

ORDINANCE 2023-22

AN ORDINANCE ESTABLISHING A ZONING CHAPTER 1123 NIEGHBORHOOD MIXED USE DISTRICTS

Whereas, the Village desires to establish Zoning Chapter 1123 Neighborhood Mixed Use to reflect current zone use,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Geneva-on-the-Lake, Ohio, a majority of all members elected thereto concurring:

SECTION 1: Section 1123.01 INTENT of the Codified Ordinances is amended to read as follows:

Neighborhood Mixed Use is a residential type of district and their regulations are established in order to achieve, among others, the following purposes:

- (a) To regulate the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district;
- (b) To regulate the density and distribution of population in accordance with the objectives of mixed use planning to avoid congestion and to maintain adequate services;
- (c) To provide for the proper location of residential dwellings or structures integrated with supporting home occupations;
- (d) To provide for the proper location of mixed use areas or neighborhoods so as to increase the general welfare and safety;
- (e) To provide a transition location near the resort or business district allowing for transient or short-term rental businesses;
- (f) To provide a location absent of certain commercial enterprises, community facilities, industrial facilities, manufacturing facilities and shopping facilities;
- (g) To provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic and other objectionable influences; and
- (h) To protect the desirable characteristics of existing residential development, the promotion of stability, the most desirable and beneficial use of the land, and bringing about the eventual conformity with the adopted or officially accepted zoning map and other plans of the Village.

SECTION 2: The following language is amended from Section 1123.02 USE REGULATIONS:
NIEGHBORHOOD MIXED USE DISTRICTS.

Buildings and land shall be used, and buildings shall be erected, altered, moved and maintained in Neighborhood Mixed Use Districts only for the uses set forth as permitted in the following schedule. In addition to those uses listed specifically as "prohibited," any use not listed is prohibited in the Neighborhood Mixed Use Districts:

Schedule of Permitted Uses:

NMU (a) Permitted Primary Uses.

- (i) One-family detached residential dwelling.
- (ii) One-family attached residential dwelling where no more than two (2) units are attached.
- (iii) Public and private schools, libraries, parks, public land uses of necessity, and churches.

(b) Permitted Accessory Uses.

- (i) Home occupations as further provided in Section 1123.03;
- (ii) Noncommercial agricultural uses.

(c) Prohibited Uses.

- (i) Outdoor storage
- (ii) Amusement Enterprises
- (iii) Concert Hall
- (iv) Ground mount solar energy unit
- (v) Ground mount wind energy unit
- (vi) Camping

(d) Conditional Uses.

(i) Conditional Principal Uses

- 1. Single Family dwelling used for transient rental or short-term (transient) rental;
- 2. Multi-family dwellings of three or more units;
- 3. Bed & Breakfast (Transient Rental);
- 4. Hotel or Motel (Transient Rental);
- 5. Self-propelled vehicle sale and rental
- 6. Multi-family Dwelling Structure (Permanent or Secondary Residence)
- 7. Multi-family Dwelling Structure (Mixed Use Transient & Permanent/Secondary Residence)
- 8. Winery

(ii) Conditional Accessory Uses.

- 1. Single Family Dwelling (Permanent or Secondary Residence)

Schedule of Permitted Structures

(a) Principal Structures.

- (i) Principal Structures may include principal uses and accessory uses,
- (ii) Unless expressly provided by this code, there shall be no more than one principal structure per zoning lot.

(b) Permitted Accessory Structures. The following accessory uses and structures are permitted in the NMU District as further regulated by Section 1123.03 and by Section 7 of this Chapter.

- (i) Private garages;
- (ii) Gravel or paved off-street parking areas;
- (iii) Sheds;
- (iv)
- (v) Walls;
- (vi) Greenhouse;
- (vii) Structure customarily used for certain domesticated animals;
- (viii) Swimming pools, where accessory to a residential or transient use.

(c) Accessory Structure Location.

(i) No accessory structure will be allowed on a lot without a residential or transient dwelling which shall be connected to Village water or sewer system or, where allowed by state law, shall meet regulations of the County Board of Health. Subject to coverage limitations, a lot may contain a maximum of one dwelling, with or without an attached garage, one large accessory building no larger than 900 square feet and one small accessory building no larger than 200 square feet.

(ii) In neighborhood mixed use district, a five-foot setback is permitted for accessory buildings from back or side property lines provided that all of the following conditions are met:

(1) No other building on the lot or adjacent lot may exist within ten feet of the accessory building.

(2) Within the five-foot setback, there are no structures, fences, shrubs, trees, or similar landscaping features.

(3) Side and back property lines on the lot are not located within adjacent to a public or private road, or an unimproved platted road.

(4) No portion of the accessory building, including fixtures, decorations, roof, awnings, etc., shall extend into the five-foot setback.

