

GREEN ORDINANCE NO:
SPONSOR:
INTRODUCED:

2009-25 **WITHDRAWN** *By Mr Colopy*
COUNCIL MEMBERS RIDGEWAY & COLOPY
DECEMBER 8, 2009 **PLANNING**

AN ORDINANCE CREATING A MIXED-USE ZONING DISTRICT IN THE CITY OF GREEN AND ESTABLISHING THE GREENSBURG AND EAST LIBERTY MIXED USE ZONING DISTRICTS.

WHEREAS, the towns of Greensburg and East Liberty were originally developed with a mixture of dwellings and businesses; mixed-use zoning will help restore the original character of the towns and will create neighborhood business nodes with convenient pedestrian-friendly, live-work areas to serve the community; and

WHEREAS, it is important to establish design and zoning guidelines in keeping with the original townscape that will apply to new construction and development, to help guide developers of future projects reconstruct and preserve the character of these towns; and

WHEREAS, the Mixed-Use Zoning District will permit property owners to better control the future use of their property, permitting both residential and business uses on each lot, and throughout the area; and

WHEREAS, the City's 2004 Long Range Plan cites the need to preserve the character of Greensburg and a need for Mixed Use Zoning; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

City Council creates a Mixed-Use Zoning District in Greensburg to encompass the area of the current business Zoning Districts, B-1 and B-3. (A map of the properties included in this District is attached as Exhibit "A").

SECTION TWO:

City Council creates a Mixed-Use Zoning District in East Liberty, specifically to include the following properties, inclusive: on the north side of E. Turkeyfoot Lake Road, east from parcel 2804639 to 971 E. Turkeyfoot Lake Road; on the south side of the street, east from parcel 2800624 to 946 E. Turkeyfoot Lake Road; on the west side of S. Arlington, south from 3440 to parcel 2815259, and on the east side of S. Arlington, south from parcel 2814260 to 3637 S. Arlington Road. (A map of this District is attached as Exhibit "B").

SECTION THREE:

PURPOSE.

The Mixed Use Zoning District is intended to preserve and protect the character of the original hamlet-type areas in the City of Green, specifically Greensburg and East Liberty, which originally

developed around a central figure or crossroad, and contained both homes and businesses that served the residents of the area. This District is intended to encourage existing uses to remain and prosper, as well as to provide additional advantages and opportunities for shared residential and business uses, on a single lot, and to provide guidelines for development and redevelopment of residential, pedestrian-scale retail, service, and office uses. The visual focus of the District would require continuity of the streetscape-style original design; new development will be required to reflect the overall townscape-type appearance with structures closer to the street, and parking areas and accessory uses to the sides and rear of principal uses.

To the maximum extent feasible, new and re-development in the Mixed Use Zoning Districts will be required to preserve and restore the original character of the hamlets through use of the original architectural design qualities defined in the Architectural Design Styles of this Chapter. The defined Styles reflect the overall characteristics of the original areas including the architectural styles and typology indigenous to the original eclectic styles of the hamlets.

The Planning & Zoning Commission (PZC) and Design Review Board (DRB) shall have equal responsibility for review and approval of new projects for compliance with this code, with support through the Director of Planning.

SECTION FOUR:
USES

A. Uses By Right

1. Residential:

- a. Dwelling units stacked above or mixed with offices or other commercial space;
- b. Family day care homes, small (1-6 children).
- c. Single-family, detached.
- d. Single-family, attached.

