

**Article 1150
Mixed Use Overlay District Regulations**

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1151 PURPOSE.

The Township formulated the Mixed-Use Overlay District regulations based on the recommendations in the study conducted in evaluating the non-residential areas adjacent to SR-58. The recommendations were consistent with the economic development goals of the Township as stated in the Comprehensive Plan. These regulations enable the creation of a compact development that is served by transit along the Lake Shore railroad thereby creating a Transit Oriented Development, also known as TOD. The District and its regulations are established in order to permit specific uses, at development intensity in a manner that:

- a. Encourages a mixture of complementary land uses that includes housing, retail, offices, civic uses to create economic and social vitality to the SR 58 corridor.
- b. Encourages skillful planning by allowing flexibility in type and placement of buildings while promoting coordinated architectural design within a unified development area.
- c. Promotes for an increase in the tax base due to the addition of the transit hub which will encourage customers from outside of the community to visit this ‘one-stop-shop’.
- d. Take advantage of the Lake Shore railroad, SR 58 and the Ohio Turnpike to create a transit area for this region.

1152 AREA REQUIREMENTS.

The minimum area for any proposed mixed-use development pursuant to this Article shall not be less than 30 acres. However, a lesser number of acres may be considered when the applicant/property owner satisfactorily demonstrates to the Township and the Township concurs that such smaller acreage will be designed and developed consistent with the purposes of this Chapter, either as an independent development or is functionally and visually integrated into the design of an existing Mixed-Use Overlay development.

1153 USE REGULATIONS.

In the MU-3 Overlay District, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for the uses specified in subsections a. through c. below.

- a. Principal Uses. The principal uses enumerated in Schedule 1153, denoted with a “P” are permitted by right in the district indicated provided that all requirements of this Resolution have been met.
- b. Conditional Uses. The categories of conditional uses enumerated in Schedule 1153, denoted with a “C” may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Article 1500 and are approved for a particular zoning lot in accordance with the administrative procedures in Article 2300.
- c. Accessory Uses. The accessory uses, buildings and structures enumerated in Schedule 1153, denoted with an “A” may be permitted in association with and subordinate to a permitted principal or conditional use in the district indicated provided they conform to the regulations set forth in Section 1159.

Schedule 1153

USE	MU-3
1. Multiple family Dwellings	P
2. Live Work Unit	P
3. Administrative, Business Professional and Medical Offices	P
4. Retail in wholly enclosed buildings	P
5. Personal Services (e.g. hair care, dry cleaner, shoe repair, self-service laundry, etc.)	P
6. Bar, Tavern, Night Club	C
7. Repair Services (e.g. small appliance repair, electronics)	P
8. Restaurant	P
9. Public Safety Facilities	P
10. Theater, assembly hall, meeting place, conference centers	P
11. Community Support Facilities	P
12. Accessory Buildings	A
13. Off-street parking and loading facilities	A
14. Signs	A

1154 DETERMINATION OF SIMILAR USES.

A use not specifically listed in the schedule of permitted uses may be determined by the Township to be similar to a use specifically listed in Schedule 1153.

- a. When the proposed use is being considered as part of a Final Development Plan, such similar use determination shall be made by the Zoning Commission and the Board of Trustees.
- b. When the proposed similar use is not subject to Development plan review, the determination may be made by the Zoning Inspector provided that the Zoning Inspector may defer such decision to the Zoning Commission and the Board of Trustees pursuant to “a” above.

Such similar use shall adhere to the regulations of the listed use, in Schedule 1153, that is determined to be most similar to the proposed use.

1155 USE DEFINITIONS.

- a. Live Work Unit: A building that is used for both, conducting business usually in the first floor and living (includes a kitchen) in the upper floors. An owner could live and conduct business in the same building.
- b. Community Support Facilities: See Section 1206.g.