(iii) All detached garages and/or detached accessory structures located on a lot must not have a total cumulative building area that exceeds the building area of the dwelling or principal structure located on the same lot.

(iv) For purposes of this section, "building area" of the dwelling or principal structure shall include all above-grade, habitable area of the structure.

SECTION 3: The following language is amended from Section 1123.03 ACCESSORY USES.

(a) Parking and Garage Facilities. Off-street parking areas shall be permitted in neighborhood mixed use districts if accessory to an adjacent dwelling structure.

(b) Permitted Home Occupations.

(i) Home Professional Offices. An office may be permitted in residential districts, in the home of a person practicing any of the recognized professions, including accountant, architect, artist, engineer, lawyer, musician, physician, provided:

(1) No assistants other than members of the resident family work therein;

(2) The residential character of the dwelling exterior shall not be changed;

(3) Equipment which will create any electrical disturbances beyond the premises shall not be utilized.

(ii) Any other Home Occupation which meets the following criteria. Gainful home occupations may be permitted in residential districts, to include including home crafts such as baking, dressmaking, millinery, weaving, home decorating, services to include repairing furniture and radios, sharpening tools; in-home office space for businesses or service to include real estate, selling or taking orders for merchandise, contracting work, provided:

(1) Only members of the family residing within the dwelling shall work therein;

(2) The occupation is conducted wholly within the residential dwelling structure or an accessory structure whereby the area for production and sale does not occupy more than 25 percent of the floor;

(3) No merchandise shall be sold except that which is produced or processed on the premises;

(4) No mechanical equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot;

(5) The residential character of the dwelling exterior or accessory building shall not be changed; and

(6) Trucks or other mobile equipment shall not be parking overnight in driveways or open yards.

(d) Domestic Animals. The keeping of domestic animals is permitted in residential districts, provided:

(1) Fowl, rabbits or fur-bearing animals may be raised or kept for owner's use on a lot of not less than 15,000 square feet in area, provided the structure containing such use shall be located not less than 35 feet from all adjoining residential lot lines or any residence; and

- (2) One horse or pony may be kept on a lot of not less than one and one-half acres, providing the structure containing such use is located not less than 100 feet from all adjoining residential lot lines, or any residence; an additional one-half acre shall be provided for each additional horse or pony.
- (e) Any accessory use not listed in this section is prohibited.

SECTION 4: The following language is amended from Section 1123.04 AREA, YARD AND HEIGHT REGULATIONS FOR PRINCIPAL STRUCTURES

Land and structures shall be used only in accordance with the lot area regulations; and structures shall be erected, altered, moved, and maintained only in accordance with the area, yard and structure height regulations set forth in the following schedule:

District	Dwelling Type	Minimum Lot Area Per Dwelling Unit (sq. ft.)	Minimum Width of Lot (ft.)	Maximum Lot Coverage by Structures on Lot (%)	Minimum Yard Dimensions				Parking	Min Area dwell uni
					Front Yard Depth (ft.)	Side Yard (ft.)	Rear Yard Depth (ft.)	Height*** Principal Structure		
NMU	1 Family Dwelling	5,500	60	65	10 ft from Right of Way	10	10	(35')	**	1,10
NMU	2 Single Family Attached Dwelling	8,000	80	65	10 ft from Right of Way	10	10	(35')	**	1,10

** Please see parking regulations in Section 1131.05.

*** Height is further regulated in Section 9 of this Chapter.

SECTION 5: The following language is amended from Section 1123.05 RESERVED.

SECTION 6: Reserved.

SECTION 7: The following language is amended from Section 1123.07 LANDSCAPE FEATURES, FENCES, WALLS AND DRIVEWAYS.

Landscape features such as hedges, trees, shrubs, and yard structures such as fences, trellises, walls, pools and outdoor fireplaces, may be permitted in a required front, side or rear yard as follows:

- (a) Front Yard, Interior Lot. Fences and hedges shall be permitted along a side lot line in the front yard to a height of not more than three feet above the finished grade within forty feet of the street right-of-way line. The required setback from the right-of-way or property line is 6 inches.
- (b) Front Yard, Corner Lot. Landscape features within a triangle formed between points on front and side lot lines within thirty-five feet above curb level. The required setback from the right-of-way or property line is 6 inches.
- (c) Side and Rear Yards. Fences, walls, and hedges shall be permitted along a side and rear yard lot line to a height of not more than six feet above the finish grade. The required setback from the right-of-way or property line is 6 inches.
- (d) Driveways. Driveways to garages or parking area shall be permitted in any required yard that is not less than twelve feet wide. At minimum, a driveway shall be a one-lane driveway with an improved gravel, asphalt or concrete. The driveway apron shall be asphalt or concrete at a minimum of 6" thick, and other requirements set forth in Codified Chapter 901.
- (e) Other Structures. Floodlights, search lights, loud speakers or similar structures shall not be erected or used in a residential district in any manner that will cause hazards annoyance to the public generally or to the occupants of neighboring property.
- (f) Permits. Fences and walls, and all accessory buildings shall require a zoning permit.

