

**CHAPTER 416
Joint Economic Development District (JEDD)
Mixed-Use Overlay District Regulations**

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Sec. 416.1 PURPOSE.

The Mixed-Use Overlay District (MUOD) is created pursuant to Section 519.021(C) of the Ohio Revised Code and is comprised of residential and commercial uses. The overlay applies to land identified as such on the Montville Township Zoning Districts map effective the date of this amendment to the Montville Township Zoning Resolution. The district is created to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development.

The MUOD regulations are designed to achieve the following objectives:

- A. To provide for an appropriate mix of uses while protecting the rural character of the township;
- B. To create a diversity of housing options combined with commercial uses to create a more walkable community and sense of place;
- C. To create usable and accessible open space, recreational areas, and gathering places;
- D. To enable an extensive review of design characteristics to ensure projects are properly integrated into the surroundings and are compatible with adjacent development;
- E. To assure compatibility between proposed land uses through appropriate development controls;

- F. To encourage unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district yet are imaginative in architectural design and are consistent with applicable public plans for the area;
- G. To provide water and sewer connectivity for future development while providing the opportunity for existing developments to tie into these systems where desired;
- H. To allow for the pairing of economic development and other tools to prevent annexation and stay competitive with surrounding communities; and
- I. To allow for the management and control of density on Wooster Pike in Montville Township.

Sec. 416.2 MINIMUM CRITERIA FOR ESTABLISHMENT OF MIXED-USE DEVELOPMENTS.

A development in the Mixed-Use Overlay District shall be established in conformance with the following criteria:

- A. The minimum gross project area for a mixed-use development shall be 50 acres.
- B. Each mixed-use development shall have access on a minimum of one (1) public street. The primary access from the public street may be shared by residential and commercial uses.
- C. Residential and commercial development shall be served by an approved public water supply system and an approved public sanitary sewer system.
- D. Pedestrian access shall be provided connecting commercial and residential uses.
- E. A minimum of thirty percent (30%) of the total project area shall be designated for commercial development in accordance with the regulations of Chapter 430, Commercial District Regulations, and the supplemental regulations of this chapter. For a mixed-use overlay project, the regulations of Chapter 416 supersede the regulations of Chapter 430.
- F. A maximum of 50 percent (50%) of the mixed-use project acreage dedicated for residential use shall be attached rental single-family dwellings.
- G. Commercial development shall have frontage on State Route 3 with an access drive serving all contiguous commercial properties. A minimum of 25 percent (25%) of the adjoining commercial area shall be developed simultaneously with residential development. All commercial property shall be developed in a cohesive architecturally expressive manner.
- H. An overall development plan for the entire mixed-use project shall be submitted for review and approval per Section 416.17. Subsequent development of the property shall be made only in substantial conformance with the approved overall

development plan.

Sec. 416.3 PERMITTED USES.

Within a development in the Mixed-Use Overlay District, no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as permitted, conditionally permitted, or accessory and further provided that each such use is identified on and approved as part of the development plan:

A. Permitted Uses

1. Each mixed-use development shall contain a mixture of the following residential housing types and styles in order to provide a variety of housing opportunities.
 - a) Detached Single-Family Dwellings
 - b) Detached Cluster Single-Family Dwellings
 - c) Attached Rental Single-Family Dwellings
2. Community or public parks and recreation facilities, such as, but not limited to, clubhouses, swimming pools, tennis courts, and pickleball courts, when approved as part of the overall development plan.
3. Commercial uses as permitted in the Community Business District per Section 430.3, Schedule of Permitted Uses.

B. Accessory Uses

1. Driveways per the regulations of Section 410.8
2. Common and/or off-street guest parking areas
3. Storage building/shed
 - a) On a Detached Single-Family Dwelling lot per Section 410.8 C.
Storage buildings/sheds shall not be permitted for individual detached cluster and/or rental single-family dwellings.
 - b) When approved as part of the overall development plan as a maintenance facility for a detached cluster single-family development or attached rental single-family development and/or commercial property.
4. Residential fences, walls, pergolas, pavilions, patios, decks and outdoor fireplaces.
5. Lean-tos, shelters, and pavilions in the open space or recreational area.

