

SECTION XXXIII. MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT (Adopted by Resolution 2006-53 June 6, 2006, effective July 6, 2006)

33.1 Purpose

- A. A Mixed Use Planned Unit Development (MUPUD) project proposal will be considered on the merits of the particular proposal in the context of the Township's Comprehensive Plan, the neighborhood in which the MUPUD is to be located, the adequacy of public facilities and ease of extending service and the compatibility of the project proposal and immediate surroundings.
- B. An MUPUD is a land development project planned as a comprehensive single entity departing from the strict application of zoning codes and subdivision regulations. It should be a creative approach to the development of compatible, high-quality resort, residential, leisure/recreational, commercial, and institutional uses. An MUPUD provides:
  - 1. flexibility in building sites;
  - 2. a variety of land uses and designs;
  - 3. optimum land planning;
  - 4. usable open space and recreational areas;
  - 5. provision of underground utilities where feasible;
  - 6. efficient circulation systems for vehicle and pedestrian travel; and
  - 7. an environment which is fully compatible with the surrounding areas.
- C. The MUPUD permits a combination and coordination of architectural styles, building forms and relationships. The purpose of these special provisions is to encourage a more integrated, better quality, project than is possible under conventional zoning provisions.
- D. MUPUD's encourage Developers to be innovative in design, to be efficient in land utilization, and to take full advantage of existing natural features.
- E. In the event of a conflict between the provisions of this Section and the other provisions contained in the Zoning Resolution, the provisions and regulations contained in this Section shall supersede such inconsistent provisions.

33.02 Location and Minimum Standards.

- A. No MUPUD shall be approved unless:
  - 1. The MUPUD covers an area of not less than four hundred (400) acres;
  - 2. All land in the MUPUD area is zoned in the MUPUD District classification;
  - 3. The MUPUD area has at least two hundred fifty (250) linear feet of frontage along the right-of-way sideline of a dedicated street or road;
  - 4. The MUPUD area has at least five hundred (500) linear feet of frontage on either Lake Erie or a river tributary to Lake Erie; and
  - 5. All land within the District is contiguous unless specifically otherwise approved by the Board of Township Trustees.

- B. An MUPUD may be approved in any district.
- C. Specific Requirements.
  - 1. The MUPUD area has an adequate source of potable water. All plans and specifications and construction of all water lines shall meet the approval of all regulatory agencies having jurisdiction.
  - 6. The MUPUD area has an adequate source of sanitary sewer service. No occupancy of buildings within any phase of an MUPUD District shall be permitted until an adequate sanitary sewer disposal system to service such phase is available.
  - 7. The Development Plan(s) provides for the following utilities and necessary appurtenances which shall be provided, constructed and installed in accordance with all applicable regulations that regulate, including but not limited to the following:
    - a. Gas lines.
    - b. Sanitary sewers and pumping stations.
    - c. Water lines.
    - d. Storm sewer and storm detention as required by county engineers.
    - e. Electrical lines and transformers.
    - f. Telephone.

33.03 All uses within a designated MUPUD District are governed by the provisions of this Section and the approved Development Plan of the project involved. MUPUD's may contain any use identified by the Developer in the approved Development Plan and as approved by both the Zoning Commission and the Board of Township Trustees along with conditions appropriate to such uses, if any. The following uses of buildings and land shall be classified as MUPUD uses and permitted in an MUPUD District as shown on an approved Development Plan:

- A. Residences, regardless of the form of ownership including without limitation rental, cooperative, or condominium ownership, including:
  - 8. Single Family Attached Dwelling Units with or without setback lines;
  - 9. Single Family Detached Dwelling Units with or without setback lines; and
  - 10. Multi-Family Dwelling Units.
- F. Home Occupations.
- G. Retail sales including without limitation grocery stores.
- H. Automobile and other vehicle rentals.
- I. Marinas, boat charter and rental facilities, and excursion and ferry boat docking facilities.
- J. Gasoline service stations.
- K. Personal services including without limitation beauty salons, barber shops, and spas.
- L. Offices including without limitation business offices, professional offices such as medical and dental offices, and financial institutions.