2. Commercial/Retail: Ground floor areas of these uses may not exceed a 5,000 square feet of gross floor area.

- a. Artisan studios, photography shops and studios, and art galleries;
- b. Assembly and meeting halls;
- c. Automated teller machines (ATMs), walk-up;
- d. Banks or other financial institutions, no drive-thru or ATM facilities;
- e. Bars/taverns;
- f. Bed and breakfast inns;
- g. Medical clinics;
- h. Offices, business or professional;
- i. Parking lot as a principal use;
- j. Restaurants, except drive-through restaurants;

- k. Retail uses;
 - l. Services, personal, business, or repair, except for vehicle repair;
3. Institutional/Civic/Public: Ground floor areas of these uses may not exceed 5,000 square feet of gross floor area.
- a. Government facilities, administrative offices, and services, including but not limited to city or county offices;
 - b. Public, non-profit, or private cultural facilities including but not limited to libraries and museums;
 - c. Public recreation or dining areas;
 - d. Public recreational facilities, indoor or outdoor.
 - e. Essential public services.
4. Accessory Uses: Accessory Uses secondary to a principal use may be located on any lot;
- a. Residential Accessory Uses shall include, but are not limited to, rear or side yard decks, garages, pergolas, swimming pools, garden sheds;
 - b. Commercial Accessory Uses shall include, but are not limited to, trash receptacles and fenced areas; pergolas, decks, dining patio or deck areas, small detached storage structures.
 - c. Fencing, as approved by the DRB.

B. Conditional Uses

Generally, conditional uses must be consistent with the intent of this District in addition to being physically and operationally compatible with the surrounding neighborhood and existing uses. The Planning & Zoning Commission and/or the Design Review Board may impose additional, reasonable conditions to ensure reduction in significant adverse impacts on surrounding existing uses.

These conditions may include, but are not limited to: location of site activities; hours of operation and deliveries; loading and delivery areas; light intensity and hours of full illumination; placement and illumination of outdoor vending machines; possibility of loitering; litter control; placement of trash receptacles; on or off-site parking configuration and facilities; outdoor storage and display; privacy of adjacent uses; impact of drive-through tellers or ATM facilities; access by emergency vehicles and personnel.

In addition, on-site traffic circulation and parking patterns should be reviewed relative to possible adverse impacts upon adjacent uses and possible hazardous conditions for pedestrians or vehicles.

The Planning Director shall be responsible for identification of the various additional specific conditions to be reviewed relative to a proposed conditional use project, and supplying sufficient information to the PZC and DRB so that a comprehensive review can be made.

1. Residential:

a. Assisted living:

- a. Any use to be located in an existing structure and proposed to house more than 5 clients shall meet the requirements set forth in the Ohio Building Code or as determined to be necessary through review of the proposal by the Planning Director with approval of the PZC and DRB;
- b. Kitchen facilities may not be located in any bedroom;

b. Multi-family.

- a. Site conditions, traffic circulation, and parking standards shall be established in accordance with multifamily uses in other districts with PZC determination of applicability;

2. Commercial/Retail:

a. Banks or other financial institutions with drive-through teller or ATM facilities;

- i. Traffic circulation must be addressed to ensure minimal headlight and vehicular intrusion impacting adjacent properties during non-business hour access;

b. Bars/taverns located within 200 feet of a residential use;

- i. Hours of operation and illumination shall be reviewed and established during the project approval process by the PZC;
- ii. Amplification of music, live entertainment or other noise emanating from an entertainment site is prohibited.

c. Convenience stores:

- i. The maximum size of a convenience store shall be 3,500 square feet of gross floor area;
- ii. Hours of operation and illumination shall be reviewed and established during the project approval process by the PZC;
- iii. Where fuel pumps may be associated with a convenience store, pumps must be located in the side or rear yard areas with appropriate setbacks established through the project approval process by the PZC or DRB;
- iv. Litter control practices shall be reviewed & approved by PZC;
- v. Drive-through service is prohibited;

d. Entertainment and indoor amusement facilities:

- i. Hours of operation and illumination shall be reviewed and established during the project approval process by the PZC;

