

## **TITLE III DISTRICT REGULATIONS**

### **CHAPTER 300 ZONING DISTRICTS-GENERAL**

#### **Section 300.01 Establishment of Zoning Districts**

For the purposes of this Zoning Code, the Village of Mantua is hereby divided into the following zoning districts.

- O-C Open Space Conservation District
- R-R Rural Residential District
- C-D Conservation Development Overlay District
- R-1 Residential District
- R-2 Residential District
- V-C Village Center District
- C Commercial District
- I Light Industrial District

#### **Section 300.02 Zoning Districts Map**

The location and boundaries established by this Zoning Code as set forth in the map entitled “Mantua Village Zoning Districts”, are incorporated herein and hereby made a part of this Zoning Code. The map shall be published as provided by law as part of this Zoning Code. The official zoning map shall be on file in the Office of the Clerk of Council and the Village Zoning Inspector.

#### **Section 300.03 Interpretation of District Boundaries**

Where uncertainties exist with respect to the boundaries of the district as indicated on the official zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines, or streams, such centerlines shall be interpreted to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, and such lines extended, such lot lines shall be interpreted to be such boundaries.

#### **Section 300.04 Determination of Substantially Similar Uses**

The following regulations apply when the Planning Commission is asked to make a determination as to whether a use proposed is substantially similar to uses otherwise listed as a permitted use in a specific zoning district.

**Section 300.05 Standards for Consideration of Substantially Similar Uses**

The following standards shall be considered by the Planning Commission when making an evaluation and determination that a proposed use is substantially similar to a use permitted in the Zoning Code:

- A. The compatibility of the proposed use with the general use classification system as specified in this Code.
- B. The nature, predominant characteristics and intensity of the proposed use in relation to those uses specified by this Code as being permitted in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential and other regulatory considerations normally associated with uses specified in this Code to which the proposed use is being compared.

**Section 300.06 Effect of Determination That A Use Is Substantially Similar**

Should a use be determined to be substantially similar to a specific permitted use or category of uses provided for in this Code, it shall then be permitted in the same manner and under the same conditions and procedures as the use to which it has been found to be substantially similar.

**Section 300.07 Record of Substantially Similar Uses**

The Zoning Inspector shall maintain as a public record, a listing of all uses which have been determined to be substantially similar. For each such use, the record shall include the use as listed in the Code, the use unlisted in the Code for which a determination of substantial similarity was made, and the dates of any actions thereupon by the Planning Commission. Such information may also be used in future zoning amendment considerations.

**CHAPTER 305 RESIDENTIAL DISTRICT REGULATIONS****Section 305.01 Purpose**

Residential Districts (O-C, R-R, R-1 and R-2) are established in order to achieve the following purposes:

- A. The Open Space Conservation District (O-C) is established:
  1. To reduce problems and hazards created by intensive development of areas that have high water tables, or that are subject to flooding, or that are topographically or otherwise physically unsuited for urban type uses.

2. To conserve natural resources, such as the riparian corridor of the Cuyahoga River.
  3. To preserve and protect areas with distinctive geologic, hydrologic, topographic, botanic, historic, scenic or ecological value to the community and the region.
- B. The Rural Residential District (R-R) is established to accommodate single-family residential development at a low density of one unit per three (3) acres in areas outside of the Village center.
- C. The R-1 Residential District is established to accommodate residential development at densities not to exceed two (2) dwelling units per acre that is consistent and compatible with the character of the surrounding neighborhoods in Mantua Village and Township.
- D. The R-2 Residential District is established to accommodate residential development with densities up to twelve (12) dwelling units per acre within and adjacent to the existing built-up Village center, that is consistent and compatible with the existing pattern of the older residential neighborhoods.

#### **Section 305.02            Use Regulations**

- A. A use listed in Schedule 305.02 shall be permitted by right as a permitted use in a District when denoted by the letter “P”, subject to all of the applicable development standards and requirements.
- B. A use listed in Schedule 305.02 shall be permitted as a conditional use in a District when denoted by the letter “C”, subject to all of the applicable development standards and requirements contained in Chapter 350, Conditional Use Regulations, and Chapter 620, Conditional Zoning Permit Procedures.
- C. A use listed in Schedule 305.02 shall be permitted as an accessory use in a District when denoted by the letter “P”, subject to all of the applicable development standards and requirements contained in Chapter 410, Accessory Uses and Structures.

<i>Schedule 305.02 Permitted Uses</i>	O-C Open Space Conservation	R-R Rural Residential	R-1 Residential	R-2 Residential
<i>A. Residential Uses</i>				
1. Single-family dwelling	C	P	P	P
2. Two-family dwelling			C	P
3. Multi-family dwelling				P
4. Family child day care homes, Type B	C	P	P	P
5. Group Residential Facility, Class I Type B	P	P	P	P
6. Group Residential Facility, Class I, Type A				C
<i>B. Open Space/Recreational</i>				
1. Agriculture	P	P	C <sup>1</sup>	C <sup>1</sup>
2. Nature preserves and other open spaces	P			
3. Cemetery	C	C		
4. Recreation facilities, outdoor, public or private	C	C	C	C
5. Recreational facilities, indoor, public or private			C	C
<i>C. Community Facilities</i>				
1. Government offices/facilities	C	C		C
2. Places of worship			C	C
3. Schools, public or private				C
4. Child day care center		C		C
5. Adult day care center		C		C
6. Assembly hall, meeting facility				C
7. Public Utilities (including substations, transmission facilities and related facilities)	C	C	C	C
<i>D. Other</i>				
1. Bed & Breakfast			C	C
2. Assisted living, nursing home				C
<i>E. Accessory Uses</i>				
1. Garages and off-street parking areas	P	P	P	P