6. Non-residential or community swimming pools.
7. Trash enclosures
8. Signs as regulated by Chapter 510.
9. Home Occupations subject to Section 410.9, Regulations for Home Occupations.

Sec. 416.4 DENSITY OF DWELLING UNITS.

The maximum net density of dwelling units shall be as set forth below:

- A. Detached Single-Family Dwellings and Detached Cluster Single-Family Dwellings shall in no case be greater than three and two-tenths (3.2) dwelling units per net acre of the subject project area;
- B. Attached Rental Single-Family Dwellings
 1. The number of attached rental single-family dwelling units shall in no case be greater than 4.5 dwelling units per net acre of subject project area;
 2. Not more than three (3) such dwelling units shall be attached in any single building.
- C. The maximum net density of dwelling units shall be depicted on the development plan based on the following calculation:
 1. Deducting the following from the total project area:
 - a) Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - b) The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for open space as set forth in Section 416.7. Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.

Sec. 416.5 MINIMUM LOT AREA.

- A. Residential

Building lots and/or envelopes established within a mixed-use development shall comply with the spacing requirements of Section 416.6. All land not individually owned shall be designated as common area and controlled by the association as set forth in Section 416.15, Owners Associations.

The applicant shall depict on the development plan all lots and the maximum parameters, or building envelopes that indicate where buildings will be located,

and shall demonstrate that such building location will be in compliance with the spacing requirements per Section 416.6.

B. Non-residential/Commercial

Non-residential/Commercial building lots within a mixed-use development shall comply with the requirements of Chapter 430, Commercial District Regulations.

Sec. 416.6 MINIMUM SETBACK AND SPACING REQUIREMENTS.

In establishing minimum setback and spacing requirements, the Township shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns.

Dwelling units within a mixed use development may be on individual lots, building envelopes, and/or de minimis lots. Buildings, structures, and/or paved areas shall be located in accordance with the regulations of Chapter 570, Establishment of Riparian and Wetland Setbacks.

Building setbacks and separations shall be as established on the approved final development plan. In no instance shall the established setbacks and/or separations be less than the following:

A. **Schedule 416.6, Detached Single-Family Dwellings (on individual lots)**

| | Mixed-Use Overlay District | |
|--|----------------------------|---------|
| | R-1 | R-2 |
| 1. Setback from existing public street right-of-way on lots fronting Rt. 3 and Rt. 162 | 95 ft. | 95 ft. |
| 2. Setback from existing public street right-of-way on lots fronting all other streets | 70 ft. | 50 ft. |
| 3. Setback from interior street: | | |
| a) Public right-of-way | 40 ft. | 40 ft. |
| b) Private street pavement | 25 ft. | 25 ft. |
| 4. All other side yard setbacks | 10 ft. | 7.5 ft. |
| 5. All other rear yard setbacks | 25 ft. | 25 ft. |

B. Detached Cluster Single-Family Dwellings (Building Envelopes/Lot De Minimis)

| | Mixed-Use Overlay District | |
|--|-----------------------------------|------------|
| | R-1 | R-2 |
| 1. Setback from existing public street right-of-way on lots fronting Rt. 3 and Rt. 162 | 95 ft. | 95 ft. |
| 2. Setback from existing public street right-of-way on lots fronting all other streets | 70 ft. | 70 ft. |
| 3. Setback from project boundary, other than a public street | 50 ft. | 50 ft. |
| 4. Setback from interior street: | | |
| a) Public right-of-way | 40 ft. | 40 ft. |
| b) Private street pavement | 25 ft. | 25 ft. |
| 5. Spacing between building envelopes/lot lines: | | |
| a) Between the front of 2 building envelopes/de minimis lot lines | 50 ft. | 50 ft. |
| b) Between the sides of 2 building envelopes/de minimis lot lines | 15 ft. | 15 ft. |
| c) Between the side of a building envelope/de minimis lot line and a front or rear building envelope/de minimis lot line | 35 ft. | 25 ft. |
| d) Between the rear of 2 building envelopes/de minimis lot lines | 40 ft. | 40 ft. |