- M. Recreational facilities including without limitation golf courses, indoor and outdoor swimming pools, sports fields, gymnasias, and tennis courts.
- N. Restaurants, drive in restaurants, drive through restaurants, bars, and taverns.
- O. Hotels, motels, and other types of visitor/guest accommodations.
- P. All forms of resort/entertainment facilities.
- Q. Executive conference and convention facilities.
- R. Art galleries, museums and interpretive centers.
- S. Wedding chapels.
- T. Sports Training Academy with or without dormitory rooms.
- U. Day care facilities.
- V. Agriculture and the processing and sale of agricultural products including, without limitation, the use of land for farming, dairying, pasturage, agriculture, viticulture, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, the cultivation of grapes and the production and sale of wine.
- W. Kennels.
- X. Veterinary clinics.
- Y. Hospitals, clinics, and other medical treatment and professional offices.
- Z. Mixed use buildings containing any combination of permitted uses.
- AA. Parking garages, parking lots, and associated facilities.
- BB. Public and civic uses.
- CC. Accessory uses associated with the above.
- DD. Places of worship
- EE. Other specific uses as approved by the Board of Trustees.

33.04 Definitions (applicable to Section XXXIII only):

- A. **APARTMENT.** One or more rooms in a multi-family dwelling intended to be occupied by and providing living, sleeping, cooking, bathing and toilet facilities for one family and which is not a dormitory.
- B. **ATTACHED SINGLE FAMILY DWELLING UNITS.** Single family dwelling units which have individual heating and plumbing systems, which are located on separate tax parcels, which are physically attached one to another by common or adjoining vertical walls and which have direct access from the exterior and not from a hallway or other common area.
- FF. **BUILDING.** A roofed and walled structure of a substantial nature constructed with a variety of exterior and interior materials, the interior space of which is generally heated and/or air conditioned with certain plumbing and electrical facilities.

- GG. BUILDING, HEIGHT. The vertical distance from the grade to the highest point of the coping on a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.
- HH. BUILDING SITE. A parcel of land which is privately owned and may be occupied by one or more buildings or structures for the permitted uses.
- II. CONDOMINIUM DEVELOPMENT. This term shall be defined as contained in Ohio Revised Code Section 5311.01 or any successors thereto.
- JJ. DENSITY. The number of dwelling units in an MUPUD divided by the number of acres in the Development Area.
- KK. DEVELOPMENT AREA. The total area within an MUPUD district including rights of way of new streets but excluding streets existing prior to the designation of the MUPUD.
- LL. DEVELOPMENT PLAN. A preliminary Development Plan or Final Development Plan as approved by the Township pursuant to this Section.
- MM. DEVELOPER. The owner or person or entity authorized by the owner of land which applies for the approval of an MUPUD and thereafter pursues the development of such land in accordance with the terms of this Section.
- NN. DORMITORY. One or more rooms providing sleeping facilities and/or common areas for more than three related or unrelated occupants.
- OO. DWELLING, MULTI-FAMILY. A building on one tax parcel containing at least two dwelling units with varying arrangements of entrances and party walls.
- PP. DWELLING UNIT. A dwelling unit shall consist of one or more living rooms plus a separate kitchen and bathroom, designed or used as living quarters for one family or household. Hotel, motel, or dormitory rooms shall not be considered Dwelling Units regardless of whether kitchen facilities are provided.
- QQ. FAMILY. One or more persons occupying a dwelling, living as a single housekeeping unit, related to each other by birth or marriage or adoption; or a group not exceeding four (4) persons unrelated by blood or marriage living as a single housekeeping unit, including domestic employees, as distinguished from a group occupying a boarding house, motel, hotel, lodging house.
- RR. FLOOR AREA. The sum of the areas of several floors of a building measured from outside wall to outside wall. In residential structures it shall not include porches, decks, garages or carports.
- SS. HOME OCCUPATION. An occupation conducted in a dwelling provided that:
1. No person other than family members of the family residing on the premises shall be engaged in such occupation;
  2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation;
  3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building;

