

SUMMARY OF PROPOSED PLANNING AND ZONING CODE AMENDMENTS

The following is a brief summary of the changes that are proposed to the Village of Peninsula Zoning Code. The Code review occurred after the Update of the Village’s Long-Range Plan to ensure that the Zoning Code would include the appropriate tools to achieve the goals and objectives of that Plan. In addition, several changes are proposed to address current concerns within the Village and to update the language in the Code to meet current planning practice.

The organization of the Code remains the same and where necessary new chapters were added to address various regulations such as the Historic Preservation Overlay, Conservation/Recreation Overlay and Subdivision Regulations. Several of these chapters have already been approved by the Village Council and are so noted in the following summary.

A revised Zoning Map is also proposed which includes a modification of the zoning on the west side of N. Locust Street from Mixed Use to Commercial and the rezoning of several parcels between Church and Center Street on the south side of Main Street (SR 303) to Public Institution. The boundary of the proposed Historic Preservation Overlay is also included on the map. The two-map format has been maintained with the second map being an enlargement of the center of the Village.

Chapter 1101 Title; Purpose; Application

Changed the reference to the legislation adopting the previous Code.

Chapter 1105 District Regulations

Changed the reference from Clerk/Treasurer to Fiscal Officer. Added the Historic Preservation Overlay District description. (Sec.1105.10)

Chapter 1109 Land Use Tables

Update terminology in the use descriptions. Consolidated uses into more generic terms. Included additional references to specific standards where needed for specific uses. Added a reference to the Historic Preservation Overlay District in Section 1109.04.

Chapter 1113 Schedule of Regulations

Adjusted dwelling unit sizes for various zoning categories. Established minimum and maximum dwelling sizes for Single Family, Two Family and multiple family units. Reduced the single-family total minimum dwelling size in the R-2, MU and C districts from 1400 Square feet to 1000 Square feet and reduced the first-floor limitation to 700 Square feet from 800 Square feet.

Chapter 1115 Historic Preservation Overlay District

This is an entire new chapter that establishes the standards, processes and location of the Historic Preservation Overlay District. The district is roughly equal to the original historic district in the core of the community. This district is an Overlay District. It only regulates major additions or alterations over 400 Square feet or more than 25% of the current building floor area, whichever is less. All maintenance and repairs are exempt from the regulations. The Planning Commission shall serve as the Historic Preservation Overlay Review board.

Chapter 1117 General Provisions

The following changes are proposed:

- Modified 1117.09 Accessory Buildings in Residence District by creating a maximum number and the maximum square footage of all accessory buildings on a property. Permitting taller accessory buildings in the R-1 Rural Residential District.
- Changed the parking setback to 5 feet from 8 feet.
- Added a clarification of fence regulations based on the district in which it is located in 1117.12.
- Added Section 1117.20 to regulate the parking of recreational vehicles in residential districts.

Chapter 1119 Conservation/Recreation Overlay

This is new chapter previously adopted by the Village Council regulating development in the Conservation/Recreation Overlay areas.

Chapter 1121 Nonconformities

The chapter remains essentially the same with the only change being the length of time a nonconformity is discontinued or abandoned to 18 months from 24 months for it to lose its nonconforming status. (Sec. 1121.05)

Chapter 1125 Schedule of Off-Street Parking

The following changes are proposed:

- Clarified parking regulation to match land use categories revised in Chapter 1109.
- Eliminated the requirement to pave a parking lot and established storm water standards for parking lot drainage. (Sec.1125.06)
- Modified the setbacks for parking lots to be consistent with the smaller lots in the commercial district.
- Eliminated the handicapped standard and referenced the Ohio Building Code requirements.
- Provided for screening and buffering of residential uses adjacent to commercial parking areas.

Chapter 1129 Landscaping, Screening and Planting

Streamlined the requirements for landscaping and screening based on what is being screened. (Sec. 1129.06). Provided for the use of solid fencing as acceptable screening. Matched the landscaping standards for parking areas with the setback for parking established in Chapter 1125. Eliminated a performance guarantee and the plant material list leaving the landscape design and plant material up to the property owner and landscape architect.

Chapter 1133 Signage

Updated the sign regulations to be content neutral to conform with the U.S. Supreme Court ruling in Reed v. Town of Gilbert. Clarified the signage requirements for residential uses in 1133.05 and updated the chart to match the permitted uses from Chapter 1109. Updated prohibited signage. Matched the nonconforming sign requirements to the nonconforming uses requirement of 18 months versus 24 months.

