

1109.08 OPEN SPACE REQUIREMENTS.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1109.08 OPEN SPACE REQUIREMENTS.

CHAPTER 1109 Planned Residential Developments (PRD)

1109.06 PRD REVIEW PROCEDURE.

(a) In order to submit an application for PRD review, the lot(s) included within the proposed PUD shall be under a single ownership or control, or shall be subject to a joint application by the owners of all property included within the proposal.

(b) Basic Review Procedure Information and Options.

(1) All applications for a PRD shall include a separate application for a PRD concept plan followed by an application for a zoning map amendment that shall take place simultaneously with

the submission and review of a PRD development plan. The Planning Commission and City Council shall review the concept plan administratively while the development plan approval will require a legislative action by City Council after a recommendation from the Planning Commission.

(2) All applications for PRD review shall be required to submit both a PRD concept plan and PRD development plan.

(c) PRD Review Procedure.

(1) Step 1 - Pre-Application Meeting (Optional). An applicant may request to have a pre-application meeting with staff or the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section 1105.01(f).

(2) Step 2 - Application. The applicant shall submit an application in accordance with Section 1105.01: Common Review Requirements, and with the provisions of this section.

(3) Step 3 - PRD Concept Plan Review.

A. The applicant shall submit an application for a PRD concept plan in accordance with Section 1105.01: Common Review Requirements, and with the provisions of this section.

B. Once the application has been determined to be complete and accepted, the Zoning Inspector shall distribute copies to any appropriate City staff including, but not limited to the Director of Public Service, City Engineer, Building Inspector, Fire Chief, and Police Chief, for review and comments.

C. The Planning Commission shall review the PRD concept plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

D. Within forty-five (45) days of the completion of the public meeting, the Planning Commission shall make a recommendation on the application. In making its recommendation, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.

E. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved by the Planning Commission.

F. Following receipt of the recommendation from the Planning Commission, the application shall be placed on City Council's agenda for the next regularly scheduled meeting, or an established special meeting, where the City Council will hold a public hearing to review the PRD concept plan application.

G. Notification of the public hearing shall be provided in accordance with Section 1105.01(i): Public Notification for Public Hearings.

H. Within a reasonable time after the close of the public hearing at which the City Council reviews the application, City Council shall make a decision to approve, approve with some modification, or deny the recommendation of the Planning Commission.

I. In reviewing the application, the Planning Commission and City Council shall at a minimum, consider the review criteria of this section.

(4) Step 4 - PRD Zoning Map Amendment and Development Plan Approval.

A. Within one (1) year of approval of the PRD concept plan, the applicant shall apply for a PRD development plan review simultaneously with a zoning map amendment.

B. All applications shall be submitted with the required fees as established in Section 1105.01: Common Review Requirements.

C. The procedure for reviewing the PRD zoning map amendment and PRD development plan shall comply with the requirements of Section 1105.02: Code Text and Map Amendments.

D. The Planning Commission shall review the PRD development and make a recommendation to City Council to approve, approve with modifications; or deny the application.

E. The recommendation shall be made based on review of the application using the review criteria for a zoning map amendment and the review criteria for PRDs as established in this chapter.

F. As part of the PRD development plan submittal, the applicant may propose a schedule for completion of different phases of the project.

G. In making its recommendations or decisions, the Planning Commission and/or City Council may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Planning Commission and/or City Council may permit the applicant to revise the plan and resubmit it as a PRD development plan within sixty (60) days of such action. Such resubmission shall be made to the board that imposed such conditions.

(5) Step 5 - Subdivision.

A. After approval of the PRD zoning map amendment and development plan, the applicant may proceed with a major subdivision, in accordance with Section 1105.05: Major Subdivisions.

B. As part of the PRD concept plan review, the applicant may request that the PRD development plan review occur simultaneously with the preliminary plat approval for a major subdivision.

(d) Review Criteria.

