

1109.09 HOMEOWNERS' ASSOCIATION.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1109.09 HOMEOWNERS' ASSOCIATION.

CHAPTER 1109 Planned Residential Developments (PRD)

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 Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- EFFECTIVE DATE OF THIS CODE
- 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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