- ii. Amplification of music, live entertainment or other noise emanating from an entertainment site is prohibited.
 - e. Funeral homes;
 - f. Hotels, Bed & Breakfast, and Inns:
 - i. Up to 25 percent of the gross floor area may be in nonliving-quarter accessory uses, including newsstands, gift shops, lounges, restaurants, and similar incidental uses, provided that the business is conducted as a service to guests;
 - ii. Inns and Bed & Breakfast establishments may not permit guests to occupy such accommodations for more than a 30 day consecutive period;
 - iii. Inns and Bed & Breakfast establishments are defined as accommodating six (6) or fewer guest rooms; breakfast shall be the only meal served.
 - iv. Hotels are defined as accommodating seven (7) or more guest rooms;
 - g. Liquor stores;
 - h. Recreational facilities, outdoor, including but not limited to ice-skating rinks and outdoor swimming pools;
 - i. Restaurants located within 200 feet of a residential use, drive-through restaurants are prohibited;
 - j. Retail and restaurant uses with a building footprint greater than 5,000 square feet; 10,000 square feet maximum size;
 - i. Any structure must be broken up into storefront modules not exceeding thirty (30) feet in width.
 - ii. Each module shall have a prominent entry, display windows, and other architectural features to distinguish it from adjacent modules;
 - k. Retail uses with outdoor sales or storage;
 - l. Veterinary, pet grooming facility, small animal clinic (no overnight boarding).
- 3. Institutional/Civic/Public:
 - a. Government facilities, administrative offices, and services, including but not limited to city/county offices, post office, or similar uses, that exceeds 5,000 square feet in ground floor gross floor area;
 - b. Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use;
 - c. Public Safety and Emergency Services;

- d. Schools, public or private—preschool, elementary, secondary, or post-secondary.
- 4. Accessory Uses:
 - a. Any uncommon Accessory Use requests shall be reviewed and approved by the DRB.

**SECTION FIVE:
MIX OF USES**

Mixed uses shall be strongly encouraged, subject to the following standard:

- A More than one, and any combination of, residential and commercial/retail uses permitted by-right or conditionally may be developed or established together on a single lot or site, or within a single structure, provided all applicable requirements set forth in this Code are met. For example, a two-story structure on a single lot may have a restaurant or retail store on the ground floor, and residential apartments or condominiums on the second floor.
- B. When Uses on a single site are mixed, the required lot width and building setbacks shall be established based upon the ground floor use.

**SECTION SIX:
LOT WIDTH**

- A Minimum Lot Width:
 - 1. Single-Family Attached or Detached: 50 feet.
 - 2. Multi-Family Uses: 100 feet.
 - 3. Non-Residential Uses: Not Applicable; any sized lot.

**SECTION SEVEN:
MAXIMUM NUMBER OF DWELLING UNITS PER STRUCTURE:**

- Single Family Attached: 4 dwelling units
- Multi-Family: 12 dwelling units.

**SECTION EIGHT:
SETBACKS**

- A. Maximum Front Yard Setback, measured to the closest feature:
The maximum front yard setback shall be 30 feet from the front property line. When existing structures are located on either side of a proposed structure, the required front yard setback shall be determined by the DRB.

On corner lots, the front setback from the street not designated as front shall be determined by the DRB, to ensure continuity with existing structures.

B. Minimum Rear Yard Setback, measured to the closest feature.

1. Residential-Principal Structure: 25 feet.
2. Residential-Accessory Structure: 5 feet.
3. Non-Residential Principal Structure: 20 feet
4. Non-Residential Accessory Structure: 5 feet.

C. Minimum Side Yard Setback, measured to the closest feature:

1. Single-Family Uses: 8 feet.
2. Multi-Family Uses: 10 feet.
3. Side-Facing Residential Attached Garage: 25 feet.
4. All Accessory Structures: 5 feet.
5. Non-Residential Principal Use: 0 feet, provided that adequate access is available at the rear of the use via an alley or other means of ingress for emergency and service vehicles. Except that when a non-residential use adjoins a residential use (based upon the ground floor use), the side yard adjacent to the residential use shall be at least 10 feet from the property line. Otherwise, the required setback shall be determined by the PZC and/or DRB.