C. Attached Rental Single-Family Dwellings

| | Mixed-Use Overlay District | |
|--|-----------------------------------|------------|
| | R-1 | R-2 |
| 1. Setback from existing public street right-of-way on lots fronting Rt. 3 and Rt. 162 | 95 ft. | 95 ft. |
| 2. Setback from existing public street right-of-way on lots fronting all other streets | 70 ft. | 70 ft. |
| 3. Setback from interior street: | | |
| a) Public right-of-way | 40 ft. | 40 ft. |
| b) Private street pavement | 25 ft. | 25 ft. |
| 4. Spacing between buildings: | | |
| a) Between 2 front walls | 50 ft. | 50 ft. |
| b) Between 2 side walls | 20 ft. | 15 ft. |
| c) Between a side wall and a front or rear wall | 35 ft. | 25 ft. |
| d) Between 2 rear walls | 50 ft. | 40 ft. |

D. Non-Residential/Commercial in the Community Business District

| | Mixed-Use Overlay District |
|--|----------------------------|
| | Community Business |
| 1. Setback from existing public street right-of-way on lots fronting Rt. 3 and Rt. 162 | 95 ft. |
| 2. Setback from existing public street right-of-way on lots fronting all other streets | 70 ft. |
| 3. Setback from project boundary other than a public street | 50 ft. |
| 4. Setback from a residential use or lot line | 50 ft. |
| 5. Setback from interior street: | |
| a) Public right-of-way | 40 ft. |
| b) Private street pavement | 25 ft. |
| 6. Side and rear yard setbacks: | |
| a) When adjacent to a nonresidential district, use, or lot line | 25 ft. |
| b) When adjacent to a residential district, use, or lot line | 50 ft. |
| 7. Spacing between buildings on the same lot | 30 ft. |

Sec. 416.7 OPEN SPACE REGULATIONS.

A portion of the total project area shall be devoted to open space in compliance with the following:

- A. Open space and recreation areas shall be as set forth on the final approved development plan provided, however, that the land area designated for open space and recreational use shall not be less than twenty-five percent (25%) of the total residential land area.
- B. Open space shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents

of the mixed-use development and shall conserve and protect significant natural features such as, but not limited to, wetlands, woodlands, streams, lakes, historic features, cultural elements and environmentally sensitive areas.

- C. Open space and recreational uses within the commercial development may be credited towards the open space requirements at the discretion of the Zoning Commission.
- D. A minimum 50-foot open space buffer shall be provided and maintained between the project boundary line and all sublots, building envelopes, and attached rental single-family dwellings. Required buffer area shall be landscaped in accordance with Chapter 530.
- E. Areas designated for open space purposes may be:
 - 1. Preserved in its natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area;
 - 2. Used for outdoor active or passive recreation. Open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Zoning Commission. Where deemed appropriate by the Zoning Commission, recreation areas shall be provided with appropriate parking and access;
 - a) The Zoning Commission, at its discretion, may consider requests by developers to alterations in the open space calculations for useable land abutting existing Montville Township parks and/or Medina County Parks that will be utilized for public outdoor active and/or public passive recreation.
 - 3. The Zoning Commission, at its discretion, may consider requests made by developers to alter the open space calculations when useable land is donated to and accepted by a governmental entity for governmental purposes/uses.
 - 4. Open space shall be interconnected with open space areas on abutting parcels.
 - 5. Open space must be geographically disbursed throughout the development.
- F. Areas that shall not be considered open space include:
 - 1. Private roads and public rights-of-way and areas within individual lots;
 - 2. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Zoning Commission when providing access to the restricted open space;
 - 3. Required setbacks for buildings and parking areas from the project boundaries and streets, unless the required setback is contiguous to and part of a larger area of open space;

