~~(d)~~ The minimum lot width shall be 100 feet.
(Ord. 54-1989. Passed 2-6-90.)

1129.06 MINIMUM OPEN SPACE

- (a) The minimum usable undeveloped open space shall be forty percent of the lot area. Open space shall be developed and mainlined as landscaped yards unless left in a natural wooded state.
- (b) Where an R-3 District abuts any R-1, R-2, Commercial or Industrial District or use, a landscaped or natural wooded buffer shall be provided of not less than twenty-five feet in depth. The Planning and Zoning Commission may require additional evergreen landscaping or decorative fence to adequately separate adjacent districts or uses.
(Ord. 54-1989. Passed 2-6-90.)

1129.07 PARKING REGULATIONS.

- (a) Unless set forth differently in this section, parking shall be as regulated by Chapter 1133.
- (b) ~~Two~~ *Three* parking spaces shall be provided for each dwelling unit in a multi-family development, at least one of which shall be in an enclosed garage.
- ~~(c) An additional one open parking space shall be provided for each dwelling unit in a multi-family development for guest parking.~~
(Ord. 54-1989. Passed 2-6-90.)

1129.08 BUILDING AND SITE DESIGN.

- (a) No building shall be erected to a height in excess of the lesser of thirty-five feet or three stories.
- (b) Buildings shall be designed to be residential in character and materials.
- (c) Multi-family dwellings shall be limited to attached single-family dwellings, condominiums, townhouses and garden apartments.
- (d) All dwelling units shall have minimum floor areas as defined for "dwelling, single-family" (1,000 square feet) plus 200 square feet for each additional bedroom over one.
- (e) All multi-family developments shall provide safe, accessible, and well-lighted driveways, parking areas, sidewalks, recreation areas, stairs and entranceways.
- (f) ~~Multi-story~~ apartment buildings shall contain no more than twelve dwelling units per building. Attached single-family and townhouse-type buildings shall contain no more than ~~eight~~ *four* dwelling units per building.

- (g) All buildings shall be set back from an internal private drive at least twenty feet. Garage entrances shall be set back from driveways at least twenty feet to allow automobiles to back up without extending into the driveway. Driveway areas providing access to parking spaces or garage spaces shall not be counted as required parking.
- (h) Open parking spaces shall be no closer than ten feet to any building.
- (i) All trash storage shall be enclosed in a four-sided enclosure and screened from view. (Ord. 54-1989. Passed 2-6-90.)

1129.09 ~~LOT~~ SUPPLEMENTAL REGULATIONS.

- (a) All required parking, which is to be enclosed, shall be enclosed in garages with permanent roofs, continuous foundations, concrete floors, and exterior walls pierced only by windows and doors.
- (b) Multi-family buildings shall have a variety of wall planes and gable-type roofs to provide a residential character to the buildings compatible with single-family homes in the Village.
- (c) All roof eaves shall be provided with gutters and downspouts, which are, connected to an approved storm sewer, drain, or ditch.
- (d) All driveways and parking areas shall be paved in bituminous or concrete and designed and improved with catch basins, positive drainage and curbing where serving more than four dwelling units.
- (e) Buffering and landscaping of sufficient size, type, and density shall be planned and installed to visually separate multi-family developments from other zoning districts and uses.
(Ord. 54-1989. Passed 2-6-90.)

~~1129.10 SUPPLEMENTAL REGULATIONS.~~

- ~~(a) All required parking which is to be enclosed shall be enclosed in garages with permanent roofs, continuous foundations, concrete floors and exterior walls pierced only by windows and doors.~~
- ~~(b) Multi-family buildings shall have a variety of wall planes and gable-type roofs to provide a residential character to the buildings compatible with single-family homes in the Village.~~
- ~~(c) All roof eaves shall be provided with gutters and downspouts which are connected to an approved storm sewer, drain or ditch.~~

- ~~(d) All driveways and parking areas shall be paved in bituminous or concrete and designed and improved with catch basins, positive drainage, and curbing where serving more than four dwelling units.~~
- ~~(e) Buffering and landscaping of sufficient size, type, and density shall be planned and installed to visually separate multi-family developments from other zoning districts and uses.
(Ord. 54-1989. Passed 2-6-90.)~~

1129.10 DEVELOPMENT PLANS.

Development plans are required for all development in the R-3 District, in compliance with Chapter 1131.
(Ord. 54-1989. Passed 2-6-90.)