4. No home occupation shall be conducted in any accessory building;
  5. No sales, not clearly incidental to the home occupation being conducted by the resident family are permitted;
  6. No traffic shall be generated by such home occupation in greater volume than would normally be expected in residential neighborhoods and, any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard; and
  7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the voltage off the premises.
- TT. HOMEOWNERS ASSOCIATION. Incorporated non-profit private organization(s) established in accordance with the laws of the State of Ohio for the purposes of accepting and operating common areas along with buildings and equipment located on it under recorded land agreements or deed restrictions; maintaining common property for the use and benefit of the members of said association or associations; providing various services for the common enjoyment of the residents within its jurisdiction; and cooperating with officials of the township, municipal, county, state and other public authority for the preservation and betterment of the interest of the members of the association including, without limitation, the dedication of drainage ways or granting easements thereto.
- UU. KENNEL. A lot or premises on which four or more domesticated animals of the same type, more than four months of age are housed, groomed, boarded, trained, or which offers provisions for minor medical treatment.
- VV. OPEN SPACE. Land area within the MUPUD District designated as such on an approved Development Plan whether or not open to the public and which may include without limitation wooded areas, lakes and streams, walkway systems (pedestrian paths), bike paths, natural sites, active and/or passive recreation areas and Recreational Facilities and structures customarily incidental thereto. Open Space shall otherwise be kept devoid of residential or commercial buildings.
- WW. PARKING GARAGE. A structure which may have multiple levels above, below, at grade or a combination thereof constructed for the purpose of parking motor vehicles for the general public or residents, clients, employees, invitees, or other guests whether or not charges are made for individuals parking therein.
- XX. STREETS
1. ARTERIAL STREET. A public street which is used primarily for moving fast or heavy traffic between larger or intensively developed areas.
  2. COLLECTOR STREET. Primary street serving residential and/or non-residential areas and carrying major traffic flow and serving loop, cul-de-sac or other secondary streets.
  3. CUL-DE-SAC. Secondary street terminating in a dead end space (the cul-de-sac) enabling vehicular traffic to turn around and service several individual Building Sites on the street or grouped around the dead end space.

4. LOOP STREET. Secondary street in looped or half circular form with each end connected to a collector street and serving housing units located on both sides of the street.
  5. PRIVATE STREET. A street which is not dedicated and which is to be maintained by a homeowner's association.
  6. SECONDARY STREET. A street serving Building Sites and connected on each end to another Secondary Street or to a Collector Street or other connection to the public highway system.
- YY. STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. Fences, tennis courts and playing fields with their associated nets and goals, and similar installations shall not be deemed structures.

### 33.05 Density and Lot Area

- A. Minimum lot areas and Densities of specific parcels and/or phases shall be as shown on any approved Development Plan(s); provided that such Development Plan(s) shall provide:
1. Density not exceeding six (6) dwelling units per acre.
  2. If any parcel of land is developed to exceed six (6) dwelling units per acre on such parcel, the Development Plan(s) shall provide for Open Space within the MUPUD on which no building shall be built sufficient to maintain the overall density at not more than six (6) dwelling units per acre.
- B. Computation of lot area shall include no portion of any dedicated street right-of-way existing prior to platting.

### 33.06 Open Space

A minimum of twenty percent (20%) of the gross acreage within each MUPUD District shall be Open Space. Dedicated street rights-of-way of streets existing prior to the Application shall not be counted as Open Space. Areas designated as Open Space on an approved Development Plan may not thereafter be used for other purposes without the consent of the Zoning Commission.

### 33.07 Homeowners Association Common Areas

In the event that a homeowners association or associations established to own and maintain common areas, or any successor association or associations, shall at any time fail to maintain the common areas in reasonable order and condition, the Board of Painesville Township Trustees may serve written notice upon such association or associations or upon the members thereof setting forth the manner in which the association or associations have failed to maintain such common areas in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within one hundred twenty (120) days thereof, and shall state the date and place of a hearing thereon which shall be held within forty (40) days of the notice. At such hearing, the Board of Painesville Township Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof have not been corrected within one hundred twenty (120) days or any extension thereof, the Board of Painesville Township Trustees, in order to preserve the taxable values of the properties within the MUPUD, and to prevent such common areas from becoming a public nuisance, may enter upon said common areas and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common areas. Before the expiration of said year, the Board of Painesville Township Trustees shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common areas, call a public hearing upon notice to such organization or to the residents of the area benefited by the common areas to be held by the Board of Painesville Township Trustees at which hearing, such organization or such residents shall show cause

why such maintenance by the Board of Painesville Township Trustees shall not continue for a succeeding year. If the Board of Painesville Township Trustees shall determine such association or associations are not ready and able to maintain said common areas in reasonable condition, the Board of Painesville Township Trustees may, in its discretion, continue to maintain said common areas during the next succeeding year and thereafter, subject to a similar hearing and determination, in each year. The decision of the Board of Painesville Township Trustees in any case shall constitute a final administrative decision subject to review as provided by law.