<sup>1</sup> (Ord. 2021-32, eff. 11/18/21)

<i>Schedule 305.02 Permitted Uses continued</i>	O-C Open Space Conservation	R-R Rural Residential	R-1 Residential	R-2 Residential
2. Signs	P	P	P	P
3. Agriculture roadside stands	P	P		
4. Home occupations	P	P	P	P
5. Swimming pools	P	P	P	P
6. Fences, walls	P	P	P	P
7. Incidental accessory uses and buildings	P	P	P	P
8. Boarders/roomers, up to 2	P	P	P	P

**Section 305.03 Lot and Yard Requirements**

Lots created in residential districts shall comply with the area and dimension requirements in Schedule 305.03 for the district in which the lot is located. Principal buildings shall be located on a lot in such a manner that maintains the minimum required yards set forth in Schedule 305.03 for the district in which the lot is located.

- A. *Required Front Yard:* Each lot shall maintain a front yard in compliance with the following:
  1. Each front yard shall not be less than the depth specified in Schedule 305.03, measured from the street right-of-way line. If there is no established right-of-way line for any road or street, said line shall be deemed to be 30 feet from the centerline of the roadway.
  2. Notwithstanding subsection A.1, in areas where there are dwelling units on the lots within 200 feet and on the same side of the street of the lot for which a zoning certificate has been requested, the minimum required front yard shall not be less than the average front yard depth of such existing dwellings. However, in no case shall the required front yard be less than 20 feet, measured from the street right-of-way line.
  3. Through lots shall comply with the front yard setback for each street on which the lot has frontage.
- B. *Required Side Yards:* Each interior and through lot shall have and maintain two side yards. Schedule 305.03 sets forth the minimum width for any one side yard. For the R-2 District, Schedule 305.03 sets forth the minimum width of any one side yard and the minimum total width of both sides. Corner lots shall maintain one side yard that shall comply with the minimum width set forth in Schedule 305.03

*Schedule 305.03 Minimum Lot and Yard Requirements*

	O-C Open Space Conservation	R-R Rural Residential	R-1 Residential	R-2 Residential
1. Lot Area				
a) Single-family	5 ac.	3 ac.	20,000 s.f.	7,260 s.f.
b) Two-family	--	--	30,000 s.f.	7,260 s.f.
c) Multi-family	--	--	--	10,890 s.f., plus 3,360 s.f./unit over 3 units
2. Lot Width				
a) Single-family	300 ft.	200 ft.	75ft.	60 ft.
b) Two-family	--	--	100 ft.	60 ft.
c) Multi-family	--	--	--	65 ft.
3. Lot Frontage	60 ft.	60 ft.	60 ft.	50 ft.
4. Front Yard	100 ft.	60 ft.	40 ft.	30 ft.
5. Side Yards	25 ft.	15 ft.	10 ft.	a) One Side = 8 ft. b) Total both sides = 20 ft.
6. Rear Yard	50 ft.	50 ft.	30 ft.	20 ft.
Notes: s.f. = square feet, ft. = feet, ac. = acres				

**Section 305.04            Location of Accessory Uses and Structures in Required Yards**

Pursuant to Chapter 410, Accessory Use Regulations and Chapter 450, Signs.

**Section 305.05            Off-Street Parking and Loading**

Pursuant to Chapter 440, Off-Street Parking and Loading

**Section 305.06 Site Plan Review**

Pursuant to Chapter 610, Site Plan Review and Design Guidelines.

**Section 305.07 Maximum Density in R-2**

The overall density may be increased to up to 18 dwelling units/acre for multifamily dwellings, utilizing 2-3 story buildings with approval by council. Planning Commission shall provide a recommendation to council after reviewing the site plan and capacity of the site as well as the Village infrastructure to accommodate the increased density. The minimum lot area specified in Schedule 305.03 will be adjusted by Council. Planning Commission shall make a recommendation to Council on appropriate square footage adjustments for the proposed density.

**CHAPTER 310 CONSERVATION DEVELOPMENT OVERLAY DISTRICT****Section 310.01 Purpose**

The purpose of the Conservation Development Overlay District is to allow for creative residential developments that are consistent with and maintain the Village's character while maximizing the preservation of open space, wetlands, woodlands and other natural resources. The provisions will encourage the application of flexible land development techniques in the arrangement and construction of dwelling units and roads, and the permanent dedication of open space.

**Section 310.02 Objectives**

The following are objectives for a conservation development:

- A. To provide an enhanced residential environment by maintaining natural characteristics (open fields, stands of trees, hedgerows, natural vegetation, ponds, slopes and streams);
- B. To maximize the protection of the Village's natural resources by avoiding development on and destruction of sensitive natural resource areas;
- C. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources;

**Section 310.03 Establishment of Overlay District**

The Conservation Development Overlay District is established to be a floating overlay zone over the O-C, R-R and R-1 Residential District. All property within the district intended to be developed as a conservation subdivision shall comply with the provisions of this Chapter. Conservation development zoning does not apply to minor subdivisions or single lots.

**Section 310.04 Permitted Uses**

Conservation Development in accordance with the regulations set forth in Sections 310.05 through 310.10, including:

- A. Detached single-family dwellings
- B. Single-family dwellings clustered
- C. Single family attached dwellings
- D. Recreation facilities for use by residents.
- E. Restricted open space as required in Section 310.06.
- F. All other uses as specified in schedule 305.02 for the O-C, R-R, R-1 Districts.