(1) PRD Concept Plan Review Criteria. The PRD concept plan is reviewed only regarding its general conceptual merit, and in no way shall commit any future acceptance or rejection of detailed design elements required in the PRD development plan. The decision on the PRD concept plan shall take into consideration whether:

A. The proposed development is in conformity with the goals, policies, and any applicable recommendations of adopted plans;

B. The proposed development meets the intent and spirit of this code and all other applicable City ordinances;

C. The proposal meets the intent and objectives of this PRD chapter;

D. The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;

E. The proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the developed elements;

F. The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which will be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement and densities of land uses;

G. The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;

H. The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, public works, schools, water supply and wastewater disposal due to excessive population densities;

I. The proposed development is not likely to result in significant adverse impacts upon the

natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and

J. The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer.

(2) Review Criteria for the PRD Development Plan Review Criteria. In reviewing the PRD zoning map amendment and development plan, the Planning Commission and City Council shall take the following into consideration:

A. The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses based on setbacks, landscaping, and buffering;

B. The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, and welfare;

C. Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as identified on the PRD development plan. Furthermore, the PRD development plan shall demonstrate how the open spaces shall be duly transferred to a legally established homeowner's association or has been dedicated to the City or another public or quasi-public agency for preservation and maintenance;

D. Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with the subdivision requirements of this code.

E. Each individual phase of the development can exist as an independent unit that can create an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained;

F. That any exception from the design standards provided in the PRD concept plan is warranted by the design and amenities incorporated in the detailed PRD development plan; and

G. The PRD development plan has been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.

(e) Time Limits for the PRD Final Plan.

(1) Any PRD development plan shall be valid for a period of two (2) years after the date of approval by the City Council. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved PRD development plan for one or more phases of the project) in the PRD within two (2) years from the date of approval, such approval of the PRD development plan shall lapse and be of no force and effect.

(2) Two, one (1)-year extensions of the time limit set forth herein, may be granted by the Planning Commission if such extension is not in conflict with the most current adopted City plans or policies, and that such extension is in the best interests of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension.

(3) If an approved PRD development plan lapses as provided herein, the originally approved PRD development plan shall also be considered void. Notice of such lapse shall be filed by the Planning Commission and forwarded to the City Council.

(4) Voiding of the PRD development plan shall not rezone the property. After such plans are voided, the Planning Commission, the City Council, or property owners may initiate a rezoning to a base zoning district in accordance with Section 1105.02: Code Text and Map Amendments. As an alternative, the property owner, or their agent, may resubmit a new PRD concept plan and

development plan in accordance with the procedures of this chapter. In the case of a new PRD concept plan and development plan submission, the procedure shall be the same even though a zoning map amendment shall not be required.

(f) Changes to Approved PRDs.

(1) A PRD shall be constructed and completed in accordance with the approved PRD development plan including all supporting data and conditions. The PRD development plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PRD as set forth therein.

(2) Where a property owner on a lot in a PRD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PRD, the property owner shall request such variance in accordance with Section 1105.08: Variances.

(3) Any request to change or otherwise modify the approved PRD development plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

(4) Major Change.

A. Major changes to a PRD require the prior approval of the Planning Commission and the City Council in the same process, and with the same hearings, as that used to review of the PRD development. The Zoning Inspector shall have the authority to determine if a proposed change is a major change. Major changes include, but are not limited to:

- i. Expansion of the PRD project beyond the original tract coverage;
- ii. Removal or subtraction of land from the original tract coverage;
- iii. Any increases to the number or density of dwelling units, or the types of dwelling units;

and

- iv. Other similar major changes as determined by the Zoning Inspector.

B. If the proposed change is not approved, the originally approved PRD development plan shall remain valid until the expiration established in Section 1109.06(e).

(5) Minor Changes.

A. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PRD development plan, and which are essentially technical in nature, as determined by the Zoning Inspector.

B. Examples of minor changes include, but are not limited to, change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.

C. The Zoning Inspector shall notify the Planning Commission of all such approved minor changes.

(Ord. 26-22. Passed 4-26-22.)