CHAPTER 1131
Conditional Zoning Certificates

1131.01 Purpose.

1131.02 Application procedures.

1131.03 Review and approval procedures.

1131.04 Basis of determination.

1131.05 Regulations pertaining to

1131.06 Additional conditions.

CROSS REFERENCES

Municipal zoning – see Ohio R.C. 713.06 et seq.

General provisions and administration – see P. & Z. Ch. 1101 et seq.

Special Zoning Orders Book – see P. & Z. 1103.06

Fee – see P. & Z. 1103.07(b)

Conditional zoning certificate defined – see P. & Z. 1135.01(75)

Signs – see P. & Z. Ch. 1171

Oil & gas production – see P. & Z. Ch. 1173

Grades – see P. & Z. Ch. 1175

Erosion control plans – see P. & Z. Ch. 1177

Supplementary regulations – see P. & Z. Ch. 1179

1131.01 PURPOSE.

The purpose of this chapter is to provide for the issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Title Three in accordance with standards enumerated herein.

(Ord. 21-1983. Passed 11-1-83.)

1131.02 APPLICATION PROCEDURES.

(a) Generally. Any application for a conditional zoning certificate for any land or structure use permitted under this Title Three shall be submitted in accordance with the following procedures.

(b) Application. An application form, including preliminary development plans and supporting information, shall be submitted to the Zoning Inspector. Each application shall be accompanied by the payment of a fee as established by Council. The Zoning Inspector shall review each application for completeness within fourteen days of submission. Upon determining that the application package to the Planning and Zoning Commission for action. A recommendation as to the need for review by qualified consultants shall be included in the package submitted to the Commission.

- (c) Application Contents. Applications for a conditional zoning certificate shall, as a minimum, contain the following:
- (1) The name, address, and telephone number of the applicant requesting the certificate.
 - (2) The name, address, and telephone number of the property owner(s).
 - (3) The location of the property, including the street address.
 - (4) A brief description of the intended use.
 - (5) The current and desired zoning classification of the property.
 - (6) A listing of all property owners within 500 feet of the subject property.
 - (7) Preliminary development plan as outlined in subsection (d) hereof.
 - (8) A statement supported by substantiating evidence regarding the requirements enumerated in Section 1131.04.
(Ord. 21-1983. Passed 11-1-83.)
- (d) Development Plans Required. Development plans shall be submitted to the Zoning Inspector for review by the Planning and Zoning Commission. A complete application by the property owner or his authorized agent shall be received by the Zoning Inspector not less than fourteen days prior to a regularly scheduled Planning and Zoning Commission meeting in order to be placed on the agenda for that meeting.
- (e) Preliminary Development Plan. A preliminary development plan shall be drawn at a scale of not less than fifty feet to one inch and shall include the following:
- (1) Survey. A survey of the property by a registered surveyor showing topography at two foot intervals; land owned and proposed for development; adjoining lots, location of oil and gas wells; easements; and zoning on subject property, and on adjoining properties.
 - (2) Buildings. The location, area, height and use of all existing and proposed main and accessory buildings, distances of building to property lines.
 - (3) Traffic. The proposed system of on-site vehicular circulation, and locations of access drives.
 - (4) Parking areas. The layout and estimate of the number of spaces; distances from parking areas; areas and drives to property lines.
 - (5) Signs. The location, size, and height of all signs to be placed on the property; and
 - (6) Landscaping. The location and size of areas to be landscaped.
- (f) Final Development Plan. The Final Development Plan shall incorporate agreed upon revisions of the preliminary development plan and shall

include all the information contained in the Preliminary Plan and in addition shall include the following:

- (1) Buildings. The general design, materials, and colors of the existing/proposed main and accessory buildings.
- (2) Traffic. Methods for control of traffic; width and location of access drives; type of pavement and curbing.
- (3) Parking areas. The number of spaces; type of pavement.
- (4) Utilities. The locations, size, and grade for all utility installations and connections to present or proposed facilities.
- (5) Signs. The type of illumination, materials, colors and contents of all signs to be placed on the property.
- (6) Site development. Grading plan, erosion control; landscaping plan showing location, number and size of plant materials, their scientific and common names; exterior lighting plan.
- (7) Agreements. Preliminary drafts of all agreements, contracts, dedications, deed restrictions, easements, sureties and other instruments as may be required.
- (8) Floor Plans. Floor Plan(s) at a scale of one-quarter inch to the foot (1/4" = 1') shall be provided showing existing and or proposed uses.
(Ord. 78-1995. Passed 11-7-95.)