**Section 310.05 Minimum Project Area**

The minimum land area required for a Conservation Development shall be 15 contiguous acres. The area proposed to be developed shall be held in single ownership, or if in multiple ownership, the application shall be filed jointly by all owners of the properties included in the proposed development. Smaller land areas may be considered on their basis to satisfy the objectives of this chapter.

**Section 310.06 Open Space and Density Standards**

- A. *Minimum Restricted Open Space:* At least 50% of the total project area shall be devoted to restricted open space.
- B. *Maximum Density:* The density of a Conservation Development shall not exceed the density of the underlying district. The maximum number of dwelling units permitted for a particular site shall be calculated by:
  - 1. Deducting the following from the total project area:
    - a. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
    - b. The area of land within a floodway, designated wetland, or existing waterbody that exceeds the minimum acreage required for restricted open space as set forth in Section 310.06A above. Where floodways and wetlands overlap, they shall be counted only once.
  - 2. Multiplying the result of subsection 1 by the maximum density permitted per acre as set forth in this section above.

**Section 310.07 Development and Site Planning Standards**

The following specific development standards shall be adhered to in the design and layout of any Conservation Development.

A. *Lot Requirements*

Units are not required to be on lots, however, the arrangement of dwelling units shall comply with the spacing requirements of this section and the requirements of the Portage County Health Department, if applicable. Where public sanitary sewer facilities are not available, the minimum lot size shall be designed in accordance with County Health Department and Ohio EPA requirements for household sewage disposal and waste treatment systems. Where on site septic systems are proposed, septic easement areas may be substituted for up to three-quarters (0.75) acres of an acre of the lot area with approval from the Portage County Health Department.

B. *Minimum Setbacks*

All buildings, structures, parking lots and other similar pavement areas and streets shall comply with the minimum setbacks set forth in Schedule 310.07.

*Schedule 310.07 Minimum Setbacks*

1. Setback from existing right of way	50 ft. <sup>1</sup>
2. Setback from project boundary	50 ft. <sup>2</sup>
3. Setback from interior street	
a) Public ROW	20 ft.
b) Private st.-edge of pavement	20 ft.
4. Distance between dwellings	20 ft.

C. *Sewage Disposal*

Development shall be served by individual or public sewage disposal structures consistent with the Village or Portage County requirements. Individual sewage disposal systems shall comply with all applicable regulations of the Portage County Health Department and may be located within the common open space areas when approved by the Village and the Portage County Health Department.

**Section 310.08      Restricted Open Space Requirements**

Restricted open space shall comply with the following.

A. The types of restricted open space, uses, function, location and design shall be approved by the Planning Commission and shall:

1. Be sufficiently aggregated to create large areas of planned open space;

<sup>1</sup> *Setback from existing public right of way may be reduced when natural features are present along the street and provide adequate buffering between units within the Conservation Development and units across the street.*

<sup>2</sup> *Setback may be reduced if adequate buffering exists around the perimeter or if allowing buildings closer to the boundary better conserves more environmentally sensitive areas that may be located in the interior of the project.*

2. Conserve significant natural, historical and cultural features located on the site to the extent feasible;
  3. Be easily accessible to residents of the Conservation Development;
  4. Be not less than 70 feet in width at any point;
  5. Be interconnected with open space areas on abutting parcels wherever possible.
- B. Land area devoted to the following shall not be included as part of the restricted open space requirement:
1. Parking areas, accessways and driveways;
  2. Required setbacks between buildings, parking areas and project boundaries; and between buildings and public or private streets unless the required setback is contiguous to or part of a larger area of common open space;
  3. Required spacing between buildings and between buildings and parking areas;
  4. Private yards within subdivided lots.
  5. Private roads and public road right of ways.
- C. Areas designated for restricted open space purposes may be:
1. Preserved in its natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area; or
  2. Used for active or passive recreation; or
  3. Used for sewage service, storm water management and/or water supply facilities.
  4. Used for agricultural purposes when authorized in a conservation easement or in the Homeowners Association covenants and restrictions.
- D. Any restricted open space intended to be devoted to parks and recreational activities shall be of usable size and shape for the intended purposes, as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, parks and recreation areas shall be provided with sufficient parking and appropriate access. The minimum amount of restricted open space that must be suitable for parks and playgrounds shall be 5% or that standard imposed by the Mantua Village Subdivision Regulations. The maximum percentage of restricted open space that can be used for intensive recreation areas shall be 10%.
- E. When facilities for sewage service, storm water management and/or water supply facilities are located in the restricted open space, easements satisfactory to the Planning Commission, and Village Solicitor shall be recorded showing their location. Restrictive covenants shall provide for access, maintenance and upkeep of facilities located in restricted open space. All facilities shall be operated in compliance with state and local regulations.
- F. Legal instruments setting forth the ownership of the required restricted open space and providing for the perpetual maintenance of the restricted open space shall be submitted to the Village Solicitor for review and approval. Restricted open space may be owned by an association, the village, a land trust, or by a similar entity, or

may remain in private ownership. Method of ownership and maintenance shall be approved by the Planning Commission. First priority in ownership shall be dedication to the public.