The cost of such maintenance by the Board of Painesville Township Trustees shall be assessed against the responsible homeowners association or associations. Such cost shall become a tax lien against said common areas. The Board of Painesville Township Trustees, at the time of entering upon said common areas for the purpose of maintenance, shall file a notice of such lien in the office of the Lake County Recorder, upon the properties affected by such lien.

### 33.08 Building space and set-back requirements

A. No building in an MUPUD District shall be erected or located closer to the right-of-way of any public street than the lesser of:

3. the distance shown on the approved Development Plan; or
4. fifty (50) feet from the right-of-way sideline of any Arterial Street.

B. The area between the set-back line and any Building shall be landscaped and maintained by the owner thereof.

#### ZZ. Side and Rear Yards

1. Side and Rear Yard set-back lines within an MUPUD Area shall be as shown in the approved Development Plan (even zero lot lines spacing); provided that such set-back for a commercial use shall not be less than ten (10) feet if such commercial use is adjacent to a single family use.
2. Side and Rear Yard set-back lines at the perimeter of an MUPUD Area shall be the lesser of: 1) ten (10) feet; or 2) the distance to the boundary line of any adjoining political subdivision.

AAA. The minimum distance between buildings shall be as shown in the approved Development Plan; provided, however, that building separation shall be maintained in accordance with the requirements of the Fire Code, State or local Building Code and other applicable safety codes.

### 33.09 Supplementary Regulations

#### A. Parking

1. Parking spaces shall be provided as shown on the approved Development Plan. The table set out in Appendix A is a guide to required numbers of parking spaces for independent uses; however, in MUPUD Districts, the Township Zoning Commission and Trustees may consider the unique features of the development and establish reasonable parking requirements. In mixed use areas, the Township Zoning Commission and Trustees may consider, among other factors, the hours of operation of uses, the overlap in parking demand by different adjacent uses, and the types of uses proposed, all as presented by the Developer.
2. Design

- a. A parking space shall consist of an area of not less than one hundred eighty (180) square feet exclusive of access driveways, aisles, ramps, columns, streets, alleys or private drive or roadways, useable for the parking of passenger vehicles or commercial vehicles under two (2) tons capacity.
  - b. The table set out in Appendix A is a guide to the design of off-street parking spaces and access driveways serving said individual parking spaces, subject to modification for the particular situations of the uses which the parking spaces are designed to serve.
3. Location - Off-street parking areas shall be located within the Development Area as shown on the approved Development Plan and shall be either on the same lot with the building or use they are intended to serve or shall be restricted so as to insure their availability for the building or use which they are intended to serve.
  4. Surfacing - All off-street parking surfaces, driveways, loading and service spaces in the MUPUD shall be of concrete or asphalt, unless otherwise specified in the approved Development Plan.
  5. Drainage - All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
  6. Lighting, Screening and Striping - Any parking lot intended to be used during non-daylight hours shall be illuminated. Any lighting used to illuminate any off-street parking facilities shall be so arranged as to reflect away from adjoining properties.
  7. Setbacks - Parking areas shall be set back five (5) feet from the boundaries of the Development Area or the boundary of any adjoining political subdivision and from rights of way as shown on the approved Development Plan.
- B. Loading and Service Areas - In addition to the minimum number of parking spaces required in Section 1, all non-residential uses shall provide adequate loading and service areas in accordance with the approved Development Plan outside of public rights-of-way for vehicles delivering to, unloading or taking away from said premises, user goods, material, supplies, or waste in connection with said use. A loading space shall have a minimum width of twelve (12) feet and shall be located so as to minimize interference with on-site traffic movement.
- BBB. All Buildings or uses shall have paved private access driveways as shown on the approved Development Plan or in accordance with Lake County Subdivision Regulations; provided, however, that agricultural or other uses for which paved access is not appropriate may have other surfaces as shown on an approved Development Plan.
- CCC. Maximum Height of Buildings
1. No single family residential Building or structure or the enlargement of any single-family residential building or structure shall be erected or maintained which is in excess of the lesser of the height shown on the approved Development Plan or fifty (50) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.
  2. No Building or structure which is not a single family residential Building shall be erected or maintained which is in excess of the height shown on the approved Development Plan.