4. Required spacing between buildings and between buildings and parking areas;
 5. Private yards within subdivided lots; and
- G. Areas that may be considered open space include:
1. Open space areas within required buffers and/or setbacks from the mixed-use development project boundary lines;
 2. Required setbacks between buildings, parking areas, drive aisles and other similar features when they serve a recreation use and/or public land areas.
- H. The ownership of all open space areas, vegetative buffers, fences, ponds, parking areas, and similar common spaces shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land within the mixed-use development. The perpetual maintenance plan shall identify Montville Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.
- I. Any area within the open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site. At a minimum, any disturbed area within the open space shall be landscaped no later than when 35% of the dwelling units included in the phase in which the area was disturbed are constructed.
- J. Open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan. If the project is to be developed in phases, the phase(s) in which such facilities will be started and completed shall be indicated on the phasing plan. At a minimum, construction of any proposed recreation facilities shall begin no later than when 35% of the residential units in that phase have been completed.
- K. Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded with the Medina County Recorder.
- L. Ownership of open space shall be subject to such permanent restriction as set forth above. Open space may be owned by an association, the Township, a land trust or other conservation organization recognized by the Township.

Sec. 416.8 UTILITIES

All utilities shall be located underground, except above-ground utility appurtenances as permitted per the Montville Township Zoning Resolution. Utilities may be located within open space areas when such facilities are so located and developed in a manner consistent with the purposes and requirements of the open space.

Sec. 416.9 MAXIMUM HEIGHT

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height except as specifically authorized by the Township.

Sec. 416.10 PARKING.

- A. Detached Single-Family Dwellings and Detached Cluster Single-Family Dwellings
 - 1. Two (2) off-street parking spaces within a completely enclosed, attached garage and two (2) additional driveway parking spaces shall be required for each detached single-family dwelling and each detached cluster single-family dwelling unit.
 - 2. In addition to the required parking spaces per dwelling unit, additional guest parking shall be provided at a ratio of one (1) space for every three (3) dwelling units with multiple guest parking areas distributed evenly throughout the development.

Guest parking spaces shall not be reserved for exclusive use by residents of the development. All such parking shall also be readily accessible by visitors to the development and designated in a manner that gives notice to visitors of the availability of such parking. The manner of access, designation, and location of guest parking spaces shall be subject to approval by the Zoning Commission.
- B. Attached Rental Single-Family Dwellings
 - 1. Two (2) off-street parking spaces within a completely enclosed, attached garage and two (2) additional driveway parking spaces shall be required for each attached rental single-family dwelling.
 - 2. In addition to the required parking spaces per dwelling unit, additional guest parking shall be provided at a ratio of one (1) space for every three (3) dwelling units with multiple guest parking areas distributed evenly throughout the development.

Guest parking spaces shall not be reserved for exclusive use by residents of the development. All such parking shall also be readily accessible by visitors to the development and designated in a manner that gives notice to visitors of the availability of such parking. The manner of access, designation, and location of guest parking spaces shall be subject to approval by the Zoning Commission.

C. Commercial Development

Off-street parking areas shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 416.10 below. Off-street parking shall conform to the regulations of Chapter 520 and shall be effectively screened and landscaped in accordance with the requirements set forth in Chapter 530.

Schedule 416.10.

| | Mixed-Use Overlay District |
|---|----------------------------|
| 1. Setback from the street right-of-way line: | |
| a. Lots fronting Rt. 3 and Rt. 162 | 50 ft. |
| b. Lots fronting all other streets | 20 ft. |
| 2. Setback from side or rear lot line when adjoining a nonresidential district or use | 10 ft. |
| 3. Setback from side or rear lot line when adjoining a residential district or use | 25 ft. |

Sec. 416.11 DWELLING UNIT REQUIREMENTS

Dwelling units within a mixed-use development shall comply with the standards as set forth below:

A. Minimum Floor Area

1. Detached Single-Family Dwellings and Detached Cluster Single Family Dwellings
 - a) 1,400 square feet total floor area without basement, with a minimum of 1,000 square feet on the first floor, excluding garage, porch or attachments or additions.
 - b) 1,200 square feet total floor area with basement, with a minimum of 1,000 square feet on the first floor, excluding garage, porch or attachments or additions.
2. Attached Rental Single-Family Dwellings
 - a) One-story: 1,200 square feet total floor area, excluding garage, porch or attachments or additions.

- b) Two-story: 1,400 square feet total floor area, with a minimum of 500 square feet on the first floor, excluding garage, porch or attachments or additions.
- B. All dwellings shall have at least one story above ground level and shall have a continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.