1. *Offer of Dedication*: The Village may, but shall not be required to accept dedication in the form of fee simple ownership of the restricted open space.
  2. *Association*: (Also see Section 319.09) Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common, or may be held in common by a Homeowners Association, Community Association, or other similar entity.
  3. *Transfer of Conservation Easements*: With the permission of the Village, the owner(s) of the restricted open space may, in accordance with the provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68, provided that:
    - a. The entity is acceptable to the Village;
    - b. The provisions of the conservation easement are acceptable to the Village; and
    - c. The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
  4. *Private Ownership of Restricted Space*: Planning Commission may allow restricted open space to be retained in ownership by the applicant subject to all standards and criteria for restricted open space herein including its preclusion from being developed. However, the minimum amount of land area suitable for parks and playgrounds as prescribed by the Village Subdivision Regulations must be accessible for use by all the residents of the subdivision. Any transfer of ownership of the restricted open space shall be only to the Homeowners Association or dedicated to the public. Any other form of ownership shall be approved by the Village Planning Commission and must be consistent with the intent of these regulations.
- G. All restricted open space areas shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Village Solicitor and duly recorded in the office of the Recorder of Deeds of Portage County.
- H. The restricted open space, including any facilities proposed to be constructed in such space, shall be clearly shown on the development plan.
- I. Applicants must also coordinate requirements of this Chapter with the Mantua Village Subdivision Regulations.

**Section 310.09 Homeowners' Associations**

As part of a conservation development, a homeowners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the common open space and any private streets or common drives. At the time of general development plan approval, the applicant shall provide the Village Solicitor with copies of the Declaration, Articles of Incorporation, either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association, et al). No general development plan shall be approved without a written opinion by the Village Solicitor that these submitted documents demonstrate full compliance with the provisions of this section and contain appropriate provisions implementing all of the following requirements:

- A. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium. The conditions and timing of transfer of control from the developer to lot or unit owners shall be either as provided for by statute (Condominium Association) or as specified in the Association's Declaration or Code of Regulations (Homeowners' Association et al.)
- B. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common open space without (1) an affirmative vote of seventy-five (75) percent of its members, (2) having established a successor entity to take over said property pursuant to the Village's Zoning Code, and (3) the approval of the Planning Commission.
- C. The Association shall:
  - 1. Be responsible for the maintenance, control and insurance of common areas, including required open space;
  - 2. Impose assessments on members for the maintenance control and insurance of common open space, and have the power to place liens against individual properties for failure to pay assessments as provided for by statute (Condominium Association) or in the Code of Regulations (Homeowners' Association et al.); and
  - 3. Have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, and payments of assessments for maintenance, control and insurance of, common open space by such means as reasonable monetary fines, suspension of the right to vote and the right to use any recreational facilities in the common area, the right to suspend any services provided by the Association to any owner, and the right to exercise self-help to cure violations.
- D. The Association shall convey to the Village and other appropriate government bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonconformance of maintenance or improvements

affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Village shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.

### **Section 310.10          Development Design Guidelines**

The following guidelines apply to conservation subdivision developments with regard to the layout of open space and building lots. The Planning Commission will utilize the following guidelines in evaluating whether the design is appropriate to the site's natural, historic and cultural features. Creativity in site design and lot layout shall be encouraged to achieve the best possible relationship between the residential and open space areas. Also see Chapter 610, Site Planning and Design Guidelines, and Chapter 470, Environmental Protection Regulations.

#### *A. Conservation of Water Resources*

1. The development should protect and conserve all floodplains, wetlands and steep slopes from clearing, grading, filling or construction (except as may be approved by the Village for essential infrastructure or passive recreation amenities).
2. Impervious surfaces should be utilized to the minimum extent necessary.
3. Alteration of or construction within natural drainage ways should be avoided.
4. Low impact storm water management techniques, such as grassy swales, should be utilized.

#### *B. Conservation of Existing Scenic Vistas and Visual Quality of the Environment*

1. Buildings should be located so as to ensure that scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.
2. Development should not front directly onto existing public roads so that rural roadside character is conserved and public safety and vehicle carrying capacity is maintained.
3. Buffer zones should be established along scenic corridors of rural roads.
4. Building setbacks along the project boundary should be sufficient to provide protection for existing residences adjoining the conservation development. Buffers should 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 a standard single-family development.
5. Varied and pitched roof lines and traditional materials and colors should be utilized.

#### *C. Access to Restricted Open Space*

Restricted open space shall be directly accessible to the largest number of lots that is practical. The majority of building lots should abut undivided open space in order to provide direct views and access.

D. *General Street Design Criteria*

1. Street alignments should follow natural contours and be designed to conserve natural features.
2. Locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.
3. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
4. The street design should incorporate commons or ovals rather than cul-de-sacs as much as possible. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the Village and to facilitate easy access to and from homes in different parts of the property and on adjoining parcels.

E. *Conservation of Woodlands and Other Vegetation*

1. The development should conserve and maintain mature woodlands and/or orchards.
2. Trees with a DBH of 10 inches or greater should 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 Planning Commission:
  - a) Within the area to be occupied by a permanent structure together with fifteen feet on all sides, subject to the approval of the location of the structure.
  - b) Within the area occupied by access roads, parking areas, accessory buildings, sidewalks, utility installations and similar necessary development subject to the approval of the location of said improvements.
  - c) When any woodland is developed, great care should be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife habitats to the fullest extent that is practicable.
  - d) The development should incorporate existing hedgerows and treelines between fields or meadows in the development layout, especially those containing significant wildlife habitats.

F. *Conservation of Wildlife Habitat*

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.

### G. *Conservation of Cultural Resources*

Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, earth mounds, burial grounds, family cemeteries, etc.

### **Section 310.11      Project Review Procedures**

All Conservation Developments are subject to the procedures and requirements of Chapter 610, Site Plan Review and Design Guidelines. The following requirements are in addition to those of Chapter 610.