- DDD. Minimum Dwelling Area - Every Apartment unit shall contain a minimum of seven hundred fifty (750) square feet of floor area for units with one bedroom, nine hundred (900) square feet of floor area for Apartment units with two bedrooms, and nine hundred (900) square feet of floor area plus one hundred (100) square feet of floor area for each additional bedroom for units with more than two bedrooms.

The minimum dwelling area for all other dwelling units, shall be one thousand (1,000) square feet, except units with three or more bedrooms, which shall have a minimum of one thousand two hundred (1,200) square feet.

EEE. Drive and Buildings Identification

1. All buildings and units shall be identified by number on the exterior of each building, which number shall be clearly distinguishable from the access drive to said building.
2. All private drives shall be clearly identified by name and said name shall be displayed on an identification sign which shall be in conformance with the street identification signs or suitable alternatives as approved by the Trustees for public streets and roads in Painesville Township. Naming of drives shall be consistent with the Lake County Subdivision Regulations as to duplication of names and names sounding the same.
3. A map clearly identifying the drives and buildings shall be provided to the Township Zoning Inspector prior to the issuance of the zoning certificate.

- FFF. Storage of Equipment - No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises, and except that this provision shall not apply to parking of licensed operable cars or trucks owned and personally operated by the occupant or occupants of said premises.

GGG. Streets

1. The proposed MUPUD must not create traffic congestion nor overload existing roadway facilities. Points of ingress or egress must be designed to discourage through traffic on minor streets in the MUPUD. The internal traffic system must provide for safe and efficient flow, being sensitive to such items of convenience, safety, access to living units and non-residential facilities, separation of vehicular and pedestrian traffic and general attractiveness.
2. Pedestrian and bicycle circulation systems are encouraged. Where possible these paths should be segregated from vehicular traffic.
3. Streets within an MUPUD may be dedicated to public use or may be retained under private ownership. Standards of design and construction of private roadways may be modified, if deemed appropriate, by the Lake County Planning Commission. Right-of-way widths and street widths may be reduced, with Lake County Planning Commission approval, especially if the MUPUD plan provides adequate off-street parking facilities.
4. If future owners wish to dedicate private streets to public streets, it must be fully agreed to before acceptance by the Board of Township Trustees, that the owners will bear full expense of any action necessary to have the streets fully conform to the design requirements for public streets at the time of dedication and acceptance, with the exception of those standards which may have been waived for the MUPUD by the Lake County Planning Commission and accepted by Board of Township Trustees upon dedication.

5. All streets and cul-de-sacs, including private streets, shown on the approved Development Plan(s) must conform to specifications as set forth in the Lake County Subdivision Regulations, including, without limitation, that all cul-de-sacs have a paved diameter of no less than one hundred (100) feet and all walkways are designed to be constructed of suitable hard surface material. If the center of a cul-de-sac is landscaped, the exterior circumference shall be increased to provide easy turning for fire equipment, moving vans and school buses.
6. Each Collector Street shall be as shown on the approved Development Plan or in accordance with Lake County Subdivision Regulations with not less than twenty-four (24) feet of surfaced width.

HHH. Utilities

MUPUD's must provide underground utilities and appropriate easements for drainage, gas, sewer and water, cable TV, electric, telephone and street lighting systems unless otherwise approved by the Lake County Planning Commission. All utility "boxes" on private property shall be screened with planted materials so they are inconspicuous from view.

- III. The Development Plan(s) may provide for varying lot widths to allow for a variety of structural designs.
- JJJ. The Development Plan(s) may provide for varying building setbacks to allow for a variety of structural designs; provided, however, that in no case shall the front setback be less than a distance of thirty (30) feet from the dedicated street right-of-way of any public street.