1156 REQUIRED SETBACKS FROM THE PERIMETER OF THE DISTRICT.

All projects shall provide the following minimum front, side and rear yards from the perimeter of the project area as specified in Schedule 1156, unless otherwise permitted by this Resolution. Any – ways

Schedule 1156

BUILDING SETBACKS	MU-3
a. Front – From a new or existing public street	20 feet
b. Side and Rear	
1. Adjacent to existing ROW (SR 58)	50 feet
2. Adjacent to Non-Residential District	20 feet
3. Adjacent to Residential District	50 feet

1157 MINIMUM PARKING SETBACKS FROM THE PERIMETER OF THE DISTRICT.

All projects shall provide the minimum parking setbacks as specified in Schedule 1157 unless otherwise permitted in this Resolution:

Schedule 1157

PARKING SETBACKS	MU-3
a. Front – From a new or existing public street	20 feet*
b. Side and Rear	
1. Adjacent to existing ROW (SR 58)	40 feet
2. Adjacent to Non-Residential District	10 feet
3. Adjacent to Residential District	20 feet
*No parking in front of the building	

1158 HEIGHT REGULATIONS.

No building or structure shall exceed three (3) stories or 45 feet in height.

1159 ACCESSORY USE REGULATIONS.

- a. Yard Requirements. Accessory uses, buildings and structures shall meet all the setback requirements of Schedule 1156, unless otherwise specified in this Section.
- b. Parking Garages, Off-Street Parking and Loading Areas, and Access Driveways.
 1. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 1157 and shall otherwise conform to the regulations of Article 1700.
 2. Parking garages shall comply with the setback and height requirements for principal buildings set forth in Sections 1156 and 1158.
 3. The required parking for residential uses shall be provided at a rate of two (2) spaces per dwelling unit one of which shall be enclosed.
 4. The required parking for retail and offices shall be 4 spaces per 1,000 sq. ft. of floor area and 3 spaces per 1,000 sq. ft. of floor area respectively.
 5. The Zoning Commission may modify the parking required and allow for 'shared' parking. In such a case, the amount of parking needed shall take into account the hours of operation of uses, the overlap in parking demand by different adjacent uses and the types of uses proposed.
- c. Temporary Buildings and Uses. For purposes incidental to construction work, temporary buildings and uses shall be permitted pursuant to the regulation in Section 311.d.
- d. Waste or Recycling Receptacles. All solid waste products resulting from any permitted principal, conditional or accessory use shall either be disposed of, or stored in a building or completely enclosed container. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 1157. When such container or dumpster, if not located in a building, is adjacent to a residential district, the container or dumpster shall be screened with a permitted wall or fence and planted material shall be provided to cover at least 50% of such wall or fence as viewed from the residential district. When such container or dumpster is adjacent to a non-residential district, it shall be screened with a permitted wall or fence.

- e. Fences and Walls. Shall be permitted accessory uses in compliance with the following:
 - 1. Fences located in a front yard shall not exceed 3 feet in height.
 - 2. All other fences shall not exceed 6 feet in height, except as otherwise required by this Resolution.

All height measurements shall be taken from the existing grade.

1160 LAND PLANNING PRINCIPLES.

The following planning guidelines are established to guide the planning, development and use of the land in the Mixed-Use Overlay District.