Chapter 1137 Performance Standards

Updated the performance standards to reference current regulation at the State and Federal level. Established a noise regulation (Sec. 1137.05) and added a standard for lighting (Sec. 1137.08) and noxious odors and filth and trash accumulation (Sec. 1137.09).

Chapter 1141 Standards for Specific Land Uses

Several standards were changed to reflect the desires of the Commission and the direction outlined in the Long-Range Plan.

- Additional requirements were included for multiple family developments. A multiple family development is a complex of units that include three dwellings in a cohesive development. This is only permitted in the Mixed-Use Zoning district. Standards are added for density, lot coverage, storm water and open space in addition to the other requirements previously in the code. The reference to Townhouse and stacked flats is removed and is now covered by the multiple-family development standards. (Sec.1141.07)
- Standards are established for Greenhouses or Nurseries if they are a primary use in the R-1 District. (Sec1141.09)
- The reference to the current designation in the Ohio Revised Code for group homes and other residential care facilities was added to several sections. (Sec. 1141.13; 1141.19; 1141.24)
- Added a parking standard for Recreation, Indoor and Outdoor. (Sec. 1141.15)
- Added a reference to Eating and Drinking Places with the Sale of Alcohol which is the new description in the Land Use table in chapter 1109. (Sec. 1141.18)
- Reduced the greenbelt or tree-lawn requirement in commercial retail uses to match the parking and landscape chapters of the code. (Sec. 1141.27)
- Reduced the setback to residential in the Industrial standards from 500 feet to 200 feet. (Sec. 1141.27)

Chapter 1145 Administration and Enforcement

Changed the title of Clerk Treasurer to Fiscal Officer. Added the Historic Preservation Overlay District as a responsibility of the Planning Commission. (Sec. 1145.03)

Chapter 1149 Procedures

The following changes are proposed:

- Changed the title of Clerk Treasurer to Fiscal Officer.
- Clarified the procedures for a Minor Site Plan Modification and Administrative Review and added a clarification for grading and excavation on single family lots. (Sec. 1149.03)
- Clarified what content is to be submitted for site plan review. (Sec. 1149.04)
- Added a reference to the Historic Preservation Overlay in the standards for site plan approval. (Sec. 1149.05)
- Modified the notice requirement for conditional Use Permits and Variance to provide notification to adjacent properties and across the street rather than 300 feet from the property boundary. (Sec. 1149.07; 1149.08)
- Removed the performance guarantee for conditionally approved uses.
- Added a reference to public cost on public facilities and services as a standard when reviewing a Conditional Use. (Sec. 1149.07)
- Established Use Variances submittal standards. (Sec. 1149.08)
- Shortened the approval period for variances to 12 months from 24 months. (Sec. 1149.08)
- Added clarification in the Violations and Penalty section. (Sec. 1149.12)

Chapter 1151 Location of Sexually Oriented Businesses

This section was reviewed and no changes are proposed.

Chapter 1155 Definitions

The following changes are proposed:

- Eliminating the following: *Benefit, Recognizable and Substantial; Boarding and Rooming House; Dwelling Accessory; Dwelling Efficiency Unit; Tourist Home and Trailer Park*; they not used anywhere in the Code.
- Eliminated *Sign, Entrance and Exit and Sign, Ideological*. They are not content neutral.
- Relabeled *Community Impact Statement* to *Impact Statement* and alphabetized it correctly.
- Clarified the definition of the *three-family dwelling* as being on a single parcel.
- Changed the definition of *Family* to meet current State and Federal laws.
- Redefined *Greenbelt* to conform the revised use in the Code.
- Added definitions for *Lot Area; Lot Area Net; Multiple Family Development; Setback; Sign Directional and Recreational Vehicle*.
- Changed the reference to the Summit County Fiscal Office in *Lots of Record* definition.
- Refined the definition of *Parking Spaces* to conform with the standards in the proposed code.
- Added a reference to Conservation/Recreation Overlay and Historic Preservation Overlay to *Underlying Zoning* definition.

Chapter 1159 Subdivision Regulations

This is new chapter previously adopted by the Village Council regulating the subdivision and development land within the Village.

Zoning Map

The following changes are proposed:

- The modification of the zoning on the West side of N. Locust Street from Mixed Use to Commercial.
- The rezoning of several parcels between Church and Center Street on Main Street (SR 303) to Public Institution from Small Town Residential.
- The boundary of the proposed Historic Preservation Overlay is also included on the map.