SECTION NINE:
MAXIMUM BUILDING COVERAGE.

All Uses: The amount of impervious coverage shall be no more than 80% of total gross lot area.

SECTION TEN:
MAXIMUM STRUCTURE HEIGHT:

- A. All Principal Uses: 45 feet, subject to review and approval of the DRB, and relative to existing or proposed adjacent structures.
- B. All Accessory Structures: 15 feet, overall height, or as determined by the DRB.

SECTION ELEVEN:
BUILDING SITING AND ORIENTATION.

- A. Principal Residential Structures—Single-Family Detached:
 1. The main entrance to the residence shall face the street.
 2. The front wall of the principal structure shall be parallel to the street;
 3. The main body of the residence shall be closest to the street; garages sited to the side or rear.
- B. Principal Attached, Multifamily Residential or Commercial Structures.
 1. The entrance to at least one dwelling unit within each building shall face the street.
 2. The front wall of the principal structure, or the front wall of at least one principal structure in a multi-building site, shall be parallel to the street.

3. In general, the structure shall face one of the streets and not the corner.
- C Private Garages.
1. Doors of attached garages shall not face the street.
 2. An attached garage shall be sited so that its door is not visible from the primary direction of approach.
 3. Detached garages shall be located only in the rear yard.

SECTION TWELVE:
SIDEWALKS & PRIVATE WALKWAYS:

- A Sidewalks:
1. Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abut a public street, way, or open space.
 2. Sidewalks at least five (5) feet wide shall be provided along the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
 3. All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
- B Private Walkway Entrances.
All new residential or commercial development shall connect the front entrance of the principal structure to the sidewalk with a private connecting walkway surfaced with either concrete, brick, stone, or a material in keeping with the architectural style approved by the DRB.

SECTION THIRTEEN:
DRIVEWAY CURB CUTS.

- A Single-Family Attached and Multi-Family: No more than 1 driveway curb cut per development site of less than 100 feet.
- B Non-Residential Uses: No more than 1 driveway curb cut per lot, except that a lot wider than 150 feet may have 2 driveway curb cuts.

SECTION FOURTEEN:
PARKING:

Generally, parking standards, setbacks, screening, space & loading area sizes, and practices established in the city's Development Code will apply, subject to review and approval of the PZC and/or DRB.

- A Residential Uses:
1. Off-street parking shall not be located in a principal building front setback

2. Off-street parking shall be located at the side or rear of a principal building on the interior of the lot and may be accessed by means of shared driveways, preferably from side streets or alleys.
3. A single-width driveway may be located from the front street.

B Non-Residential Uses:

1. Off-street parking shall be located at the side or rear of a building on the interior of the lot and may be accessed by shared driveways, preferably from side streets or alleys.
2. A single-width driveway may be located from the front street; driveways may be located in the side and rear yard setback area.

C Non-Residential Uses—Shared Parking.

Parking lots shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible. Cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the City's Law Director to ensure availability of shared parking to users.

**SECTION FIFTEEN:
DESIGN STANDARDS**

ARCHITECTURAL STYLE DEFINITIONS:

- A. Federal Style (1811-1840) – an American adaptation of the architecture of English architect-decorator Robert Adam. It was the first high design style to appear on the western frontier. Its identifying features are gabled roofs of medium to steep pitch with shallow molded cornices; usually three to five gables across the side gable; typically has a central entrance; is one or two rooms deep; has double hung windows with six over six lights; entrance doors with sidelights and/or transom windows especially in fanlight form.
- B. Greek Revival Style (1835-1860) – dominant style in the United States that represented ideals of democracy; includes classical architecture from Rome and Greece; also known as the National Style; typical form in Green is the “one and a half,” meaning it is one and a half stories tall with side gables; front entrance would typically feature an entablature with classical details, often with transom windows and/or sidelights; has gabled roofs with low to medium pitch; wide gables and cornice trim; double hung windows with six over six lights; small windows in the frieze of the entablature; classical details such as columns or pilasters, Greek keys, and acanthus leaf ornaments.
- C. Italianate Style (1850-1885) – based on English pattern books of informal designs of Italianate farmhouses; was unique in America; had wide overhanging eaves; single or paired brackets at the cornices; a cornice band with embellished with panels or moldings; tall narrow windows were arched and curved; ornate crowns over windows