1109.07 PERMITTED USES AND DENSITIES.

(a) Principal Uses.

(1) Only those uses listed as residential uses in Table 1107-3, whether permitted, permitted with standards, or conditionally permitted, may be considered in the application of a PRD.

(2) The Planning Commission and City Council may also approve public and institutional uses listed in Table 1107-3 as permitted uses provided such uses do not occupy the majority of land area in the proposed PRD.

(3) In general, any standards that apply to a specific use in a zoning district shall also apply to

those same uses in a PRD. However, the Planning Commission and the City Council may adjust or waive any of those use-specific standards.

(4) Any changes in uses within an approved PRD shall be required to be reviewed as part of a major PRD amendment.

(b) Accessory Uses. Unless modified by the Zoning Commission or Trustees during the PRD Preliminary Plan or PRD Final Plan approval, accessory uses in a PRD District shall be subject to the following standards:

(1) Accessory uses and structures related to single-family residential uses in a PRD District shall be subject to the standards applied to accessory uses in the R-1A District.

(2) Accessory uses and structures related to multi-family residential uses in a PRD District shall be subject to the standards applied to accessory uses in the R-3 District.

(c) Residential Densities.

(1) For PRDs of less than ten (10) acres, the total gross density shall not exceed the density permitted in the zoning district that applies prior to the PRD application.

(2) For PRDs of ten (10) acres or more, the total gross density shall not exceed the density permitted in the zoning district that applies prior to the PRD application with the ability to increase the gross density, as follows:

A. For the first one-half ($\frac{1}{2}$) acre of common open space above the minimum required, a maximum of five percent (5%) density increase is permitted.

B. If an additional one-half ($\frac{1}{2}$) acre of common open space is provided, an additional two percent (2%) density increase is permitted.

(3) For all PRDs, up to an additional five percent (5%) maximum density increase can be provided based upon excellence in architectural and landscape design. This increase must be approved by the Planning Commission and City Council as part of the PRD concept plan review.

(Ord. 26-22. Passed 4-26-22.)

1109.08 OPEN SPACE REQUIREMENTS.

(a) Amount of Open Space Required.

(1) A minimum of twenty percent (20%) of the gross land area of a PRD shall be preserved as open space; or

(2) The open space proposed for the PRD shall be equivalent to the total reduction in lot sizes where clustering is used to modify yard, bulk, and space requirements.

(b) Determination of Open Space. The following areas shall not be counted toward compliance with open space requirements:

(1) Private and public roads, and associated rights-of-way;

(2) Public or private parking spaces, access ways, and driveways related to any residential use;

(3) Required minimum spacing between buildings and required yard setbacks;

(4) Vehicular use areas;

(5) Land that is subject to pre-existing conservation easements or other similar protected open spaces;

(6) Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;

(7) Substations, public utility easements;

(8) Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Commission and City Council as part of the review procedure.

(c) Open Space Design. All common open space shall be designed in accordance with the following:

(1) The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PRD.

(2) The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PRD in relation to its size, density, expected population, topography and the type of dwellings.

(3) The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space regarding its topography and unimproved condition.

(4) Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

(d) Protection and Maintenance of Open Space. Adequate provision shall be made for the long-term maintenance and/or operation of all common open space in accordance with this section.

(1) Reclamation of Disturbed Open Space. Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

(2) Future Subdivision and Development of Open Space. All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City of Sheffield Lake and duly recorded in the office of the Lorain County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association (See Section 1109.09: Homeowners' Association.), The City of Sheffield Lake (with its consent and acceptance), a land trust or other conservation organization recognized by the City of Sheffield Lake, or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

(3) Conservation Easements. With the permission of the City of Sheffield Lake, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to City of Sheffield Lake. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, City of Sheffield Lake shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

(Ord. 26-22. Passed 4-26-22.)

1109.09 HOMEOWNERS' ASSOCIATION.

(a) The establishment of a homeowners' association and its by-laws, and other similar deed

restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open spaces all of which shall be required for all PRDs.