#### A. Development Plan shall include but not be limited to:

1. Contour map required of Chapter 610 shall also include rock outcroppings, ridges highlighted and any other significant topographical features.
2. Location of wetlands and potential wetlands, the floodway boundary and floodway elevation as delineated by FEMA, rivers and streams and their related river or stream bank, ponds and watercourses.
3. Existing soil classifications.
4. Locations of all wooded areas, tree lines, hedgerows, and specimen trees.
5. Delineation of existing drainage patterns on the property, existing wells and well sites.
6. Description of significant vegetation by type of species, health, quality, etc.
7. Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary.
8. Description of all structures and areas of known or potential historical significance.
9. Existing viewsheds and identification of unique vistas.
10. 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 restricted open space to be conserved.
11. The layout of the standard single-family lots, if any.
12. The location of the restricted open space and any proposed recreational facilities/improvements.
13. Natural features to be conserved and any required buffer areas.
14. Natural features to be altered or impacted by the development.
15. The 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.

#### B. The application shall also include:

1. The method and structure to perpetually preserve the required restricted open space which indicates:
  - a. The structure of the Association, membership requirements, financial responsibilities; The Declaration, Articles of Incorporation and either By-Laws (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 on all the uses of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
  - b. The relationship of the entity to public agencies having responsibilities related to the project.
2. Any conditions imposed by other regulatory agencies.
3. A description of the project phasing, including phased construction of open space improvements.
4. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones.

## **CHAPTER 320 VILLAGE CENTER DISTRICT**

### **Section 320.01 Purpose**

The Village Center (V-C) District is established:

- A. To encourage the development of a compact, mixed-use Village center that serves as the activity center for the community;
- B. To enable infill development and the adaptive reuse of buildings to occur in the Village's historic center in a manner that will be integrated and compatible with existing buildings;
- C. To encourage the preservation and rehabilitation of existing buildings and structures, including the preservation of significant architectural features;
- D. To encourage development that extends the existing close-knit pattern of smaller lots, the variety of lot sizes and the mix of residential, local business, retail, office and community uses; and
- E. To allow mixed-use structures, including but not limited to, those with commercial/retail uses on the ground floor and apartment dwellings or offices on the upper floors.

### **Section 320.02 Use Regulations**

- A. A use listed in Schedule 320.02 shall be permitted by right as a permitted use in a District when denoted by the letter "P", subject to all of the applicable development standards and requirements.

B. A use listed in Schedule 320.02 shall be permitted as a conditional use in a District when denoted by the letter “C”, subject to all of the applicable development standards and requirements contained in Chapter 350 Conditional Use Regulations, and Chapter 620, Conditional Zoning Permit Procedures.

C. A use listed in Schedule 320.02 shall be permitted as an accessory use in a District when denoted by the letter “P”, subject to all of the applicable development standards and requirements contained in Chapter 410, Accessory Uses and Structures.

*Schedule 320.02 Permitted Uses*

	V-C Village Center District
<i>A. Residential Uses</i>	
1. Single-family dwelling	P
2. Two-family dwelling	P
3. Multi-family dwelling	P
4. Family child day care homes, Type B	P
5. Group Residential Facility, Class I Type B	P
6. Group Residential Facility, Class I, Type A	C
7. Dwelling units above the first floor	P
<i>B. Mixed-use Structures Containing Permitted Uses</i>	P
<i>C. Open Space/Recreation</i>	
1. Cemetery	C
2. Recreation facilities, outdoor, public or private	C
3. Recreational facilities, indoor, public or private	C
<i>D. Offices</i>	
1. Professional, administrative, executive, and business	P
2. Medical offices and clinics	P
3. Veterinary offices and clinics	C
<i>E. Retail/Services</i>	
1. Retail establishments	P
2. Personal service establishments	P
3. Bank, financial institution	P
4. Printing services	P
5. Restaurants	P
6. Drive-through facilities in association with a principal use	C
7. Studios for dance, art, photography, etc.	P

	V-C Village Center District
8. Funeral homes	C
9. Brewpubs, Microbreweries, Microwineries (Ord. 2023-17, eff. 8/17/23)	C
<i>F. Lodging Establishments</i>	
1. Bed & Breakfast	P
<i>G. Automotive Uses</i>	
1. Gasoline stations	C
<i>H. General Commercial</i>	
1. Carpentry, cabinet or upholstery shops	P
<i>I. Community Facilities</i>	
1. Government offices/facilities	C
2. Places of worship	P
3. Schools, public or private	P
4. Child day care center	C
5. Adult day care center	C
6. Assembly hall, meeting facility	C
7. Public Utilities (including substations, transmission facilities and related facilities)	C
8. Cultural facilities	C
9. Telecommunication towers	C
10. Assisted living, nursing home	C
<i>J. Accessory Uses</i>	
1. Garages and off-street parking areas	P
2. Signs	P
3. Home occupations	P
4. Swimming pools	P
5. Fences, walls	P
6. Incidental accessory uses and buildings	P
7. Boarders/roomers, up to 2	P

**Section 320.03 Lot and Yard Requirements**

The lot requirements for uses in the Village Center District are specified in Schedule 320.03 below. Every building shall be set back on a lot so as to create and maintain the following yards as set forth in Schedule 320.03.

- A. *Front Yard Requirements:* Where there are buildings on the lots within 200 feet and on the same side of the street of the lot for which a zoning certificate has been requested, the minimum required front yard shall not be less than the average front yard depth of such existing structures. However, the required front yard shall not be less than 10 feet, measured from the street right-of-way line, except for those buildings to be located on Main Street.

B. *Side and Rear Yards*: Separate buildings on separate parcels may be placed side-by-side, (*Zero lot line*) as part of a joint development when approved by the Planning Commission.

