

## ORDINANCE 2023-24

### AN ORDINANCE CREATING CHAPTER 1125 RESORT DISTRICT OF THE VILLAGE OF GENEVA-ON-THE-LAKE UNDER PART ELEVEN OF THE PLANNING AND ZONING CODE


**WHEREAS**, the village council desires to create Chapter 1125 Resort District under Part Eleven of the Village of Geneva-on-the-Lake Planning and Zoning Code, as follows:

**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 hereby create Chapter 1125 Resort District under Part Eleven of the Village of Geneva-on-the-Lake Planning and Zoning Code, said new code attached hereto as reference and as fully incorporated herein, and after review, hereby designates said Chapter 1125 to be codified under the village planning and zoning code.

**“See attachment marked as Chapter 1125 Resort District”**


SECTION 1: 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, and that council waived its reading requirements relative to this Ordinance.

PASSED this 10<sup>th</sup> day of April 2023.

  
\_\_\_\_\_  
Dwayne Bennett, Mayor

ATTEST:

  
\_\_\_\_\_  
Tammy Caya, Village 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 2005-02 on this 10<sup>th</sup> day of April, 2023.

  
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Village Clerk Fiscal Officer

**CHAPTER 1125**  
**Resort District**

<b>1125.01</b>	<b>Intent.</b>	<b>1125.05</b>	<b>Landscaping Buffer and Screening.</b>
<b>1125.02</b>	<b>Use regulations: Resort District.</b>	<b>1125.06</b>	<b>Locations of Utilities</b>
<b>1125.03</b>	<b>Area, Yard, and Height Regulations for Structures.</b>	<b>1125.07</b>	<b>Architectural Regulations</b>
<b>1125.04</b>	<b>Site Plan Review.</b>		

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**1125.01 INTENT.**

The Resort District and its regulations are established herein in order to achieve among others, the following purposes:

- (a) To provide in appropriate and convenient locations, a zoning district of sufficient size for the promotion of tourism;
- (b) To provide business areas to serve the needs for entertainment in proximity to the immediate neighborhood which do not attract large volumes of traffic;
- (c) To provide business areas which require larger land areas, which may be open in the evening, and which generate large volumes of traffic serving the needs of commercial recreation services of the entire community;
- (d) To protect adjacent residential neighborhoods by regulating the types and spacing of business uses, particularly at the common boundaries, which would create hazards, noise, odors, or other objectionable influences; and
- (e) To promote the most desirable land use and traffic patterns in accordance with the objectives of the Comprehensive Plan.

**1125.02 USE REGULATIONS: RESORT DISTRICT.**

Structures and land shall be used, and structures shall be designed, erected, altered, moved, or maintained in whole or in part in the Resort District only for the uses set forth in the following schedule and regulations. Any use not listed in this section is prohibited in the Resort District.

(a) Primary Uses in the Resort District.

Structures and land shall be used, and structures shall be designed, erected, altered, moved, or maintained, in whole or in part, in the Resort District only for the uses set forth as follows, subject to other applicable regulations of this Zoning Code. Any use not listed in this section is prohibited in the Resort District.

1) Permitted Primary Uses.

- (a) Amusement enterprises, including skating rinks, arcades, bowling alleys, climbing walls, laser tag, dancing halls, axe throwing, and games of skill, if conducted within an enclosed building
- (b) Apartment Hotel (Permanent Residents or 31 days & longer)
- (c) Bed and breakfasts (Transient Rental 30 Days or Less)
- (d) Hotel or motel (Transient Rental 30 Days or Less)
- (e) Short Term Rentals (Transient Rental 30 Days or Less)
- (f) Dwelling, single-family (Transient Rental 30 Days or Less)