Sec. 416.12 SUPPLEMENTAL REGULATIONS FOR MIXED-USE DEVELOPMENTS.

Development in the Mixed-Use Overlay District shall be designed using the following criteria:

- A. The design and layout of the development conserves and incorporates existing wooded areas, meadows, and hedgerows or tree lines between fields or meadows, especially those containing significant wildlife habitats.
- B. Riparian and wetland setbacks have been provided pursuant to Chapter 570.
- C. The development plan avoids alteration of or construction within natural drainage ways and encourages low impact storm water management techniques.
- D. Steep slopes are protected from clearing, grading, filling, or construction.
- E. Structures are located to ensure that scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.
- F. Protection is provided for wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources.
- G. Sites of historic, archaeological, or cultural value and their environs are protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Sec. 416.13 STREET, DRIVE AND WALKWAY REQUIREMENTS.

- A. General Street and Drive Design Criteria.
 - 1. All mixed-use developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets.

2. Each dwelling unit and each non-residential use shall have access to either a public or private street internal to the development in a manner approved by the Township and said access shall be clearly defined on the development plan.
3. Mixed-use developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
4. The area devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
5. Street alignments should follow natural contours and be designed to conserve natural features.
6. The locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
7. No dwelling unit or non-residential use which is part of a mixed-use development shall have a driveway access directly onto existing public rights-of-way.
8. All public and private streets within a mixed-use development shall be designed and constructed in accordance with the standards and specifications of the Engineering Code for Subdivision Development of Medina County, Ohio.

Interior streets shall be located a minimum of 20 feet from a project boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.

- a) A public, dedicated street shall be required when a major street connects two existing public streets and is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments. However, such through streets shall not be permitted when they are inconsistent with the objectives and policies of the Montville Township Comprehensive Plan and/or such streets result in an unnecessary adverse impact on the Township's natural environmental features.
- b) Private streets may be approved when all of the following requirements are met:
 - i. A private street shall not be planned or be expected to extend to serve property outside the mixed-use development.

- ii. Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.
 - iii. The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Montville Township Police and Medina City Fire Departments.
 - iv. A pedestrian walkway shall be provided on at least one side of a private street.
 - v. When serving twenty (20) or fewer units, private streets may be constructed to a design speed less than 25 mph when the Medina County Highway Engineer determines that a lower design speed is appropriate to achieve the objectives of the development. Such private streets shall comply with the following:
 - The minimum pavement width shall be 20 feet for a two-way street and 18 feet for a one-way street.
 - Horizontal and vertical alignments shall meet a 20-mph design speed.
 - Turnarounds with a radius equal to that required by the Medina County Subdivision Regulations for public streets shall be provided for any single access private street that exceeds 800 feet.
 - vi. All private streets shall be identified by street signs that state “Private” or “Pvt” and such signs shall be in place prior to the sale of any dwelling unit on such street.
 - vii. All elements of a private street that are to be provided in a MUOD shall be constructed in accordance with the construction standards set forth for public streets in the Medina County Subdivision Regulations.
9. Street identification signs and traffic control devices shall be provided and installed by the developer in accordance with the standards of the Medina County Engineer and the Ohio Department of Transportation for such devices. Where such signs, markings, or devices are located on private streets, the owner's association shall be responsible for their maintenance. All private streets and walkways shall be clearly marked with signage identifying them as private.

10. Whenever a private street is included in a mixed-use development, deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, and they) understand that the premises described herein is located upon a non-dedicated private street. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street.”

- B. Common Drives: Common drives shall be permitted in compliance with the following requirements:

1. A common drive shall serve no more than four (4) units.
2. A common drive shall extend from a public street or a private street and shall not connect to any other existing or planned public or private street.
3. The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Montville Township Police and Medina City Fire Departments.
4. Right-of-ways are not required for common drives; however, a utility easement may be required per the requirements of the Medina County Engineer.
5. All common drives shall be paved and have a minimum width of 12 feet for one-way drives and a minimum width of 18 feet for two-way drives. Dead-end drives providing access to two or more units shall be designed with a turn-around, unless otherwise permitted by the Medina City Fire Department.
6. On-street parking shall be prohibited on common drives.
7. Whenever a common drive is included in a mixed-use development, deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive.”