*Schedule 320.03 Minimum Lot and Yard Requirements*

	V-C Village Center District
1. Lot Area	<b>None</b>
2. Lot Width	50 ft.
3. Lot Frontage	50 ft.
4. Front Yard a) For buildings on Main St.	10 ft. or average None
5. Side Yard  a) For non-residential uses, where adjacent to a residential district or use b) For commercial uses adjacent to other commercial uses.	One side = 8 ft. Total both sides = 20 ft.  20 ft.  None or 5 ft. (1)
6. Rear Yard a) For non-residential uses, where adjacent to a residential district or use	20 ft. 30 ft.
7. Landscape buffer in yards abutting residential district or use, plus 6 ft. fence	5 ft.
Notes: ft. = feet	

(1) A minimum of zero feet if attached to an adjacent building or a minimum of five feet if not attached to an adjacent building.

**Section 320.04 Location of Accessory Uses and Structures in Required Yards**

Accessory uses permitted in the Village Center District shall conform to the regulations of this Chapter and Chapter 410, Accessory Uses and Structures.

**Section 320.05 Off-Street Parking and Loading**

Off-street parking and loading areas shall conform to the regulations of Chapter 440, Off-Street Parking and Loading.

**Section 320.06 Signs**

Signs shall be in compliance with the regulations specified in Chapter 450, Signs.

**Section 320.07 Landscaping and Screening**

Visual screening and landscape buffers shall be provided by the applicant for nonresidential lots in compliance with the regulations specified in Chapter 460, Landscaping and Screening.

### **Section 320.08 Supplementary Regulations**

#### *Access Limits*

1. Only one (1) access driveway will be permitted for lots having less than one (100) hundred feet of frontage. A variance from this section shall only be considered upon proof of meeting accepted traffic safety standards.
  2. There shall be a maximum of two (2) driveway entrances/exists per developed lot.
  3. There shall be a minimum distance of fifty (50) feet between proposed and existing driveways on public roads.
  4. No driveway centerline shall intersect a street line less than fifty (50) feet from the intersection of any two roadways.
- A. Common parking areas and/or accessways shall be permitted and encouraged provided that:
1. Access easements and maintenance agreements shall be provided where necessary.
  2. Liability safeguards for all property owners and lessees served by common parking areas and/or accessways shall be guaranteed to the satisfaction of the Village Solicitor.

#### *B. Lighting*

All lighting shall be so arranged so as to direct light away from adjacent properties and streets and shall not be of excessive brightness or cause a glare which would create hazards for motorists or reasonably objectionable to adjacent property owners.

#### *C. Building Size Ratio:*

The maximum size of any building shall be 6,000 square feet of gross floor area per 20,000 square feet of lot area. No individual structure shall exceed 20,000 square feet in gross floor area.

#### *D. Maximum Residential Density*

The overall density may be increased from a maximum of 12 dwelling units/acre to up to 18 dwelling units/acre for multifamily dwellings, utilizing 2-3 story buildings with approval by council. Planning Commission shall provide a recommendation to council after reviewing the site plan and capacity of the site as well as the village infrastructure to accommodate the increased density.

**Section 320.09 Site Plan Review and Design Standards**

Site Plan Review is required pursuant to Chapter 610 Site Plan Review and Design Guidelines. Additionally, the following requirements shall be observed:

**A. *Street Orientation***

All principal uses in the Village Center District shall be oriented with their primary entrance facing the street on which they are located.

**B. *Other Specific Design Standards***

In order to achieve a pedestrian scale, the following building design elements shall be applied to that portion of a building facing onto a public street, parking lot, or sidewalk:

1. Along the length of a wall, at least sixty (60%) percent of the wall must be display-type windows. The bottom edge of such window shall not be higher than three (3) feet above grade.
2. Architectural features that will establish a pedestrian scale and rhythm must interrupt blank walls or facades greater than twenty (20) feet in length. Such features include, but are not limited to, windows, piers, columns, bays and stepping or undulation of the building.

**CHAPTER 330 COMMERCIAL DISTRICT REGULATIONS****Section 330.01 Purpose**

The Commercial (C-1) District is established to provide a general commercial district for commercial services and activities in locations that are adequately served by major streets and other facilities. The district is established to encourage the grouping of general commercial establishments and to permit limited outdoor activities in areas that are adequately screened from view.

**Section 330.02 Use Regulations**

- A. A use listed in Schedule 330.02 shall be permitted by right as a permitted use in a District when denoted by the letter "P", subject to all of the applicable development standards and requirements.
- B. A use listed in Schedule 330.02 shall be permitted as a conditional use in a District when denoted by the letter "C", subject to all of the applicable development standards and requirements contained in Chapters 350 and 620.

C. A use listed in Schedule 330.02 shall be permitted as an accessory use in a District when denoted by the letter “P”, subject to all of the applicable development standards and requirements contained in Chapter 410, Accessory Use Regulations.