1131.03 REVIEW AND APPROVAL PROCUDURES.

- (a) Review by Commission. The Planning and Zoning Commission shall review the complete application package as transmitted by the Zoning Inspector in terms of the standards established in this Zoning Code. If deemed necessary, the Commission, with the consent of the applicant, may refer an application to qualified consultants for review. The cost of such review shall be at the expense of the applicant.

The Zoning Inspector shall notify owners of properties within 500 feet, or a larger area if the Zoning Inspector deems it appropriate, of the perimeter of the property proposed for development not less than ten days prior to the meeting at which the preliminary development plan will be considered by the Planning and Zoning Commission.

- (b) Preliminary Approval. If the application and the preliminary development plan, and any modification thereof proposed by the developer, are found by the Planning and Zoning Commission to be in compliance with the requirements of the applicable district and any other applicable parts of the Zoning Code, and the Subdivision Regulations of the Village, it shall approve or deny such preliminary development plan within forty days from the date of the meeting when all required plans and data had been received. If the application is not found to be in compliance therewith, the

Commission may recommend revisions to be made by the developer or reject the entire application.

- (c) Modification Permitted. Where application of the provision would result in a development that would not be satisfactory for the zoning district, the Commission may require adjustments in the development plan such as improvement to the design and arrangement of buildings, yards, on-site circulation, access drives, and such other features to further improve the proposed development and to protect the surrounding developments.
- (d) Action by Commission. The Commission shall take action on the preliminary development plan within 45 days from the date of the Commission meeting at which all required plans and date were received.

The Commission may approve the preliminary development plan as submitted, approve the preliminary development plan as modified and agreed to by the applicant or not approve the preliminary development plan as submitted.

- (e) Final Development Plans. Upon arrival of a preliminary development plan, the developer shall prepare and submit a final development plan(s) to the Commission.

Upon receipt of a final development plan, the Zoning Inspector shall transmit a copy of the final development plan, including detailed construction plans and specifications, to the Engineer for his or her review, report, and recommendation. The Engineer shall, within forty days from receiving the final development plan, provide and furnish to the Commission, a report upon the development plan's compliance with those regulations with the jurisdiction of the Engineer.

- (f) Final Approval. If, after evaluating the Engineer's report, the Commission finds that a proposed final development plan is in accordance with and represents a detailed expansion of the preliminary plan heretofore approved, that it is in conformance with the provisions of this Zoning Code and the Subdivision Regulations of the Village, and that it complies with all of the conditions which may have been imposed in the approval of the preliminary plan or in the review of the final plan by the Engineer, the Commission shall issue the conditional zoning certificate. The decision shall be made within twenty days from the date of the meeting when the Engineer's report is received.
- (g) Violation and Revocation of Certificate: Penalty. The breach of any condition or requirement shall automatically invalidate the certificate granted and shall constitute a violation of this Zoning Code. Such violation shall be punishable in accordance with Section 1103.99.

- (h) Reapplication. No application for a conditional zoning certificate, which has denied wholly or in part, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by a fee, as set forth in Section 1131.02.
- (i) Termination. The conditional zoning certificate shall become void at the expiration of one year after the date of issuance, unless the structure or alteration thereof is started.
- (j) Continuation of Existing Uses Conditionally Permitted. All uses existing at the time of passage of this Zoning Code, or Amendments thereto, and conditionally permitted in their respective districts under this Zoning Code, shall be issued conditional zoning certificates by the Commission within one year after the passage of this Zoning Code, or amendments thereto.
(Ord. 78-1995. Passed 11-7-95.)

1131.04 BASIS OF DETERMINATION.

An applicant for a conditional zoning certificate shall establish that the general and specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed use. There may be imposed such additional conditions and safeguards as are deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Zoning Code will be observed.

The Planning and Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall be convinced that such use on the proposed location:

- (a) Will be harmonious and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan of current adoption;
- (b) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;
- (c) Will not be hazardous or disturbing to existing or future neighboring uses;
- (d) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- (e) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse

disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;

- (f) Will be in compliance with the Village Subdivision Regulations, the Board of Health standards, and the Village Building Code; and
 - (g) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- (Ord. 21-1983. Passed 11-1-83.)

