

ORDINANCE NO. 2022-O-19

(As Amended on November 8, 2022)

AN ORDINANCE CREATING CHAPTER 1255 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OF THE CODIFIED ORDINANCES

WHEREAS, Council wishes to create a new overlay district, hereby referred to as Chapter 1255 of the Codified Ordinances in order to improve the zoning regulations for the Zoning Districts of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mentor-on-the-Lake, County of Lake and State of Ohio, as follows:

Section 1. That Codified Ordinance Chapter 1255 is created and hereby reads as follows:

CHAPTER 1255
Planned Unit Development (PUD) Overlay District

1255.01	Purpose; application.	1255.05	Density regulations.
1255.02	Designation of PUD Overlay District.	1255.06	Maximum coverage.
1255.03	Development area.	1255.07	Development standards.
1255.04	Permitted buildings and uses	1255.08	Approval of development plans and development agreement.

1255.01 PURPOSE; APPLICATION.

(a) Purpose. The purpose of the Planned Unit Development Overlay District (PUD) and associated regulations is to provide for higher quality development of a site that would otherwise be permitted through consideration of alternate uses, densities, and dwelling types as well as in the design and placement of buildings in order to achieve the following objectives:

- (1) To encourage creative approaches to the uses of land and related physical facilities that result in better urban design, higher quality construction and the provisions of aesthetic amenities.
- (2) To foster a variety of housing types and styles of housing. Monotony shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.

- (3) To respect the character of surrounding developments by providing appropriate buffers as a transition to areas of different land uses and development densities.

(b) Application of Principles to the PUD District. In order to provide and protect the public health, safety and convenience and the general welfare of the community, dwellings within a PUD shall be erected, altered, moved, maintained or used, and the land surrounding such PUD shall be used, only in accordance with this chapter and other applicable codes.

1255.02 DESIGNATION OF PUD OVERLAY DISTRICT.

(a) PUD Overlay District Definition. The Planned Unit Development (PUD) Overlay District is a mapped zone that establishes a development option with a set of development requirements that are in addition to those of the base (conventional) zoning district, so that any parcel of land lying in a PUD Overlay District shall also lie in one or more base district(s). The PUD Overlay District gives property owners the ability of developing according to the PUD regulations, while also retaining the base zoning district designation.

(b) Zoning Map Amendment Required.

- (1) The application of the Planned Unit Development (PUD) Overlay District to a specific site shall be achieved through the zoning amendment process and the simultaneous approval of a PUD general development plan that controls the intended development of the site.
- (2) The application for a zoning amendment to rezone the subject site to the Planned Unit Development (PUD) District and review of the PUD Preliminary Development Plan shall be considered concurrently by the Planning and Zoning Commission and referred to City Council for final approval in compliance with Section 1242.06.
- (3) The PUD Zoning can be applied only to properties on Andrews Rd, North of Linden Street zoned as Business I or II per Ordinance 1258.

(c) Ownership. An application for the approval of a PUD Overlay may be submitted by one or more owners of the property(s) or an authorized representative to be included in the PUD. If there is more than one owner or parcel for the project, the parcels shall be contiguous, and the application shall indicate that the project area is under unified control through the use of enforceable covenants or similar commitments.

(d) Effect of Rezoning to PUD Overlay District.

- (1) Once a PUD Overlay District rezoning and PUD Preliminary Development Plan are approved, the use and dimensional specifications of the base zoning district are herein replaced by a review process in which an approved Preliminary Development Plan becomes the basis for continuing land use controls.

- (2) The base zoning district(s) shall remain undisturbed and regulate the future use of land, except as provided in the PUD agreement. This provision shall not preclude a change in a base zoning district in conjunction with the approval of a PUD Overlay District or a future change in the base zoning district by City Council.
- (3) PUD Overlay District reverts to the base zoning if and when the purpose for which the PUD Overlay District was granted is no longer viable or if the project was not substantially completed within a two year period, whichever event occurs first in time. (this period for substantial completion can be extended by the action of Council.)