*Schedule 330.02 Permitted Uses*

	C-1 Commercial District
<i>A. Open Space/Recreation</i>	
1. Recreation facilities, outdoor, public or private	C
2. Recreational facilities, indoor, public or private	C
<i>B. Offices</i>	
1. Professional, administrative, executive, and business	P
2. Medical offices and clinics	P
3. Veterinary offices and clinics	C
<i>C. Retail/Services</i>	
1. Retail establishments	P
2. Personal service establishments	P
3. Bank, financial institution	P
4. Printing services	P
5. Restaurants	P
6. Drive-through facilities in association with a principal use	C
7. Studios for dance, art, photography, etc.	P
8. Funeral homes	C
9. Brewpubs, Microbreweries, Microwineries <i>(Ord. 2023-17, eff. 8/17/23)</i>	C
<i>D. Automotive Uses</i>	
1. Gasoline stations	C
2. Auto service and repair garage	C
3. Auto, motor vehicle sales	C
4. Car Washes	C
<i>E. General Commercial</i>	
1. Carpentry, cabinet or upholstery shops	P
2. Heating, air conditioning and plumbing shops	P
3. Bldg. material, lawn and garden equipment sales	C
4. Mini/self storage	C
<i>F. Community Facilities</i>	
1. Government offices/facilities	C

	C-1 Commercial District
2. Public Utilities (including substations, transmission facilities and related facilities)	C
3. Cultural facilities	P
<i>G. Accessory Uses</i>	
1. Garages and off-street parking areas	P
2. Signs	P
3. Fences, walls	P
4. Incidental accessory uses and buildings	P
5. Outdoor Display	P
6. Outdoor Storage	P

P = Permitted Use by Right

C = Conditional Use

**Section 330.03 Lot and Yard Requirements**

The lot requirements for uses in the Commercial District are specified in Schedule 330.03 below. Every building shall be set back on a lot so as to create and maintain the following yards as set forth in Schedule 330.03.

- A. *Side and Rear Yards*: Separate buildings on separate parcels may be placed side-by-side (zero lot line) as part of a joint development when approved by the Planning Commission.

*Schedule 330.03 Minimum Lot and Yard Requirements*

	C-1 Commercial District
1. Lot Area	15,000 s.f.
2. Lot Width	80 ft.
3. Lot Frontage	60 ft.
4. Front Yard	35 ft.
5. Side Yard	15 ft.
a) For non-residential uses, where adjacent to a residential district	20 ft.
6. Rear Yard	20 ft.
a) For non-residential uses, where adjacent to a residential district	40 ft.
7. Landscape buffer in yards abutting residential district, plus 6 ft. fence	10 ft.

**Section 330.04 Location of Accessory Uses and Structures in Required Yards**

Accessory uses permitted in the Commercial District shall conform to the regulations of this Section and Chapter 410, Accessory Use Regulations.

**Section 330.05 Off-Street Parking and Loading**

Off-street parking and loading areas shall conform to the regulations of Chapter 440, Off-Street Parking and Loading.

**Section 330.06 Signs**

Signs shall be in compliance with the regulations specified in Chapter 450, Signs.

**Section 330.07 Landscaping and Screening**

Visual screening and landscape buffers shall be provided for nonresidential lots in compliance with the regulations specified in Chapter 460, Landscaping and Screening.

**Section 330.08 Supplementary Regulations***A. Access Limits*

1. Only one (1) access driveway will be permitted for lots having less than one (100) hundred feet of frontage. A variance from this section shall only be considered upon proof of meeting accepted traffic safety standards.
2. There shall be a maximum of two (2) driveway entrances/exits per developed lot.
3. There shall be a minimum distance of thirty (30) feet between proposed and existing driveways on public roads.
4. No driveway centerline shall intersect a street line less than fifty (50) feet from the intersection of any two roadways.

*B. Common parking areas and/or accessways shall be permitted and encouraged provided that:*

1. Access easements and maintenance agreements shall be provided where necessary.
2. Liability safeguards for all property owners and lessees served by common parking areas and/or accessways shall be guaranteed to the satisfaction of the Village Solicitor.

*C. Lighting*

All lighting shall be so arranged so as to direct light away from adjacent properties and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

**D. *Building Size/Ratio***

The maximum building size shall be 6,000 square feet of gross floor area per 20,000 square feet of lot area. No individual structure shall exceed 20,000 square feet in gross floor area.

**Section 330.09 Site Plan Review**

Pursuant to Chapter 610, Site Plan Review and Design Guidelines.

**CHAPTER 340 LIGHT INDUSTRIAL DISTRICT REGULATIONS****Section 340.01 Purpose**

The Light Industrial District is established to:

- A. Provide in appropriate and convenient locations, sufficient areas for industrial and manufacturing activities and the distribution of goods;
- B. Provide for and accommodate light industrial uses such as manufacturing, office, wholesale and distribution establishments that operate entirely within completely enclosed structures and that normally generate only limited outdoor storage of goods and supplies in association with the principal activity.
- C. Provide for establishments that utilize processes in which dust, smoke, fumes, glares, odors or other objectionable elements can be controlled, but which do not involve any dangerous or hazardous processes.

**Section 340.02 Use Regulations**

- A. A use listed in Schedule 340.02 shall be permitted by right as a permitted use in a District when denoted by the letter “P”, subject to all of the applicable development standards and requirements.
- B. A use listed in Schedule 340.02 shall be permitted as a conditional use in a District when denoted by the letter “C”, subject to all of the applicable development standards and requirements contained in Chapters 350 and 620.
- C. A use listed in Schedule 340.02 shall be permitted as an accessory use in a District when denoted by the letter “P”, subject to all of the applicable development standards and requirements contained in Chapter 410, Accessory Uses and Structures.