1131.05 REGULATIONS PERTAINING TO CONDITIONALLY PERMITTED USES.

- (a) Regulations in this section pertain only to those suggested conditionally permitted uses as specifically referenced. The regulations are listed in this section for ease of reference and to avoid duplication, as they may apply to more than one use.
- (b) During review of a permit application, the Planning and Zoning Commission may incorporate the regulations listed in this section by number.
 - (1) All structures and activity areas should be located at least 100 feet from all property lines.
 - (2) Loudspeakers that cause a hazard or annoyance shall not be permitted.
 - (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
 - (4) There shall be no more than one advertisement oriented to each abutting road identifying the activity.
 - (5) No lighting shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
 - (6) Elementary school structures should be located on a collector thoroughfare.
 - (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
 - (8) Such developments should be located adjacent to nonresidential uses, such as churches, parks, and Industrial or Commercial Districts.
 - (9) Such uses shall not require uneconomical extensions of utility services at the expense of the community.

- (10) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- (11) Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- (12) Such structure should be located adjacent to parks and other nonresidential uses, such as schools and shopping facilities where use could be made of joint parking facilities.
- (13) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or the community in general.
- (14) The area of use shall be completely enclosed by a six-foot fence (open or closed), appropriately landscaped to be harmonious with surrounding properties.

* NOTE: Existing (15) to be renumbered (16) and existing (16) to be eliminated.

(15) SINGLE-FAMILY CONSERVATION DEVELOPMENT

In order to encourage flexibility in design of single-family residential developments that promote efficient use of land and preserve the natural, scenic and historic qualities, the Planning and Zoning Commission may permit a single-family Conservation Development in an R-1 or R-2 district provided there shall be no increase in the number of dwelling units than are permitted in conventional developments and further provided the proposed development meets the following minimum standards.

A. Minimum Open Space Development Regulations

<i>DISTRICT</i>	<i>R-1</i>	<i>R-2</i>
<i>Permitted Main Use</i>	<i>Single-Family Detached</i>	<i>Single-Family Detached</i>
<i>Accessory Use</i>	<i>As regulated in R-1 Districts</i>	<i>As regulated in R-2 Districts</i>
<i>Minimum Development Area</i>	<i>40 Acres</i>	<i>40 Acres</i>
<i>Density (units/acre)</i>	<i>0.4/acre</i>	<i>0.8/acre</i>
<i>Minimum Lot Area per unit</i>	<i>40,000 sq. ft. (a)</i>	<i>20,000 sq. ft. (a)</i>
<i>Minimum Lot Width (ft.)</i>	<i>125</i>	<i>90</i>
<i>Minimum Yards (ft.)</i>		
<i>Front</i>	<i>50</i>	<i>35</i>
<i>Side</i>	<i>20 & 20</i>	<i>15 & 15</i>
<i>Rear</i>	<i>50</i>	<i>40</i>
<i>Dist. Between Build.</i>	<i>N/A</i>	<i>N/A</i>
<i>Required Open Space (% of development area)</i>	<i>45%</i>	<i>40%</i>
<i>Public Water Supply & Sanitary Sewer</i>	<i>Required</i>	<i>Required</i>
<i>Maximum Lot Coverage By Main and Accessory Buildings</i>	<i>15%</i>	<i>15%</i>

(a) The Planning & Zoning Commission may permit up to 20% of the total number of lots to be not less than 32,000 square feet in area in an R-1 District and not less than 16,000 square feet in area in an R-2 District in order to preserve the natural features of the site.

B. Percentage of Open Space

1. *Minimum percentage of open space shall be calculated after deducting:*
 - a. *Area of each privately owned lot; and*
 - b. *Required setbacks and distances between and among buildings in a condominium development; and*
 - c. *Public street rights of way and private streets.*
2. *The purposes for which open spaces are proposed shall be documented by the applicant and shown on the development plan. Structures or buildings accessory to recreation, conservation or agricultural use may be permitted within the open spaces but in the aggregate shall not exceed one percent of the open space.*

C. Permanent Dedication of Open Space

1. *Dedication to an Authorized Entity*

All open space in a Conservation Development shall be permanently restricted from further subdivision or development by a conservation easement conveyed to a land trust or a third party, not the landowner, which is capable of accepting such conservation easement conveyed to a land trust or a third party, not the landowner, which is capable of accepting such conservation easement pursuant to Ohio Revised Code Section 5301.68; which has sufficient funds and other resources dedicated to monitoring compliance with and enforcement of the conservation easement; and which can be reasonably expected to fulfill its obligations to monitor and enforce the conservation easement. The conservation easement, and organization and arrangements for future monitoring and enforcement are subject to approval by the Village.