(b) The homeowners' association by-laws and restrictions shall be reviewed as part of the PRD review procedure and shall be full established before any homes are sold.

(c) Membership shall be mandatory for each homebuyer and any successive buyer or owner.

(d) The association must be responsible for liability insurance, local real estate taxes, and the maintenance of recreational and other facilities.

(e) Homeowners must pay a pro rata share of the cost; the assessment levied by the association can become a lien on the property of any party who is delinquent in paying the assessment.

(f) The Association shall be able to adjust the assessment to meet changed needs.

(g) All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the City may do any of the following:

(1) If the open space or common area is owned by the City, City approved land trust or other qualified organization, county, state or park district, the City may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.

(2) If the open space or common area exists pursuant to a conservation easement in which the City is a party to such easement, the City may seek to enforce the terms of the conservation easement as provided in Chapter 1129: Enforcement and Penalties.

(3) If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the City may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy. (Ord. 26-22. Passed 4-26-22.)

1109.10 DEVELOPMENT STANDARDS.

(a) Unless otherwise stated in this chapter, or waived by the Planning Commission or City Council as part of their approvals, the proposed development shall be subject to the regulations and standards of this code including, but not limited to, outdoor lighting, off-street parking and mobility, signs, etc.

(b) The location of all structures shall be as shown on the PRD development plan. Minimum lot size, front, rear and side yard lines and lot width are not regulated specifically by this section, although the Planning Commission and City Council may be guided by standards set elsewhere in this code for comparable conditions and by common good practice. The relationship of buildings to each other, to the local street system and to open space land shall be consistent with the intent of this chapter.

(c) Perimeter Requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the PRD as determined solely by Council with the advice of the Planning Commission, the Planning Commission shall impose either or both of the following requirements:

(1) Structures and parking areas located on the perimeter of the PRD shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses. A minimum shall be the required distances in the original zone.

(2) Structures located on the perimeter of the PRD shall be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. The screening requirements are: the PRD shall be effectively screened from adjacent existing uses so as to protect their privacy and amenity. The screening shall be a fence of acceptable design in accord

with the City fence ordinance as may be deemed necessary or desirable by the Planning Commission.

(d) Vehicular Access Points.

(1) The number of ingress and egress points shall be limited to reduce the number of potential accident locations with streets.

(2) Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.

(3) Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide buffers between areas of substantially different character.

(4) The street and thoroughfare network shall be designed to provide enhanced connectivity in between neighborhoods as well as providing connections between neighborhoods and business activity centers.

(e) Improvement Standards.

(1) Unless alternative standards are approved as part of the PRD approval process, all PRDs shall comply with the applicable subdivision improvement and design standards including, but not limited to, sidewalks, street design, drainage, and utilities.

(Ord. 26-22. Passed 4-26-22.)

(2) All streets proposed within a PRD may be public or private streets as approved by Council.

(Ord. 12-24. Passed 3-26-24.)

(3) In addition to any sidewalk requirements required by the applicable subdivision standards, any PRD that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalks.

(Ord. 26-22. Passed 4-26-22.)

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- EFFECTIVE DATE OF THIS CODE
- order to submit an application for PRD review, the lot(s) included within the proposed PUD shall be under a single ownership or control, or shall be subject to a joint application by
- ordinance with Section 1105
- adopted plans;
- ordinances;
- adopted City plans or policies, and that such extension is in the best interests of the entire community
- ordinance with the procedures of this chapter
- ordinance with the approved PRD development plan including all supporting data and conditions
- ordered amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of building
- ordinance with this subsection
- Ord. 26-22
- ordinance with the following:
- order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels
- ordinance with this section
- ordered in the office of the Lorain County Recorder
- ordinance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the con
- effectively screened from adjacent existing uses so as to protect their privacy and amenity
- ord with the City fence ordinance as may be deemed necessary or desirable by the Planning Commission
- Ord. 12-24
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