- (g) Mixed use/transient rental (transient stay 30 days or less)
- (h) Dwelling, single-family attached (up to 3 townhomes) (Transient Rental 30 Days or Less)
- (i) Self-propelled vehicle sale and rental (including bicycles, scooters, roller blades, etc.)
- (j) Boat and watercraft rental
- (k) Boat launching ramp, public and private
- (l) Concert hall
- (m) Convenience store
- (n) Convention and visitors' bureaus
- (o) Dwelling, single-family (residential permanent & occupancy 31 Days or greater)
- (p) Dwelling, single-family attached (up to 3 townhomes) (residential permanent & occupancy 31 days or greater)
- (q) Financial institutions
- (r) Game room/arcade
- (s) Medical office
- (t) Medical marijuana dispensary (Licensed by State of Ohio Board of Pharmacy)
- (u) Sports Gaming, Skill Gaming, Casino Gaming, Gambling establishment (Licensed by Ohio Casino Control Commission)
- (v) Wineries, breweries, cideries, and distilleries, which may include tasting rooms, restaurants, and retail sales (Licensed by State of Ohio Liquor Control)
- (w) Sexually Oriented Business (Licensed by the Ohio Attorney General and local regulation)
- (x) Mixed use/residential
- (y) Mixed use/transient rental (transient stay 30 days or less)
- (z) Office
- (aa) Park/playground
- (bb) Public safety facilities
- (cc) Recreation/entertainment facility, indoor
- (dd) Recreation facility/entertainment, outdoor
- (ee) Restaurant, indoor dining
- (ff) Rental vehicle business
- (gg) Retail sales
- (hh) Swimming pool, indoor/outdoor
- (ii) Tavern (Licensed by State of Ohio Liquor Control)
- (jj) Theater, indoor
- (kk) Variety store

2) Conditional Primary Uses.

- (a) Auditorium
- (b) Campground
- (c) Drive-thru facility or vehicle pick-up window
- (d) Grocery store
- (e) Libraries and museums
- (f) Parking structure
- (g) Personal services
- (h) Theater, drive-in/outdoor
- (i) Dwelling, two-family (Residential permanent & occupancy 31 days or greater)

- (j) Dwelling, three-family (Residential permanent & occupancy 31 days or greater)
- (k) Dwelling, multi-family (Residential permanent & occupancy 31 days or greater)
- (l) Dwelling, two-family (Transient Rental occupancy 30 Days or Less)
- (m) Restaurant or food service (Primary Outdoor Dining or Take Out)

3) Accessory Permitted Uses.

- (a) Accessory uses
- (b) Detached garage
- (b) Detached accessory structures other than garages
- (c) Fences, generally
- (d) Fences and walls enclosing outdoor dining areas
- (e) Fences and walls enclosing refuse containers
- (f) Home occupation
- (g) Off-street parking areas
- (h) Outdoor patio
- (i) Signs (regulated 1133)
- (j) Swimming pool, outdoor
- (k) Trash receptacles
- (a) ATMs

4) Accessory Conditional Uses.

- (a) Accessory dwelling units
- (b) Cell phone and radio towers
- (b) Fences and walls enclosing permanent outdoor display and sales
- (c) Fences and walls enclosing permanent outdoor storage
- (d) Outdoor display and sales
- (e) Outdoor storage other than vehicle storage
- (f) Solar energy structure

5) Temporary Uses

- (a) Mobile retail sales and services
- (b) Events and festivals
- (c) Seasonal sales (pumpkins, Christmas trees, flowers, etc.)

(b) Temporary Use Regulations

Temporary uses within the Village shall be subject to the following:

1) Mobile Retail Sales and Services

- a. Retail stores and services may be conducted from temporary or mobile structure such as trailers, tents, kiosks, or other structures or buildings not permanently attached to the ground if the owner of the land upon which the sales are to be made possesses a valid Village business license and obtains for each such temporary structure a vendor's license or transient vendor's license in accordance with Chapter 701 of the Village Codified Ordinances.
- b. During the time a temporary structure remains on any lot, the following conditions shall be met:
  - i. The structure is clean and in good order and repair without physical defects such as dents, broken or missing parts, peeling paint, rust, or other such features which

- would create an eyesore or present a risk to persons or property.
- ii. The structure or sales from the structure present no significant risk to the health and safety of the public.
- iii. The structures will not be moved to an area outside the described area of operation or onto public rights of way, and the structures are suitable and appropriate for the area in which they are located in such a manner so as to not degrade the appearance of the surrounding area.
- iv. There is at least ten feet between the temporary structure and any other structure or building. The structure shall be located at least twenty feet from a public right of way, including sidewalks, and located at least ten feet from any property line and at least fifty feet from any residential unit on any adjoining property, unless the required setback is greater, in which the setbacks shall be followed.
- v. The structure and sales meet all federal, state, and local laws and regulations.