33.10 Pre-Application Conference - The Developer shall meet with a Painesville Township Trustee or Trustees, the Township Zoning Inspector, the Fire Chief, the Lake County Engineer or his representative, the Director of Storm Water Management or representative thereof, the Lake County Sanitary Engineer or its representative, a water authority representative and the Director of the Lake County Planning Commission or his representative prior to the submission of the Application and Preliminary Development Plan. The purpose of such meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein, and to familiarize the Developer with the current Lake County Subdivision Regulations, the drainage, sewer, and water systems and Zoning Regulation of Painesville Township, as well as allowing the Developer to submit the general outlines of the proposed MUPUD.

33.11 Preliminary Development Plan

A formal application for an MUPUD shall first be presented in the form of an Application, including a Preliminary Development Plan, and shall be filed with the Township Zoning Inspector, who shall transmit same, including all documents relating thereto, to the Painesville Township Zoning Commission.

The purpose of the Preliminary Development Plan is to establish a frame of reference for the Township to consider the merits of the proposed MUPUD and to afford a basis for determining whether or not the Township would approve the Application to subject the property to these MUPUD regulations.

The Preliminary Development Plan for an MUPUD shall be submitted in ten copies and shall include but not necessarily be limited to the following:

- A. A legal description of the property proposed to be developed with the application signed by the owner or owners of all land located within the proposed MUPUD District. If Developer is not owner or the lessee for a term of at least seventy-five (75) years, evidence of owner's permission or purchase agreement shall be submitted.

- KKK. A plat of survey, or a map, prepared by a registered engineer or land surveyor, either of which show a generalized plan of the proposed MUPUD sufficient to confirm the proposed development and indicating the gross area of the Development Area in acres.
- LLL. The proposed approximate topography at two (2) foot contour intervals of the proposed Development Area including property lines and street rights-of-way.
- MMM. The density proposed for the entire development and if the development is to be comprised of different residential uses, the density of each separate such use.
- NNN. A traffic impact evaluation which shall include:
  - 1. Existing and proposed vehicular traffic patterns.
  - 2. The estimate of traffic volumes to be generated.
  - 3. Any additional information requested by the Trustees.
- OOO. Generalized plan for all utilities to include all existing and proposed storm, sanitary sewers and water facilities.
- PPP. The proposed assignment of use and subdivisions of all land within the Development Area with each separate use or subdivision shown in acres.
- QQQ. Such other reasonable information as the Zoning Commission and Board of Township Trustees may require.

### 33.12 Final Development Plan

After approval of the Preliminary Development Plan, the Developer shall submit a Final Development Plan for the development to the Township Zoning Inspector for approval prior to construction. The Developer may elect to proceed in phases in accordance with a plan (the "Phasing Plan") submitted by the Developer. The Final Development Plan or the Final Development Plan of the initial phase if the Developer has elected to proceed in phases, shall be submitted within twenty-four (24) months after approval of the Preliminary Development Plan.

- A. The Final Development Plan for the MUPUD or for each phase shall consist of the following:
  - 1. Valuable natural features to be retained as an asset of the MUPUD.
  - 2. A general landscaping plan to be followed by a detailed landscape plan before building permits are issued indicating spacing, sizes and specific types of landscaping materials with the final plans. Minimum environmental design criteria include the following:
    - a. Soil surveys if required by the Zoning Commission because topography, drainage or other unique land features dictate the need to indicate soil suitability related to proper land use.
    - b. Identification of all areas of special flood hazard to be preserved as permanent common area or public or private open space. Land subject to flooding and land otherwise uninhabitable shall not be platted for any use that may increase danger to health, life or property, or that may aggravate the flood hazard.
    - c. Trees, groves, waterways, scenic points, historic spots and other community assets and landmarks shall be preserved whenever possible.