2. *Transfer of Conservation Easement*

The owner(s) of the open space may transfer a conservation easement to any of the entities listed in Ohio Revised Code Sections 5301.68, provided:

The entity is acceptable to the Village;

The provisions of the conservation easement are acceptable to the Village; and

The conveyance contains provisions for assignment of the conservation easement to another entity authorized to hold conservation easements under O.R.C. Sections 5301.68 in the event the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

D. Open Space Standards

The location, size, and shape of lands set aside for permanent open space shall be reviewed and approved by the Planning and Zoning Commission.

- 1. Open space land shall provide for the protection of resources on the site including agricultural land, productive woodland, wildlife habitat, natural areas, aquifer protection areas, woodlands, views and vistas, streams, stream banks, bodies of water, the lake shoreline, and historic and archeological sites.*
- 2. The location, shape, size, and character of the open space land shall be suitable for its intended use.*
- 3. Open space land shall be suitably improved and/or maintained for its intended use, except for open space containing natural resources worthy of preservation which may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and wildlife habitat to be utilized for these products.*
- 4. Land shown as open space shall be protected for its intended use (including but not limited to open spaces, recreational areas, agricultural areas, etc.) through a mechanism approved by the Village Council. The agreement may be in the form of a deed restriction or conservation easement among other possible means, any of which must be deemed appropriate by the Village Council. All costs for creating and maintaining open space are the responsibility of the landowners in the Conservation Development.*
- 5. Open space land shall be located so as to conform with and extend existing and potential open space on adjacent parcels. If possible, the open space shall be coordinated with the Open Space Plan of the Village.*

E. Design Criteria

In addition to development and site planning standards as provided in sections 1131.05(b) (15) A, B, and C, open space and planned unit developments shall be designed in accordance with the following criteria.

1. Water Resources

- (a) The development shall protect and conserve steep slopes from clearing, grading, filling, or construction,*
- (b) Impervious surfaces shall be utilized to the minimum extent necessary,*
- (c) Alteration of or construction within natural drainage ways shall be avoided,*
- (d) Low impact storm water management techniques such as grassy sides shall be utilized.*

2. Sloping Land

- (a) The road system and building shall be located to minimize changes in topography and the need for cutting and filling,*
- (b) Construction of buildings, parking areas and roads shall be avoided on land having a greater slope than 15 percent.*

3. Woodlands and other Vegetation

- (a) The development should conserve and maintain mature woodlands and/or orchards.*
 - (1) Trees with a DBH of 10 inches or greater shall be conserved to the extent practicable and removal of such trees should be permitted only in the following areas, upon review and approval by the Village Planning and Zoning Commission.*
 - Within the area to be occupied by the permanent structure together with fifteen feet on all sides, subject to approval of the location of the structure.*
 - Within the area occupied by access roads, parking areas, accessory buildings, sidewalks, utility installations and similar necessary development subject to approval of the location of said improvements.*
 - (2) When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal, field, etc.) in locations where there*

are no large trees or obvious wildlife habitats to the fullest extent that is practicable.

- (3) The development shall conserve and maintain existing fields, pastures, and meadows.*
- (4) The development shall incorporate existing hedgerows and treelines between fields or meadows in the development layout, especially those containing significant wildlife habitats.*
- (5) Wildlife habitat areas of species listed as endangered, threatened or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources shall be protected.*
- ~~*(6) Trees with a DBH of 10 inches or greater shall be conserved to the extent practicable and removal of such trees should be permitted only in the following areas, upon review and approval by the Village Planning and Zoning Commission.*~~

4. Prime Farmland

- (a) Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland shall be conserved.*
- (b) The shape of the farmland, access thereto and buffering of adjacent uses shall be suitable for the intended crop(s).*
- (c) Adequate water and other services shall be available to support the successful use of the land for the intended crop(s).*
- (d) The farmland shall be properly situated with respect to slope, prevailing winds, and distance from development to accommodate the use of pesticides, or the land shall be restricted to organic farming.*
- (e) Adequate measures shall be taken to protect local drainage ways from runoff from the farmed area.*

5. Existing Scenic Vistas and Visual Quality of the Environment.

- (a) *Buildings shall be located so as to ensure the scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.*
- (b) *Buildings shall not be located on prominent hilltops or ridges.*
- (c) *Development shall not front directly onto existing public road so that rural roadside character is conserved and public safety and vehicular carrying capacity is maintained.*
- (d) *Buffer zones shall be established along scenic corridors of rural roads.*
- (e) *Varied and pitched rooflines and traditional materials and colors shall be utilized.*
- (f) *Building setbacks along the project boundary shall be sufficient to provide protection for existing residences adjoining the conservation development. Buffers shall be adequate along the perimeter of the project so that uses on adjacent parcels are not visually impacted by the proposed development in a more intensive manner than if the proposed development were the standard detached single-family development option.*

6. *Cultural Resources.*

Sites of historic, archaeological, or cultural value and their environs shall be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mound, and burial grounds.