1255.03 DEVELOPMENT AREA.

- (a) Minimum Area. The minimum development site for a PUD is 2 acres, except as otherwise permitted in 1255.03(b) below.
- (b) Minimum Area Modification. When the proposed PUD is located adjacent to an existing nonresidential district, the Planning Commission may approve a development on less than 2 acres when the Planning Commission determines that:
 - (1) Land ownership cannot be readily consolidated to reach the minimum development area; and
 - (2) The project will be connected to and integrated with the adjoining district or development so as not to result in isolated development; and
 - (3) The project will not have any unreasonable or adverse impacts on adjacent areas or the community.
- (c) Ownership. An application for the approval of a PUD Overlay may be submitted by one or more owners of the property(s) or an authorized representative to be included in the PUD. If there is more than one owner or parcel for the project, the parcels shall be contiguous, and the application shall indicate that the project area is under unified control through the use of enforceable covenants or similar commitments.
- (d) Site Development Plans. Preliminary site development plans shall cover the entire PUD Overlay District indicating the uses, density, buildings, parking, landscaping and open space in accordance with Section 1255.07 Development Standards and Section 1242.025 Development Plans. Preliminary site development plans shall be submitted by the owner and/or owners of all the land within the proposed PUD to the Planning and Zoning Commission for review and approval. The preliminary site development plan shall be binding on the owner and/or owners, their

heirs, executors, administrators, successors and assigns unless otherwise amended by action of the Planning Commission.

1255.04 PERMITTED BUILDINGS AND USES.

No building or use other than those herein permitted shall be built or established in the PUD Overlay District.

(a) Permitted Principal Uses. The following types of residential dwellings are permitted in the PUD Overlay District.

- (1) One-family detached dwellings
- (2) One-family attached dwellings
- (3) Two-family dwelling
- (4) Condominiums

(b) Mixed-use The property may incorporate any percentage of property as business as a permitted use in conjunction with residential as defined in 1255.04 (a).

(c) Accessory Buildings and Uses. The following accessory buildings and uses are permitted in the PUD Overlay District.

- (1) Private parking and garage facilities accessory to dwellings within the PUD.
- (2) Landscaped and recreational areas, including structures, pools, fences and walls related thereto.

1255.05 DENSITY REGULATIONS.

(a) Maximum Density by Dwelling Type. The gross density of a PUD shall not exceed the maximum number of dwelling units per acre set forth in Table 1255.05(c) based on the type of dwelling. The total number of dwelling units permitted shall be calculated by multiplying the total land area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre. In the event more than one dwelling type is proposed, the maximum density shall be determined for each area of the site devoted to a specific dwelling type.

(b) Maximum Number of Units per Structure. The number of dwelling units attached or included in one building shall not exceed the number set forth in Table 1255.05(c) based on the type of dwelling.

(c) Table 1255.05(c).

Table 1255.05(c) Density Regulations Table		
Unit Type	Maximum Units per Acre	Maximum Number of Units per Structure

(1)	One-family detached	5	1
(2)	One-family attached	6	4
(3)	Two-family dwelling	8	2
(4)	Condominium	12	8

1255.06 MAXIMUM COVERAGE.

(a) The maximum coverage of the development site, including all areas covered by buildings, vehicular drives, and parking areas shall not exceed the percentage of the total area of the development project set forth below.

- (1) One-family detached: 50%
- (2) One-family attached: 55%
- (3) Two-family dwelling: 55%
- (4) Condominium: 60%

(b) The remaining area of the site shall be maintained as permanent public or private landscaped open space or other common open space.

1255.07 DEVELOPMENT STANDARDS.

Regulations regarding lot dimensions, building setbacks, building heights, and unit sizes shall be established as part of the development plan approval by the Planning Commission, guided by the following:

(a) Lot Requirements. Lot sizes and lot widths may be varied to allow for a variety of structural designs and mix of dwelling types.

(b) Minimum Setback from Street Right-of-Way. With a preference towards building fronts facing the street right of way (ROW), building structures and parking areas shall be setback a minimum of 35 feet from an existing street right-of-way. Where twenty percent or more of the aggregate street frontage of the abutting property between two successive intersecting streets is occupied by buildings, the average of the setbacks of the existing buildings within 100 feet on either side of the lot may be used to determine the setback line for that lot.

(c) Maximum Height. Buildings shall not exceed the height specified below based on the dwelling type:

- (1) One-family detached: 35 feet
- (2) One-family attached: 35 feet
- (3) Two-family dwelling: 35 feet
- (4) Condominium: 35 feet

(d) Dwelling Unit Area Requirements. Regardless of dwelling type, the size of dwelling units should comply with the minimum dwelling unit area requirements set forth in Section 1254.07(b) based on the number of bedrooms in the unit.