SECTION 8: The following language is amended from Section 1123.08 RESERVED.

SECTION 9: The following language is amended from Section 1123.09 SUPPLEMENTARY HEIGHT REGULATIONS.

Principal or accessory structures shall be erected, altered, moved or maintained only in accordance with the maximum height of building regulations as established in Section 1123.04, except that the following structures may be permitted above the aforesaid limitations:

- (a) Principal Structures – Institutional Uses.
 - (1) Schools, libraries, parks, and churches may be erected to a height not exceeding sixty feet provided the front, side and rear yards shall not be less than the height of the building wall abutting on such yard except:
 - (2) Chimneys, church spires, cupolas, domes, towers, flagpoles, penthouses, water tanks, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constituted as an integral part of a main institutional building may exceed the above height regulations, provided the height of the feature is not more than two times the width of the yard.
- (b) Principal Structures – Residential. Only chimneys, radio or television antennae, located upon and constituted as an integral part of a principal residential structure, may be erected above the height limit specified, but are limited to a height not exceeding sixty feet above the average finished grade.

SECTION 10: The following language is amended from Section 1123.10 LOCATION OF UTILITIES.

Public utility uses and distributing equipment for a public utility, if essential in a district, shall be permitted in any zoning district. The regulations herein governing lot size shall not apply to any lot designed or intended for a public utility and public service use when the area involved is deemed appropriate for such use by the Planning Commission.

- (a) All public or private utilities shall apply for local applicable permit for construction, installation, or update of new equipment or pole placement for verification of zoning requirements and minimum standards or requirements.
- (b) All public or private utilities shall be installed underground as the primary method.
- (c) All public or private utilities shall be installed, placed, or updated to the farthest outer most point of the right of way.
- (d) All public or private utilities shall abide by the Ashtabula County Permits or Highway Use Manual as the minimum requirement within the municipality.
- (e) All public or private utilities shall abide by local codified, municipal contract, tariff, and OPUCO requirements.
- (f) All utility cross lotting shall not exist without appropriate legal easement

SECTION 11: The following language is amended from Section 1123.11 OPEN STORAGE PROHIBITED.

Boats, semi-tractors and trailers, airplanes, commercial vehicles requiring a CDL, recreational vehicles and trailers, and other equipment and supplies shall not be permitted to be stored on residential lots unless they are stored in a fully enclosed structure except as follows:

- (a) Boats, and Recreation Vehicles (RV's) and trailers, may be stored outside in an enclosed structure on a residential lot provided they are properly licensed and in good order, repair, and in operable condition; and provided that they are located outside all setback requirements for structures in the zoning code and comply with lot coverage percentage requirements for all buildings and structures on the lot.
- (b) Tractors and other home maintenance equipment and supplies may be stored outside an enclosed structure provided they are in good order, repair, and in operable condition; and provided they are located outside setback requirements for structures in the zoning code and comply with lot coverage percentage requirements for all buildings and structures on the lot.
- (c) For the purpose of this section, residential lots shall mean those lots, however zoned, used for residential or transient purposes.

SECTION 12: The following language is amended from Section 1123.12 SIGNS, RESIDENTIAL DISTRICTS.

Signs in residential districts shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with the regulations as set forth in Chapter 1133.

SECTION 13: The following language is amended from Section 1123.13 PARKING RESIDENTIAL DISTRICTS.

Parking in residential districts shall be in accordance with regulations set forth in Chapter 1131.

SECTION 14: That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

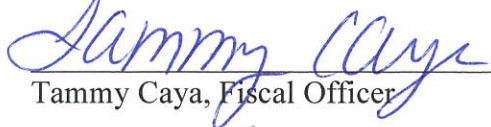
SECTION 15. For the reason that Council wishes to pass these amendments to its residents so not to delay implementation of new rules and regulations, this ordinance is deemed to be an emergency for the health, safety and welfare of the village, and this ordinance shall take effect immediately.

PASSED this 10th day of April, 2023.

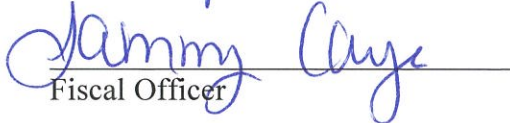


Dwayne Bennett, Mayor

ATTEST:


Tammy Caya, Fiscal Officer
Christopher M. Newcomb, Solicitor

I hereby certify that a summary of the foregoing ordinance was posted in five conspicuous locations within the Village of Geneva on the Lake, in accordance with Ord. 2005-2 on this 10th day of April, 2023.


Fiscal Officer