were often u-shaped with brackets; one or two paned glass window sashes; one story porches had chamfered square posts.

- D. Eastlake Style (1870-1890) – named after English architect, Charles Eastlake; influenced by medieval designs; incised patterns were found on hood moulds and brackets; ornamentation was often added to other Victorian buildings; had large scrolled brackets supporting protruding cornice; floral and geometric ornamentation; incised decoration on panels and brackets; oversized elements such as balusters and pendants; angular, notched and chamfered elements; asymmetrical design; contrasting.
- E. Queen Anne Style (1880-1910) – introduced in America by English architect, Richard Norman Shaw, during the Philadelphia Centennial Exhibition of 1876; defining decorative elements were pre-cut and transported by railroad; due to a boom in the economy many homes were built in this style; includes roof cresting; rich decoration; heavy use of carved and turned ornament including starburst and sunflower motifs; application of pendants and finials; three-dimensional wall surfaces; projecting bays; adaptation of Palladian window; upper window sash more shallow than lower window sash and divided into small panes of glass; asymmetrical design; colorful patterned textures in a variety of materials.
- F. Tudor Revival Style (1918-1940) - modeled on a variety of Medieval English styles; medium to steeply pitched roof, often side gabled; stone, brick or stucco appears on Façade; half-timbering; tall narrow windows with small window panes with a wood or steel sash; massive chimneys crowned with chimney pots; upper stories and gables overhang lower stories; asymmetrical plan; round or Tudor Arch entry door.
- G. Craftsman Style (1905-1930) – inspired by the English Arts and Crafts Movement made popular by the green brothers of California focused on the natural beauty of the materials and detailed craftsmanship with simple clean lines; little ornamentation; pre-cut packages were sold by Sears Roebuck and Co.; had low pitched roofs; unenclosed eave overhang; exposed rafters; full or partial width porches; porches supported by tapered square columns; columns or pedestals extend to ground.

II. STREETScape

Generally, the appearance at ground level should follow the following guidelines:

- A. The base or storefront height of a commercial structure, especially one designed with residential areas above, should fall between 10 feet and 14 feet. The main body, of two or three vertical structural bays, should be of larger dimension than the width. The base of a commercial structure should clearly contain a store-front, and the main body should be divided into fairly regular bands of wall and window openings; the windows should be vertical in disposition in accordance with the architectural style.

Both commercial and residential structures would follow traditional architectural style in keeping with styles defined in the Architectural Style Definitions.

- B. New construction should follow the rhythm of facades, where applicable, overall spacing, setbacks, and proportions of adjacent or formerly adjacent structures.

III. FOUNDATIONS

New residential and commercial construction must not include exposed concrete block or cinder block foundations, if not appropriate in the architectural design style. If this material will be above grade (due to a sloped lot or other unavoidable geographic reason), architecturally- appropriate facing treatment should be applied to the exposed portions of the foundations.

- A. Exposed foundations are strongly discouraged for commercial structures; however, the slope of the ground in some places may lead to foundation exposure. In that case, a treatment consistent with the architectural themes of the building should be applied to the exposed portion of the foundation.
- B. Exposed foundations are encouraged for residential structures; the materials, height of exposure, and style should be appropriate to the architectural theme of the building. In order to protect against moisture damage to foundation walls, downspouts must drain to the street or storm sewer.