(c) Similar Primary Uses Permitted. Any use not listed above may be permitted if it is determined as similar by the Planning Commission in accordance with the standards set forth in Section 1141.07.

### **1125.03 AREA, YARD, AND HEIGHT REGULATIONS FOR STRUCTURES.**

(a) In the Resort District, primary 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:

	<b>Non-residential and mixed-uses</b>	<b>Single-family uses (detached only)</b>	<b>Multi-family uses (single-family attached, two-family, and three-family, and larger)</b>
Minimum Front Yard Setback	0 feet	0 feet	0 feet
Minimum Side Yard Setback	0 feet	5 feet	5 feet/0 feet for single-family attached units
Minimum Rear Yard Setbacks	10 feet	20 feet	15 feet
Minimum Lot Area	4,000 square feet	4,000 square feet	6,000 square feet/2,000 square feet for single-family attached uses
Minimum Lot Width	40 feet	40 feet	20 feet
Minimum Area per Dwelling Unit	N/A	600 square feet	1,100 square feet
Maximum Primary Structure Height	75 feet	35 feet	75 feet
Maximum Number of Structures per Zoning Lot	1	1	Multiple, if approved by the Planning Commission
Maximum Lot Coverage	100%	75%	80%

- (b) In the Resort District, accessory 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:

Structure Type	Permitted	Area Limitations	Permitted Yard Locations	Minimum Front and Corner Setbacks	Minimum Side Setbacks	Minimum Rear Setbacks	Maximum Height in Feet
Accessory Dwelling Units	Conditional use Approval Required	66% of the Principal Structure	Rear Only	N/A	5 feet	5 feet	35 feet (and shall not be taller than the principal structure)
Detached Garage	Yes	800 square feet	Rear Only	N/A	5 feet	5 feet	20 feet
Detached Accessory Structures, other than Garages	Yes	200 square feet or 20% of the Principal Structure, whichever is greater	Rear Only	N/A	5 feet	5 feet	20 feet
Fences, Generally	Yes, for Side and Rear Yards	N/A	Side and Rear	Variance Required for Front and Corner-Side Yards	None	None	6 feet
Fences and Walls Enclosing Permanent Outdoor Display and Sales	Conditional Use Approval Required	N/A	Front, Corner-Side, Side, or Rear	As Approved Pursuant to Conditional Use Approval			
Fences and Walls Enclosing Permanent Outdoor Storage	Conditional Use Approval Required	N/A	Rear Only	N/A	As Approved Pursuant to Conditional Use Approval		
Fences and Walls Enclosing Outdoor Dining Areas	Yes	N/A	Rear Only	N/A	10 feet	10 feet	6 feet
Fences and Walls Enclosing Refuse Containers	Yes	N/A	Side and Rear	N/A	5 feet	5 feet	6 feet
Home Occupation	Yes	N/A	N/A	N/A	N/A	N/A	N/A

Structure Type	Permitted	Area Limitations	Permitted Yard Locations	Minimum Front and Corner Setbacks	Minimum Side Setbacks	Minimum Rear Setbacks	Maximum Height in Feet
Off-Street Parking Areas	Yes	May Not Exceed Maximum Lot Coverage	Side and Rear	N/A	10 feet	10 feet	N/A
Outdoor Display and Sales	Conditional Use Approval Required	N/A	Front, Corner-Side, Side, or Rear	As Approved Pursuant to Conditional Use Approval			
Outdoor Patio	Yes	25% of the Principal Structure	Side and Rear	As Approved Pursuant to Conditional Use Approval			
Outdoor Storage, other than Vehicle Storage	Conditional Use Approval Required	N/A	Side and Rear	N/A	As Approved Pursuant to Conditional Use Approval		
Solar Energy Structure	Conditional Use Approval Required	N/A	Rear Only	As Approved Pursuant to Conditional Use Approval			
Swimming Pools	Yes	May Not Exceed Maximum Lot Coverage	Rear Only	N/A	10 feet	10 feet	N/A
Trash Receptacles	Yes	N/A	Side and Rear	N/A	5 feet	5 feet	6 feet

(c) Parking that is accessory to any use within the Resort District shall be in accordance with the regulations as set forth in Chapter 1131.