7. *General Street Design Criteria*

- (a) *Street alignments shall follow natural contours and be designed to conserve natural features.*
- (b) *Locations of streets shall be planned to avoid excessive storm water runoff and the need for storm sewers.*
- (c) *The area of the project devoted to streets and related pavement shall be the minimum necessary to provide adequate and safe movement through the development.*

8. *Pedestrian Circulation Systems*

- (a) *A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.*

- (b) *Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.*

F. *Required Improvements*

All required improvements shall be provided as specified in the Subdivision Regulations of the Village.

G. *Review Procedures*

(1) *Preliminary Plan*

In addition to data and information required in this chapter of the Zoning Code and the Village Subdivision Regulations on application for a Conservation Development must include the following:

- (a) *Identification of existing site characteristics, including a general depiction of:*
- (1) *Boundaries of the area proposed for development, dimensions, and total acreage;*
 - (2) *Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.*
 - (3) *Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;*
 - (4) *Existing soil classifications;*
 - (5) *Locations of all wooded areas, tree lines, hedgerows, and specimen trees;*
 - (6) *Delineation of existing drainage patterns on the property, existing wells and well sites;*
 - (7) *Description of significant existing vegetation by type of species, health, quality, etc.;*
 - (8) *Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;*
 - (9) *Description of all structures and areas of known or potential historical significance; and*
 - (10) *Existing viewsheds and identification of unique vistas.*

- (b) *The preliminary site plan, shall be drawn at a scale not less than 1" = 100', and shall include:*
- (1) *A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of common open space to be conserved;*
 - (2) *A sketch layout of single family lots;*
 - (3) *The location of the common open space, and any proposed recreational facilities;*
 - (4) *Natural features to be conserved and any required buffer areas;*
 - (5) *Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;*
 - (6) *General location of public street rights-of-way; and*
 - (7) *Proposed utility easement locations.*
- (c) *An outline of the method/structure to perpetually preserve the required common open space which indicates:*
- (1) *The structure of the Association;*
 - (2) *Membership requirements;*
 - (3) *Financial responsibilities; and*
 - (4) *The relationship of the entity to public agencies having responsibilities related to the project.*
- (d) *A description of the project phasing including the phased construction of open space improvements.*

(2) **Final Development Plan**

- (a) *Final development Plan shall include: A site plan drawn at a scale not less than 1" = 100' indicating:*
- (1) *Boundaries of the area proposed for development, accurate dimensions and total acreage;*
 - (2) *The exact location and dimension of public street rights-of-way;*
 - (3) *Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;*
 - (4) *The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and*

- (5) *Designated common open space areas and a description of proposed open space improvements.*
 - (b) *A grading plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage.*
 - (c) *A detailed landscaping plan for new landscaping, including entry features and signs.*
 - (d) *The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including common open space.*
 - (e) *Conditions imposed by other regulatory agencies.*
- (3) *Review by Zoning Inspector and Planning and Zoning Commission.*

Review by the Zoning Inspector and the Planning and Zoning Commission shall be provided in Section 1131.03 of the Zoning Code.

(16) *Planned Unit Development in R-3A Districts*

It is the intent of this subsection to permit, in a large scale development, a more flexible placing of buildings on the land, the grouping of open space and accessory facilities, such as garages or parking spaces, flexibility in architectural design, including ~~multifamily dwellings of the row house to the garden apartment type of construction~~ *detached single-family cluster dwellings on separate lots and attached single-family dwellings*, and variation of area and height regulations. The area proposed shall be in one ownership, or, if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. The following conditions shall apply:

- A. In addition to the other requirements of this section, the application shall include:
 - (1) Topography, including contours of no greater vertical interval than two feet.
 - (2) Tables showing the total number of acres and the percentage of each of the dwelling types, and nonresidential uses, including parking, streets, parks and schools.
 - (3) Any other data the Commission may require.