- C. Pedestrian Circulation and Walkways.

1. A pedestrian circulation system shall be included in the detached single-family, detached cluster single-family and attached rental single-family dwelling unit project areas and should be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system should provide connections between properties and activities or special features within common areas and non-residential/commercial

sidewalks. Pedestrian systems need not always be located along streets. If the pedestrian system intersects a public or private street within the development, “pedestrian crossing” signs shall be posted.

2. A trail system may be provided within the open space area. The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent possible, natural materials should be used in the construction and maintenance of the trail system.

SEC. 416.14 LANDSCAPING, SCREENING AND OUTDOOR LIGHTING REQUIREMENTS.

The landscaping, screening and outdoor lighting requirements of Chapter 530 shall apply to non-residential/commercial and residential development in a mixed-use overlay project, with the exception of the regulations as set forth below.

A. Landscaping along streets in non-residential/commercial areas

The area within the required building and parking setback, excluding driveway openings, shall be landscaped and maintained with the following minimum requirements:

1. A landscaping strip shall be provided along any portion of a lot that abuts a street right-of-way, interrupted only by points of vehicular or pedestrian access. The landscaping strip shall include an elevated berm with a minimum height of three (3) feet measured from the finished elevation of the street centerline.
2. The minimum width of the landscaping strip on non-residential streets shall be:
 - a) Fifty (50) feet for lots fronting State Route 3 and State Route 162
 - b) Twenty (20) feet for lots fronting all other streets
3. Within this area, the following plant material shall be provided:
 - a) Four (4) deciduous trees and thirty (30) shrubs shall be planted for every 100 linear feet of lot/development frontage or fraction thereof, not including drive entrances.
 - b) An elevated earth berm with a minimum height of three (3) feet measured from the finished elevation of the street centerline planted with three (3) deciduous trees and six (6) shrubs may be provided as an alternative.

4. All areas not otherwise devoted to trees and shrubs shall be planted with grass, ground covers or other live landscape materials, excluding paving or gravel.
5. Plantings or earthen berms along a public street shall not block or interfere with sight distance at street/drive intersections or corner lots in accordance with Section 330.3, nor shall any such plantings or earthen berms contribute to the additional accumulation of snow within the public right-of-way.
6. Landscaping materials used along streets and sidewalks shall not be fruit or nut bearing nor shall they have thorns or briars that interfere with pedestrians. Trees in the tree lawn shall be in accordance with the Tree Lawn Resolution adopted by the Montville Township Board of Trustees.
7. Additional Screening Required. Whenever the lot required to provide screening and buffering has a lower elevation than the abutting street, the height of the required screening shall be sufficient to adequately screen the site. The Zoning Commission may, in its review of the landscaping plan, require more than the minimum requirements specified in this section in order to accomplish the desired screening effect.

B. Screening and Buffering of Residential Uses.

Screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations.

1. When required. A buffer area shall be required when:
 - a) A use in any non-residential/commercial area abuts a residential area;
 - b) A lot is developed as part of a multi-use overlay district project; or
 - c) A conditional use is located in a residential area of the MUOD.
2. Width of Buffer Area. Each required buffer area shall have a minimum width as set forth below:
 - a) When a non-residential/commercial area abuts a residential area, the buffer area shall have a minimum width of twenty-five (25) feet.
 - b) The buffer area shall have a minimum width of fifty (50) feet when adjacent to the project boundary.
 - c) When a conditional use is located in an MUOD, the buffer area shall have a minimum width of twenty (20) feet.