(d) Signage that is accessory to any use within the Resort District shall be in accordance with the regulations as set forth in Chapter 1133.

#### **1125.04 SITE PLAN REVIEW.**

All uses established in the Resort District shall be permitted only after the site development plans have been reviewed and approved by the Planning Commission.

#### **1125.05 LANDSCAPE BUFFERING AND SCREENING.**

(a) Commercial use adjoining a Residential District.

The following requirements shall apply to a commercial use adjoining a Residential District, and such requirements shall be evaluated as part of the Planning Commission Site Plan Review enumerated in Section 1125.07.

- 1) A commercial use adjoining a residential district shall install an opaque six foot tall screen along the property line that abuts the Residential District that may consist of one or a combination of the following:

- a. A wall or fence, six feet in height; or
  - b. A continuous evergreen landscape buffer;
- 2) The Planning Commission may waive this requirement if equivalent screening is provided by existing or planned landscaping, parks, parkways, recreation areas, topography, or other natural conditions.

(b) Parking Lots.

Interior landscaping of parking lots shall be provided in accordance with the following requirements:

- 1) For any parking area designed to accommodate 25 vehicles or more, a minimum of five percent of the parking lot shall be planted as landscaping island areas.
- 2) Each island shall be a minimum of nine feet in any horizontal dimension.
- 3) Within the landscaped islands or around the perimeter of the parking area, one shade tree shall be provided for every 10 parking spaces. Each tree, at the time of installation, shall have a minimum caliper of 2.5 inches and a clear trunk height of at least six feet.
- 4) Shrubs or low, spreading plant materials may also be planted within required landscaped islands in such a way that there is no impairment to the visibility of motorists or pedestrians.
- 5) The area of the parking lot shall be the total vehicular surface area within the perimeter of the parking lot, including the landscaped islands, parking spaces, and all circulation aisles except those with no parking spaces or landscaped islands located on either side.

## 1125.06 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.

## 1125.07 ARCHITECTURAL REGULATIONS

The following architectural regulations shall apply to all non-single family residential uses in the Resort District:

(1) Building Materials

- (a) A minimum of two building materials shall be used on every building façade.
- (b) Permitted building materials shall be high quality, durable materials including but not limited to stone, manufactured stone, brick, wood siding, glass, fiber cement siding, and other similar materials as determined by the Planning Commission.
- (c) EIFS (Exterior Insulation and Finish System), stucco, and architectural grade metal panels may be used as accent materials on a building's exterior, but may not account for more than 20% of the building's front façade and 50% of side and rear facades.
- (d) Vinyl siding shall be prohibited.

(2) Form/Massing

- (a) The front façade of the building shall include a variety of architectural treatments. Architectural treatments shall include, but are not limited to, both vertical and horizontal features that break up façade walls including building projections, recesses, cornices, pilasters, contrasting horizontal or vertical bands, awnings, canopies, balconies, varying colors, or colonnades.



- (b) Buildings shall be designed to the human scale and should promote an active street frontage and high quality streetscape design. The primary building entrance shall be clearly identified and shall be oriented to a public street or public gathering area.

(4) Fenestration

- (a) First floor elevations that are visible from the public street shall maximize window openings as appropriate for the interior use.

(5) Screening

- (a) Loading and service areas shall not be visible from the public street.
- (b) All roof and ground mounted mechanical equipment shall be screened from view from adjacent property and zoning districts and from roads right-of-way in all zoning districts during durable, compatible, opaque materials.
- (c) Dumpsters and trash enclosures shall be located in Dumpsters or trash containers shall be provided and contained in a three sided solid fenced or walled area accessible to refuse haulers and occupants and the fence shall not be less than six feet high.