- B. The plan and development shall cover an area of not less than twenty acres.
- ~~C. The overall dwelling unit density of residential development shall not exceed the average dwelling unit density that would have been permitted if the area was developed under the conventional regulations for the district in which the property is located. The maximum number of lots that may be created shall be computed by:~~
- ~~1. Subtracting twenty percent of the total area from the total site size and dividing the remaining land area by the minimum lot size requirement of the district in which the planned unit development is located; or~~
 - ~~2. Submitting a site plan indicating the number of lots that could be created on the site in question while complying to conventional lot size regulations for the district.~~
- C. *Overall density of residential development shall not exceed 2.0 1.7 dwelling units per acre.*
- D. A public water supply and central sanitary sewer facilities shall be required.
- E. The minimum area regulations for single-family residential may be modified for planned unit residential developments, at the discretion of the Planning and Zoning Commission, to the maximum reduction stipulated in the following schedule. In no case shall any lot be created with less than fifty feet of frontage on a public dedicated street. Yards on the perimeter of the planned unit development shall not be reduced but shall be required to comply with the yard requirements of the applicable district regulations.

Schedule of Planned Unit Residential Development
 Lot Requirements Compared to District
Regulations for Conventional Development

	<u>Conventional Development</u>	<u>Planned Unit Residential Development</u>
Minimum Lot Area per Dwelling Unit	½ acre	1/3 acre
Minimum Lot Width	100 feet	75 feet
Minimum Front Yard Depth	60 feet	50 feet
<i>Minimum Setback From Private Street</i>		<i>35 feet</i>
Minimum Side Yard Width	15 feet	15 feet
Minimum Rear Yard Depth	50 feet	50 feet

- F. No less than ten percent of the gross area of the project shall be devoted to parks and playgrounds dedicated to public use or for the exclusive use of residents of the planned unit development, but no park or playground shall contain less than five acres of contiguous land. Where parks, playgrounds and common open spaces are to be for the exclusive use of residents of the development, restrictions and covenants providing for the continuing maintenance of the parks, playgrounds and common open spaces shall be subject
- G. ~~No greater than ten percent (10%) of the number of dwelling units in the development may be multifamily dwellings, and such shall be located so as not to cause traffic congestion. Multifamily dwellings shall conform to the area and height regulations of the R-3 Residential District (Sections 1127.03 through 1127.06), except that the overall density of the planned unit development shall be determined by paragraph (b)(15)C. hereof.~~
- G. *The minimum percentage of open space in the development shall not be less than forty percent (40%).*
- H. Off-street parking shall be provided as regulated by Chapter 1133.
- I. Developments regulated by this section shall conform in all ways to the Subdivision Regulations applicable to residential districts.

- J. The developer of a planned unit residential development shall submit a preliminary plan of the project to the Commission, which shall investigate and ascertain that the location, size, and other characteristics of the site comply with the following conditions as well as the requirements of the district in which the site is located and the other provisions of this section:
1. That the proposed project is consistent with the Land Use and Thoroughfare Plan of Richfield Village and Township.
 2. That it will not adversely affect neighboring property.
 3. That the plan for the project provides for integrated and harmonious design of buildings and open spaces, for adequate and properly arranged facilities for internal traffic circulation and off-street parking and loading, and for such other features and facilities as may be necessary to protect surrounding development and promote orderly growth.
- K. Upon determination by the Commission that the proposed development project, as shown by the preliminary plan thereof, conforms to the requirements of all applicable provisions of this Zoning Code and the Subdivision Regulations, the applicant shall prepare and submit a final development plan which shall incorporate any changes or modifications required by the Commission.
- L. Minor modifications and adjustments or rearrangements of the plan may be authorized by the Commission after approval.

- ~~16. Multifamily dwellings shall be permitted only after the review and approval of the site plan by the Commission upon a finding by the Commission that:~~
- ~~A. The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.~~
 - ~~B. All the development features, including the principal buildings, open spaces, service roads, driveways and parking areas, are so located and related as to minimize the possibility of any adverse effects upon adjacent development.~~
 - ~~C. The site plan includes adequate provision for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or an ornamental wall or fence.~~