*Schedule 340.02 Permitted Uses*

	I – Light Industrial District
<i>A. Offices</i>	
1. Professional, administrative, executive and business	P
2. Research facilities and laboratories	C
3. Medical offices and clinics	P
<i>B. Storage and Distribution</i>	
1. Warehousing	P
2. Wholesale establishments	P
3. Printing and Publishing	P
<i>C. General Commercial</i>	
1. Carpentry, cabinet or upholstery shops	P
2. Heating, air conditioning and plumbing shops	P
3. Bldg. material, lawn and garden equipment sales	C
4. Mini/self storage	C
5. Recreational facilities, indoor, public or private	C
6. Adult Entertainment Uses	C
<i>D. Manufacturing and Processing</i>	
1. Assembly of finished goods	P
2. Packaging of finished goods	P
3. Manufacturing and processing of a) Bakery goods, candy and food products; b) Products from previously prepared materials such as canvas, cloth, glass, leather, plastic, precious or semi-precious metals or stones, wood, etc.; c) Musical instruments, toys, novelties and similar products; d) Household appliances, electronic appliances instruments and devices, small machinery, hardware and similar products.	P
4. Dry cleaning plants	C
<i>E. Community Facilities</i>	
1. Recycling center	C
2. Government offices/facilities	C
3. Public Utilities (including substations, transmission facilities and related facilities)	C
4. Telecommunication towers	

	I – Light Industrial District
<i>F. Accessory Uses</i>	
1. Garages and off-street parking and loading areas	P
2. Signs	P
3. Fences, walls	P
4. Incidental accessory uses and buildings	P
5. Outdoor Storage	P

P = Permitted Use by Right  
 C = Conditional Use

**Section 340.021 Multiple Use/Units of Industrial Buildings and Buildings/Lot**

Industrial buildings may have more than one use and multiple units within the building and there may be more than one industrial building per lot provided the following requirements in addition to all other applicable requirements of this ordinance are met:

- A. Uses must be those listed in the schedule of 340.02.
- B. The building(s) are located on one lot.
- C. All buildings and structures comply with the Area and Yard requirements of Schedule 340.03.
- D. Any change in use of any unit must be evaluated by the Zoning Inspector to determine if revised site plan will need to be submitted and approved by Planning Commission as required by Section 610.02 of this code. Any change in use also requires a Zoning Permit as per Section 600.02 et. seq.

**Section 340.03 Lot and Yard Requirements**

The lot requirements for uses in the Light Industrial District are specified in Schedule 340.03 below. Every building shall be set back on a lot so as to create and maintain the following yards as set forth in Schedule 340.03.

*Schedule 340.03 Minimum Lot and Yard Requirements*

	I – Light Industrial District
1. Lot Area	½ ac.
2. Lot Width	100 ft.
3. Lot Frontage	60 ft.
4. Front Yard	50 ft.
5. Side Yard	20 ft.
a) where adjacent to a residential district	50 ft.
b) Option	30 ft. one side, 0ft. opposite, if common wall
6. Rear Yard	25 ft.

a) where adjacent to a residential district	50 ft.
7. Landscape buffer in yards abutting residential district, plus 6 ft. fence	15 ft.
8. Maximum Lot Coverage by building and parking areas	80%
9. Distance Between Principal Ind. Buildings	40 ft.

**Section 340.04 Height Regulations for Principal Buildings**

- A. The height of all buildings shall not exceed forty (40) feet.
- B. Exceptions to the height regulations are set forth in Section 400.05, Regulations Applicable to All Districts.

**Section 340.05 Location of Accessory Uses and Structures in Required Yards**

Accessory uses permitted in the Light Industrial District shall conform to the regulations of this Section and Chapter 410, Accessory Uses and Structures.

**Section 340.06 Off-Street Parking and Loading**

Off-street parking and loading areas shall conform to the regulations of Chapter 440, Off-Street Parking and Loading.

**Section 340.07 Signs**

Signs shall be in compliance with the regulations specified in Chapter 450, Signs.

**Section 340.08 Landscaping and Screening**

Visual screening and landscape buffers shall be provided for nonresidential lots in compliance with the regulations specified in Chapter 460, Landscaping and Screening.

**Section 340.09 Performance Standards**

All uses shall comply with the following performance standards.

- A. *Fire Hazards:* Storage and/or use of flammable or explosive materials shall only be permitted in structures having incombustible exterior walls or fire proof storage.
- B. *Electrical Interference:* Any interference with normal radio and television reception across lot lines is prohibited.
- C. *Noise:* No use shall emit noise which, when measured at the nearest residential district boundary, exceeds the average noise volume generated by vehicular traffic on

the nearest residential street. In addition, no use shall emit intermittent or shrill noises that are perceptible at the nearest residential district.

- D. *Vibration*: Vibrations that are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by the use generating such vibration.
- E. *Heat and Glare*: No use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- F. *Smoke*: No use shall emit smoke for longer than eight (8) minutes in any hour that is a shade darker than Number 3 on the Standard Ringelmann Chart as issued by the U.S. Bureau of Mines. (60% opacity)
- G. *Odors*: No use shall emit noxious odorous gas or matter that is discernable on any adjoining lot or property.
- H. *Air Pollution*: No use shall emit fly ash, dust, vapors or other substances that are harmful to human health, to animals, to vegetation or to other property, or which can cause excessive soiling.
- I. *Storage and Waste Disposal*:
  - 1. Solid waste, including empty packaging crates and other excess materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis. Liquid wastes shall only be disposed of in appropriate containers and removed from the site on a regular basis.
  - 2. No flammable gases or solids, combustible or flammable liquids, or explosives shall be stored in bulk above ground, except for fuel tanks for energy or heating devices or appliances.
  - 3. No materials or wastes shall be deposited upon a lot in such form or manner that natural causes or forces may transfer them off the lot.
  - 4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
- J. *Lighting*: All lighting shall be arranged as to direct light away from adjacent properties and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

### **Section 340.10      Site Plan Review**

Pursuant to Chapter 610, Site Plan Review and Design Guidelines.