

Ordinance No. 20012- 42

An Ordinance amending the Village Zoning Ordinance and Zoning District Map by adding a Recreation Use District.

Whereas, on October 1, 2012, at its regular meeting, the Planning Commission recommended that Council amend the Windham Village Zoning Code Ordinances and Zoning District Map by adding a Recreation District, with the text as set forth in this ordinance and the location as established in other legislation; and

Whereas, in accordance with Windham Codified Ordinance § 1147.01, on October 23, 2012 the Council, by resolution, fixed the time, date, and place of the public hearing on the proposed amendment and directed the Village Fiscal Officer to publish notice in conformity with the procedures described in Windham Codified Ordinance § 1147.01; and

Whereas, Council caused notice of the proposed amendment and the time and place of the public hearing to be published in the Record Courier, a newspaper of general circulation in the Village, once a week for three consecutive weeks; and

Whereas, on November 17, 2012, at least 20 days before the public hearing, Council caused written notice of the public hearing to be sent by first class mail to the property owners within, contiguous to and directly across the street from the affected parcels; and

Whereas, on November 27, 2012, 30 or more days after the date of the first publication of notice in the Record Courier, Council held a public hearing on the proposed amendment; and

Whereas, prior to the first reading of this ordinance, Council caused a copy of this ordinance to be filed in the office of the Village Fiscal Officer for public examination; and

Whereas, Council has considered the recommendation of the Planning Commission and after the public hearing desires to amend the zoning ordinance and map as recommended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio, the majority or more of its members concurring:

SECTION 1: That Windham Village Codified Ordinances be, and hereby are, amended by adding Chapter 1186, Recreation Use District, with the text that follows:

Chapter 1186 Recreation Use District

- 1186.01 Purpose**
- 1186.02 Permitted uses**
- 1186.03 Lot area and width regulations.**
- 1186.04 Minimum yard requirements.**
- 1186.05 Height regulations.**
- 1186.06 Lighting.**

1186.01 PURPOSE.

The Recreation Use District is established to provide for the proper zoning control of public park land to ensure its preservation and protection for its recreational, aesthetic, and environmental benefits to the community and to ensure that the uses of such park lands remain compatible with the adjacent areas.

1186.02 PERMITTED USES.

In the Recreation Use District, land and structures shall be used or occupied, or structures shall be erected, constructed, enlarged, moved, or structurally altered only for a principal use, a conditional use in accordance with this chapter, or an accessory use to a permitted principal or conditional use specified below and regulated herein.

- (a) Principal Uses. The following uses are principal uses permitted by right in a Recreation Use District provided that all requirements of other Village ordinances and this Zoning Code have been met:
 - (1) Public parks and playgrounds;
 - (2) Public outdoor recreation facilities.
- b) Conditionally Permitted Uses. Outdoor community festivals, public indoor or outdoor entertainment, public indoor recreation and similar establishments, including ancillary concession stands, may be permitted in a Recreation Use District provided they conform to the conditions, standards and requirements for the zoning lot in accordance with the administrative provisions of this Zoning Code.
- c) Accessory Uses. The following accessory buildings and uses are permitted in association with and subordinate to a permitted or conditionally permitted use:
 - (1) Off-street parking subject to the regulations of this Zoning Code;
 - (2) Signs subject to the regulations of Chapter 1191;
 - (3) Storage buildings, restrooms and other maintenance facilities; and
 - (4) Fences.

1186.03 LOT AREA AND WIDTH REGULATIONS.

The minimum lot area and lot width for each permitted use shall be not less than the area required to accommodate the principal and accessory buildings and uses, on-site circulation, off-street parking and required yards.

1186.04 MINIMUM YARD REQUIREMENTS.

For each permitted use located in a Recreation Use District, front, side and rear yards shall be provided in accordance with the following:

- (a) Principal and accessory buildings and active recreational areas shall be located no less than fifty (50) feet from a front, side and rear lot line.
- (b) Any playground structure or picnic shelter shall be located no closer to a front, side or rear lot line than a distance equal to its height.
- c) Off-street parking areas shall be located no closer than:
 - (1) Fifteen (15) feet to a public right of way or the property line; and
 - (2) An area located between a lot line and a parking area that is not covered by a building or structure shall be landscaped and maintained.

1186.04 HEIGHT REGULATIONS.

In a Recreation Use District, the height of any building for a permitted principal use shall not exceed thirty-five (35) feet, and any permitted accessory structure shall not exceed fifteen (15) feet unless a greater height is permitted or authorized by another provision located elsewhere in this Zoning Code.

SECTION 2: That the present Village Zoning Ordinance, Part Eleven, Title 5, Zoning Districts and Regulations, section 1161.01 is hereby repealed.

SECTION 3: That a new section of the Village Zoning Ordinance, Part Eleven, Title 5, Zoning Districts and Regulations, section 1161.01 is hereby enacted with the text that follows:

1161.01 CLASSIFICATION AND ABBREVIATION.

The Village is hereby divided into districts or zones as follows:

- O-C Open Space and Conservation District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District
- C-1 Local Commercial District
- C-2 General Commercial District
- LI Light Industrial District
- I Industrial District
- MU Mixed Use District
- RU Recreation Use District

SECTION 4: That the reference contained in the Village Zoning Ordinance, Part Eleven, Title 5, Zoning Districts and Regulations, Chapter 1161.03 Zoning Districts Map, shall from this time forward refer to the zoning map as is established by Ordinance 2012- ___ and thereafter as that map is periodically amended by the Council of the Village of Windham.

SECTION 5: That this ordinance is adopted pursuant to the Village's home rule powers under Article XVIII, Section 3 of the Ohio Constitution and is expressly intended to supercede any provisions of the Ohio Revised Code in conflict with its provisions.

SECTION 6: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 7: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

First Reading: October 23, 2012
Second Reading: November 27, 2012
Third Reading: December 18, 2012

PASSED IN COUNCIL this 18th day of December, 2012.

Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Ms. Blewitt, Mr. Garrett, Mrs. Miranda, Mrs. Prem
Nays: None.

ATTEST:

APPROVED:

Lloyd Billman, Fiscal Officer

Robert Donham, II, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz, Solicitor