3. Screening. Screening within the buffer area shall consist of one (1) or a combination of two (2) or more of the following in order to form a solid continuous visual screen:
 - a) A dense vegetative planting incorporating deciduous trees, evergreens, and/or hedges of a variety that shall be equally effective in winter and summer.
 - b) A non-living opaque structure such as a solid masonry wall, or a solid fence that is compatible with the principal structure.
 - c) A fence with openings through which light and air pass together with a landscaped area at least ten (10) feet wide.
 - d) A maintained, landscaped earthen berm at least ten (10) feet wide.
 - e) Maintenance of the existing natural vegetation that, in its natural state, forms a screen with a height not less than six (6) feet and shall be equally effective in winter and summer.
4. Height of Screening. The height of screening shall comply with the following:
 - a) Visual screening walls, fences, or earthen berms and fences in combination shall be a minimum of six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect.
 - b) Vegetation shall be a minimum of six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve (12) months after the initial installation.
5. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the buffer area to maximize the screening effect. Trees, evergreens and/or hedges shall be adequately spaced and appropriately staggered to meet the screening objectives within two (2) years after the initial installation. The landscaping plan shall indicate the specific type of option(s) to be used.
6. Additional Screening Required. Whenever the lot required to provide screening and buffering has a lower elevation than the abutting residential parcel, the height of the required screening shall be sufficient to adequately screen the site from the adjacent residential lot, and the Zoning Commission may, in its review of the landscaping plan, require more than the minimum requirements specified in this Section in order to accomplish the desired screening effect.

C. Building Façade, Landscaping.

Non-residential/commercial and attached Rental Single-Family Dwelling Units shall be landscaped in accordance with the regulations of Section 530.7.

Sec. 416.15 OWNERS ASSOCIATIONS.

As part of a development in the Mixed-Use Overlay District, a homeowner's association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the required open space.

- A. The Township shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - 1. Membership in the Association shall be mandatory for all purchasers of units in the development.
 - 2. The Association shall be responsible for maintenance, control, and insurance of common areas, including private roads and common drives.
- B. Common areas shall be prohibited from further development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township.
- C. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including open space, without (i) an affirmative vote of 60% of its members, (ii) having established a successor entity to take over said property pursuant to the Montville Township Zoning Resolution; and (iii) the approval of the Montville Township Board of Trustees.
- D. The Association shall convey to the Township and other appropriate governmental bodies, after proper notice, the right of entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Township, at its discretion, shall have the right to attach the costs of such services to the property taxes of the condominium units, houses and/or vacant building lots and/or to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots. Documentation of such acceptance of regulations shall be documented in the covenants, conditions, and deed restrictions of the development.
- E. Such association shall submit to the Montville Township Planning and Zoning Office annually a current list of association officers.

- F. The Association’s bylaws or code of regulations shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land within the Mixed-Use Development. A certified copy of all such bylaws or code of regulations filed with the Medina County Recorder’s Office shall be submitted to the Montville Township Planning and Zoning Office in compliance with Chapter 320, Section 320.8.
- G. Whenever a homeowners’ association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township Planning and Zoning Office for review and approval by legal counsel of issues regulated by the Montville Township Zoning Resolution prior to the amendment being filed with the Medina County Recorder’s Office. Failure to obtain approval of such amendment shall be deemed a violation of the Montville Township Zoning Resolution. Once an amendment is approved by the Township’s legal counsel and filed with the Medina County Recorder’s Office, a certified copy shall be submitted to the Montville Township Planning and Zoning Office in accordance with Chapter 320, General Provisions, Section 320.8.

Sec. 416.16 PHASED DEVELOPMENT.

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. Open space areas shall be proportioned in each phase of the project, and the proposed construction of recreation facilities shall be clearly identified on a phasing plan.

Sec. 416.17 APPROVAL OF MIXED-USE OVERLAY DEVELOPMENTS.

The applicant for a mixed-use overlay development shall submit development plans in accordance with Chapter 720. The project area shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed mixed-use boundaries.

In addition to the general review procedures for development plans, the Zoning Commission shall review a proposed development in the MUOD to ensure that:

- A. Buildings and uses within the proposed development are located so as to reduce any adverse influences on and to protect the residential character of areas adjacent to the development;
- B. Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;

- C. The bulk and height of buildings within the proposed development are compatible with the surrounding development;
- D. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;
- E. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential areas adjacent to commercial development;
- F. The proposed landscaping is appropriate for the site and provides all season color through the use of deciduous and coniferous trees, shrubs and perennials. Trees in the tree lawn shall be in accordance with the Tree Lawn Resolution adopted by the Montville Township Board of Trustees.