- d. Grading and erosion control shall comply with requirements as established by the County Engineer. Temporary and permanent methods and locations or erosion controls must be submitted for review and approval by the County Engineer prior to the issuance of building permits.
    - e. Proposed landscaping plan, including treatment of perimeter of the MUPUD, including materials and techniques to be used, such as fences, walks and shrubbery.
  - 3. A Master Sign Plan establishing the design criteria for signage within the MUPUD, in character with the scale, uses, and quality of the development.
  - 4. General outline of deed restrictions, protective covenants, and other statements of devices to be used to control the use, development and maintenance of the land, and improvements, including those areas which are to be commonly owned and maintained, to be followed by a recordable plat of any subdivisions in conformance with the requirements of the Lake County Subdivision Regulations.
  - 5. All the information required on the Preliminary Development Plan, the location and sizes of lots, location and proposed density of dwelling units, and non-residential building density within the MUPUD.
  - 6. A preliminary schedule for the development of all phases to be constructed in the MUPUD.
  - 7. Engineering plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, final landscaping, street improvements within and outside the project, and nature and extent of earth work required for site preparation and development in conformance with the Lake County Subdivision Regulations and the Lake County Stormwater Management Agency.
  - 8. Final forms of covenants running with the land, deed restrictions for both private and commonly owned land, easements, and by-laws for homeowners associations.
  - 9. Estimated cost of public improvements which are to be dedicated to the Township and which are to be constructed by the Developer other than through special assessment or tax increment or other similar financing mechanisms.
- RRR. Developer shall post with the Lake County Commissioners prior to the commencement of any private construction, a bond sufficient to insure completion of the dedicated roadways and related public facilities needed to serve the applicable phase and which are not previously constructed, other than improvements to be constructed through special assessment or tax increment or other similar financing mechanisms.
- SSS. Final approval by the Township Trustees of each phase subject to modification or conditions shall be agreed to in writing before recording where applicable and formal acceptance by the Township Trustees. Said approval in writing shall be filed with the Township Zoning Inspector, together with the plan for each phase as approved.
- TTT. If the Final Development Plan or any phase thereof contains land that is to be subdivided or a condominium development or any other use of the land that requires the recordation of a plat or plan pursuant to the Revised Code of the State of Ohio or the Lake County Subdivision Regulations, the Developer shall provide the Board of Township Trustees a copy of the plat or plan in its final form, which plat or plan shall have been approved by all governmental departments required to approve the same, in accordance with the Code of the State of Ohio or the Lake County Subdivision Regulations.

### 33.13 Re-approval.

If the Final Development Plan or the initial phase thereof is not submitted within the prescribed time, the Township Zoning Inspector shall notify the Developer that the Township Trustees will hold a public meeting to determine if the Preliminary Development Plan shall be re-approved. Said notice shall contain a brief statement setting forth the reason or reasons the hearing is being conducted and the date, place and time of the meeting. Notice shall also be published in a newspaper of general circulation in the Township setting forth the time, place and date of the hearing and a brief statement of the reason or reasons the hearing is being conducted. The Developer and the public shall be permitted to speak personally or through a representative, as to whether or not the Preliminary Development Plan should be re-approved. Within thirty (30) days from the date of the Trustees' decision, the Developer will be notified.

If the Township Trustees fail to act on the re-approval of the Preliminary Development Plan within sixty (60) days after failure of the Developer to submit a Final Development Plan or initial phase thereof, the Preliminary Development Plan shall be deemed re-approved.

### 33.14 Zoning Permits.

After the Final Development Plan or each phase thereof is approved by the Township Trustees, a zoning application accompanied by required fees for each Building shall be submitted to the Township Zoning Inspector.

The Developer may request from the Township Zoning Inspector minor modification of any approved Final Development Plan or phase thereof. If approved, the development may continue. Should any request for modification represent a substantial departure from the intent of prior approval of the approved Final Development Plan or phase thereof, said modification or amendment shall be subject to the approval of the Zoning Commission and the Board of Township Trustees. In the event the modification or amendment complies with the provisions, restrictions and guidelines set forth herein, it shall not require further public hearing.

The following shall be deemed to be substantial changes from the Final Development Plan and subject to the approval of the Zoning Commission and Trustees:

- A. A material change in the use or character of the development. A change in the location of uses without a change in density of residential uses or the intensity of non-residential uses shall not constitute a substantial change.
- UUU. An increase in the Density of the entire development of more than ten percent (10%).
- VVV. A reduction in approved Open Space of more than ten percent (10%).
- WWW. Any expansion of the Development Area to include land not included in the Preliminary Development Plan.