IV. STOREFRONTS

Storefronts should be open and should utilize large amounts of glass. Window glass should extend at least from the top of the first floor to knee level. This does not necessarily mean that a large single pane of glass should be used. The openness creates an inviting feeling to pedestrians that helps set the ground floor commercial uses apart.

V. AWNINGS AND CANOPIES

Awnings and canopies should be flat, downward sloping at a sharp angle, and have open ends or triangular end pieces matching the main structure. Basic design shapes (umbrella, diagonal, concave, etc.) are recommended. Solid, dark colors are preferred. They should be proportional in size and shape to the opening or area that they are covering. Avoid irregular shapes or styles. Soft, pliable materials are encouraged. Metal or other similar material is not recommended. Retractable awnings and canopies are encouraged, as they can be closed in the winter months to allow more sunlight into an establishment. Awnings and canopies must be designed without ground supporting members which attach to a public sidewalk.

VI. GATES AND FENCES

Inappropriate fence designs and materials are strongly discouraged. Chain link and stockade fences are prohibited. Traditional fence forms, such as picket fences and plain board fences, should be utilized and they should be kept as low as possible. Traditional materials, such as wood, are strongly encouraged but not required. Wood fencing should be treated or painted to match architectural

ornamentation. Fences and walls should be used to screen parking areas, side yards, and back yards. Keeping front fencing minimal and, where present, relatively low (3-4 feet high) allows a better view of the structure and presents a more inviting streetscape.

VII. SHUTTERS

Shutters do not have to be operable. However, when present they should appear to be functional and they should be proportionally equal to the adjacent window opening. Matching details such as louvers and bracing to any existing shutters is also important to maintaining the uniform look of a particular structure. Wood is strongly encouraged but not required.

VIII. LIGHTING

Exterior light fixtures and installation selections shall complement the overall architectural character of the building in scale, style, and material. Decorative walk and sidewalk lighting should be minimal and should be architecturally appropriate to the adjacent buildings.

IX. SIGNS

- A. Business identification signs should be affixed to the front of the building, rather than freestanding, unless architecturally designed to complement the architectural style of the building. Such signs may extend, or hang, from the front of the structure no more than 3 feet or a distance judged to be appropriate by the Design Review Board. Window signage shall encompass no more than 30% of the total window area.
- B. Appropriate exterior sign materials include wood, stone, metal, glass or composites or plastic indistinguishable from their natural counterparts. All exterior signage shall respect the architectural theme, general composition, and scale of the building to which it is attached. Exterior sign color shall complement the overall color scheme of the structure. Sign letters shall contrast with, but complement, their background. Any art work, trademarks, or corporate logos on any exterior sign shall be intimately associated with and specifically designed for the individual business identified. Such logos as beer and soda logos are prohibited. (Examples of acceptable artwork include signs for the Convention and Visitors' Bureau, churches or banks.)
- C. For building identification purposes, address numerals should be attached to all buildings. These should be between 3 and 8 inches high and should be constructed of appropriate and complementary material to the building structure. The address should be easily seen from the adjacent street or public way, yet be as unobtrusive as possible.

SECTION SIXTEEN:

Due to the nature of this legislation, adopting Mixed-Use Zoning for the defined areas in Greensburg and East Liberty, all commercial structures and uses in place at the effective date of this legislation shall be considered to be in compliance.

And, further, all residential structures and uses previously considered to be noncompliant due to the B-1 zoning, shall be considered to be compliant as of the effective date of this legislation.

SECTION SEVENTEEN:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED: _____

Molly Stevens, Clerk

Dave France, Council President

APPROVED: _____, 2009

Richard G. Norton, Mayor

ENACTED EFFECTIVE: _____, 2009

ON ROLL CALL:

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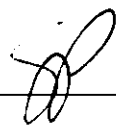
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Suburbanite publication on _____ and _____

Molly Stevens, Clerk

 12/2/09