(e) Parking Spaces.

(1) The number of off-street parking spaces provided shall comply with Section 1280.03, based on the type of unit(s).

(2) No parking space shall be less than 180 square feet in area (drives, curbs and turning spaces excluded). The minimum width shall be nine (9) feet.

(3) Traffic moving areas between parallel parking spaces shall not be less than eighteen (18) feet wide.

(4) Additional regulations as outlined in Section 1610.04

(f) Utilities. All means of transmitting or carrying utilities, including street lights, within the PUD shall be located underground. Refuse collection bins shall be shielded from view and kept in a sanitary condition at all times.

1255.08 APPROVAL OF DEVELOPMENT PLANS AND DEVELOPMENT AGREEMENT.

(a) Development Plans. Development Plans per Section 1242.025 drawn to a reasonable scale depicting the location of main buildings and all accessory uses shall be submitted to the Planning and Zoning Commission for approval and/or modification as related to the promotion of public health, safety, convenience and general welfare of the City. Development plans shall be submitted in compliance with Section 1222 The plans shall show the relationship of the proposed development to surrounding streets and contiguous properties and structures.

(b) Review Required. No permit shall be issued for the erection or alteration of a building in the Planned Unit Development (PUD) Overlay District unless there has first been filed with the Commission preliminary and final development plans, environmental assessment statement, and other data in accordance to Section 1242.025. Such plans and data shall be approved by the Commission if it finds that such plans provide for (a) an integrated and harmonious design of buildings; (b) appropriate entrances to suites; (c) adequate and properly arranged facilities for internal traffic circulation; (d) provisions for primary access, landscaping and screen planting; and (e) public water, sewers, storm water drainage and other facilities, all as may be necessary or appropriate to prevent the discouragement of proper development or use of other properties surrounding or in the vicinity of the Planned Unit Development (PUD) Overlay District, and to preserve and protect the public health, safety, convenience and comfort.

(c) Approval of Preliminary Plans. When the Commission has found that the preliminary plans and other data for the buildings under this section comply with the

requirements of this Planning and Zoning Code, it shall make a recommendation to City Council for final confirmation or modification of such preliminary plans. City Council must then approve the preliminary plans in order to allow the proposal to move to the next step in the PUD approval process.

(d) Development Agreement. All PUD plans including the Preliminary Plans shall be accompanied by a Development Agreement that specifies all conditions of approval including but not limited to:

- (1) Maximum permitted density by dwelling unit type and for the overall development.
- (2) Applicable development setbacks specified for all principal and accessory buildings, structures and uses.
- (3) Minimum open space in acres and who is the owner of the open space and who is responsible for the care and maintenance of the open space.
- (4) The proposed development plan if at the preliminary stage of the application process and the approved development plan after the development plan has been approved by the Planning Commission and Council.
- (5) Any other conditions set forth by the Planning Commission and City Council.
- (6) Declaration of Covenants, Conditions and Restrictions as to the use of the land.

(e) Execution of Development Agreement. The Development Agreement shall be executed by both City and Developer prior to final approvals and issuance of permits required under Part Twelve of the Mentor on the Lake Zoning Code to commence construction. Council must approve the Development Agreement.


(f) Modifications to an approved Preliminary Development Plan. Modifications to an approved preliminary development plan that increase the residential density of development, modify the location of proposed principal buildings, or conflict with conditions of the PUD Overlay District or approved Development Agreement shall require approval by City Council following recommendation of the Planning Commission.


(g) Approval of Final Development Plans. Final plans of the project shall be submitted to and approved by the Commission before construction is started, if it finds that all approvals of the Planning Commission and Council have been obtained and the plans meet the requirements of Chapter 1255 and any requirements of this Zoning Code. The Zoning Inspector shall issue the required zoning permits upon payment of the standard fees after the final plans are approved by the Commission.

Section 2. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its

Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

THEREFORE, this Ordinance shall be in full force on the date that is specified above after its passage by Council and approval by the Mayor.



ROBERT JOHNSON
PRESIDENT OF COUNCIL


DAVID R. EVA
MAYOR
Dated: 11/22/22

ADOPTED: November 22, 2022
ATTEST: 
Clerk of Council