### 33.15 Enforcement

- A. The Township Zoning Inspector shall review, once every twelve months, all zoning permits issued and all construction that has taken place within the Development Area.
  - 1. If the Township Zoning Inspector shall find that the ratio of construction of various types of residential units, non-residential structures, Open Space and/or recreational facilities substantially differs from the approved phasing program, he or she shall issue orders to the Developer to comply with the approved phasing program. Any such order may be appealed to the Board of Zoning Appeals. Upon violation of the order(s) or decision of the Board of Zoning Appeals, the Township Zoning Inspector may suspend the Developer from further construction until compliance is achieved.

2. If the Township Zoning Inspector shall find that the Developer has failed to meet the approved development schedule for that particular phase, he or she shall forward this information to the Painesville Township Board of Trustees.
- B. The Township Trustees shall within thirty (30) days of receipt of information from the Township Zoning Inspector, conduct a public hearing, giving fifteen (15) days notice previously thereto, to the owner or Developer for the purpose of determining whether or not the land in the Development Area shall be considered for rezoning and the approved plan and any approval phase be voided, or whether for good cause shown by the owner or Developer, that Developer may correct the violations within a prescribed time as set by the Trustees. In the event that the Developer does not comply with the approved Final Development Plan or any phase thereof after the hearing required, then such non-compliance shall be deemed a violation of the Zoning Resolution of Painesville Township and the Township may proceed in an action in law or equity in addition to the remedies set forth in this section as provided by the Painesville Township Resolution or the Ohio Revised Code to enforce the provision of this district classification.

Notwithstanding anything contained in this subsection, the following shall not be deemed to be failure to meet the approved development schedule.

1. Labor strikes beyond the control of the owner or Developer.
2. Force majeure including without limitation but not limited to floods, hurricanes and fire.
3. Unavailability of materials.

## APPENDIX A

### MUPUD PARKING GUIDELINES

A. Residential

Building or Use	Number of Parking Spaces
Single family and attached single family dwelling unit with one bedroom	1 parking space inside a garage
Single family and attached single family dwelling unit with more than one bedroom	2 parking spaces 1 of which is inside a garage
Multi-family dwelling unit with one bedroom	1 parking space
Multifamily dwelling unit with more than one bedroom	2 parking spaces

XXX. Non-Residential

Building or Use	Minimum Parking Spaces
Church or public place of worship	1 per 5 seating capacity
Motel, hotel, tourist home	1 per guest room plus adequate employee space
Hospitals	1 per bed and staff space
Clinics, medical and dental buildings	1 per 250 sq. ft. of gross floor area
Theater, arena, stadium, gymnasium, auditorium, assembly hall	1 space per 4 seating capacity
Bowling alley	4 spaces for each alley
Private clubs, lodges	1 space for each 5 members
Nursing homes, homes for aged, children's homes, sanitariums, asylums	1 space for each 2 beds
Restaurants, bars, taverns	1 space per 200 sq. ft. gross floor area
Drive-in restaurants	1 space per 75 sq. ft. gross floor area
Banks, business or professional offices, public administration buildings	1 space per 250 sq. ft. gross floor area
Retail stores	1 space per 250 sq. ft. gross floor area
Planned shopping centers	1 space per 250 sq. ft. gross floor area
Kindergarten, child care	2 each per classroom but nursery school not less than 6 spaces
Elementary and Junior High Schools	2 each per classroom plus 1 for every 8 seats in assembly halls
High schools	2 each per classroom plus 1 for every 10 students
Business, trade or technical school	1 each per 2 students
College, University	1 each per 4 students
Libraries, museums, art galleries	1 space per 250 sq. ft. gross floor area

YYY. Design for Parking Spaces

Type of Parking Space	45° Angle	60° Angle	90° Angle (Perpendicular)	Parallel
Width of Parking Space	9'	9'	9'	9'
Length of Parking Space	20'	20'	20'	25'
Width of Driveway Aisle	15'	18'	25'	
Width of Access Driveway (1 Way Traffic)	17'	24'	24'	14'
Width of Access Driveway (2 Way Traffic)	24'	24'	24'	24'