- ~~D. Grading and surface drainage provisions are reviewed and approved by the Village Engineer.~~
 - ~~E. All private streets, driveways and parking areas are to be built following approval of plans by the Village Engineer according to construction standards specified by the Village.~~
 - ~~F. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and recreation areas, and the installation of landscaping, fences and walls, shall conform to the approved site plan.~~
 - ~~G. A performance bond in an amount to be determined by the Commission shall be placed with the Village to insure that the landscaping will be installed, that the hard surfacing of the private drives and parking areas will be installed, and that the surface water drainage will be installed, all in accordance with approved plans.~~
 - ~~H. Ancillary business activities shall be limited to establishments such as dry cleaning pick up, self-serve laundry, drugs, delicatessen, barber and beauty shop, and similar uses as determined by the Commission, of an extent commensurate with the intended function of these uses to serve primarily residents of a unified multifamily development. One sign only shall be permitted to advertise business activities. The sign shall be limited to twenty square feet and shall incorporate only indirect illumination and no moving or flashing devices.~~
 - ~~I. The proposed development conforms to all applicable provisions of this Zoning Code.~~
 - ~~J. Central sewer and water are available and adequate for the additional usage.~~
17. Private stables will not be approved on lots less than four acres. A maximum of two horses, both of which are owned by the lot occupant, may be permitted on a four-acre lot. For each animal over two, the minimum lot size shall be increased by one-half acre. The stable building shall be located on the lot a minimum of 100 feet from any residence, water well or property line. The corral fence shall be at least twenty-five feet from any property line.
(Ord. 21-1983. Passed 11-1-83.)

1131.06 ADDITIONAL CONDITIONS.

The Planning and Zoning Commission shall have the power to impose additional conditions where it deems it necessary to safeguard the health, safety and welfare of the community.
(Ord. 21-1983. Passed 11-1-83.)

CHAPTER 1133
Residential Parking and Loading Requirements

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| 1133.01 Off-street parking. | 1133.04 Minimum loading and unloading spaces required. |
| 1133.02 Minimum number of off-Street parking space required. | 1123.05 Parking requirements for uses not specified. |
| 1133.03 General regulations. | |

CROSS REFERENCES

Municipal zoning – see Ohio R.C. 713.06 et seq.
Parking generally – see TRAF. Ch. 351
General provisions and administration – see P. & Z. Ch. 1101 et seq.
Signs – see P. & Z. Ch. 1171
Oil and gas production – see P. & Z. Ch. 1173
Grades – see P. & Z. Ch. 1175
Erosion control plans – see P. & Z. Ch. 1177
Supplementary regulations – see P. & Z. Ch. 1179

1133.01 OFF STREET PARKING.

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be in accordance with this chapter. (Ord. 21-1983. Passed 11-1-83.)

1133.02 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

- (a) Auditoriums, Stadiums, Concert Halls, Theaters, Spectator Sports and Similar Uses. One for each four seats based on maximum seating capacity.
- (b) Churches and School Auditoriums. One for each four seats in the principal auditorium, based on maximum seating capacity.
- (c) Clubs and Lodges. One per 150 square feet, or fraction thereof, of floor area, or one for each three seating spaces in the assembly room.
- (d) Dwellings. Single-family – Two spaces for each dwelling, one of which shall be in an enclosed structure.

Single-family detached and single family attached in condominium developments four spaces for each dwelling unit of which two spaces shall be in an enclosed structure.

Multi-family – Three spaces for each dwelling of which one space shall be in an enclosed structure.

- (e) Hospitals. One parking space for each two beds, plus one space for each three employees.
- (f) Medical and Dental Offices and Clinics. Five for each physician or dentist, plus one for each two other employees.
- (g) Indoor Theaters. One for each three seats.
- (h) Libraries and Museums. One for each 500 square feet, or fraction thereof, of floor area.
- (i) Roadside Stand. Two parking spaces.
- (j) Golf Courses. Seven for each hole.
- (k) Barber Shops and Beauty Parlors. Two plus one and one-half for each chair.
Ord. 21-1983. Passed 11-1-83.)

~~1133.03 GENERAL REGULATIONS.~~

- ~~(a) Floor Area. For the purposes of this chapter, “floor area” means usable floor area as set forth in Section 1135.01. (Ord. 21 1983. Passed 11-1-83.)~~
- ~~(b) Parking Space. Off street accessory parking areas shall provide parking spaces, each of which shall be not less than nine feet wide and not less than twenty feet long, exclusive of all driveways, aisles, ramps, and turning spaces. An off street parking space for the physically handicapped shall be not less than thirteen feet wide and not less than twenty feet long exclusive of all driveways, aisles, ramps, and turning spaces.~~
- ~~(c) (1) Parking Area Design. Parking areas shall be of usable shape, improved with bituminous, concrete or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation with the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources, such as the stringing of light bulbs, shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off street parking area of five cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces and to prevent bumper overhang. All spaces shall be provided with adequate access by means of maneuvering lanes.
(2) *Parking areas shall be designed according to the following diagram:*~~