- a. The development shall create a Transit Oriented Development. Transit Oriented Development is characterized with buildings sited closer to street, to each other; a well designed network of circulation/transportation systems connecting the transit to these areas. The character of such an area is enhanced with landscaping along the frontage; minimizing front parking; encouraging deck parking; and location of publicly accessible plazas and pedestrian amenities to integrate and create a space that is pedestrian friendly and aesthetically pleasing.
- b. The vehicular and pedestrian circulation system and parking facilities shall be designed to provide safe movement throughout the District, especially with the transit.
- c. All areas within the development shall have landscaped area along the front property lines with sidewalks connecting to adjacent parcels and coordinated site elements i.e., paving, lighting fixtures, outdoor seating, canopied trees, pedestrian gathering areas, signage and landscaping that is cohesive with the architecture of the buildings.
- d. Maximize building design relationship to existing surrounding development on existing street frontage.
- e. Encourage an intensity of development (floor area per acre) that requires the use of decked or garage parking.
- f. Parking areas shall be limited in size, enclosed and/or screened so as not to dominate the areas between buildings and shall consider/include the ‘shared’ parking concept.
- g. Lighting of drives, sidewalks and parking areas shall be adequate to provide safety but shall be at the heights to be determined by the Zoning Commission and approved by Trustees in the development plan and low in brightness so as not to glare off the property or create “hot spots” of light.

- h. Driveways for group developments and local streets shall be connected to major streets at limited locations where traffic can be controlled and operated efficiently with minimum interference to the capacity of existing streets.

1161 LANDSCAPING AND SCREENING REQUIREMENTS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. Screening and buffering shall be provided according to the requirements set forth in Article 1800.

1162 PERMITTED SIGNS.

All signs shall conform to the provisions of Article 1600.

1163 GENERAL REGULATIONS.

The provisions of Article 300 shall apply in the MU-3 Overlay District.

1164 PROCEDURES.

- a. **Zoning and Approval of Preliminary Development Plan:** The zoning to this Mixed Use Overlay District and the concurrent approval of a Preliminary Development Plan shall be in accordance with the following procedures:
 - 1. The Township Zoning Commission and the Township Trustees shall consider a Preliminary Development Plan and the request to rezone the land to this Mixed Use Overlay District according to the procedures for a zoning amendment as set forth in the Ohio Revised Code and the Township's Zoning Resolution as supplemented by the requirements of this Article.
 - 2. Review For Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that the application has satisfied the submission requirements of Section 1165.a. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

3. Review of Preliminary Development Plan by Others: The Township Zoning Inspector:
 - A. May refer the application to other Township Officials, and/or other private consultants for their review and comment; and
 - B. Shall refer the application to the Lorain County Planning Commission staff for its administrative review and comment.

Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zonings Commission.

4. Review and Approval by Township: The Zoning Commission shall review the Preliminary Development Plan and the proposed rezoning application according to the procedures and public hearing requirements for Zoning Amendments. During its review of the Preliminary Development Plan, the Zoning Commission may refer the plan for review by other Township Officials and other private consultants that may not have been included in the referrals pursuant to Subsection 1164.a.3.A above. The Zoning Commission shall recommend to the Township Trustees:
 - A. Approval of the requested zoning amendment and the Preliminary Development Plan and such plan may be approved with reasonable conditions that were not necessarily included in the plan submitted by the applicant; or
 - B. Denial of the requested rezoning and the Preliminary Development Plan.
5. Review and Approval by Trustees: The Township Trustees shall review the rezoning amendment and the Preliminary Development Plan and the findings of the Zoning Commission according to the procedures for zoning amendments. Action by the Board of Trustees to approve the rezoning must also include approval of the Preliminary Development Plan. If a Preliminary Development Plan is not approved, the proposed zoning amendment has been nullified.
6. Effect of Approved Preliminary Development Plan: An approved Preliminary Development Plan for the proposed development is a binding commitment that has specified elements that have been approved for development within the Mixed Use Overlay District. Within the Mixed Use Overlay District, any changes in an approved plan shall be

resubmitted for approval in accordance with the procedures in Subsection 1164.b below. Once a preliminary development plan is approved, the application of the underlying zoning shall only be applied when the underlying zoning is reestablished in an amended preliminary development plan.

b. Amendments to Preliminary Development Plan:

1. An approved Preliminary Development Plan may be administratively amended by the Township when such proposed revisions are consistent with the permitted uses (Schedule 1153) and the development standards (Schedule 1156 and Schedule 1157).
2. Consideration of a revised Development Plan by the Township shall be subject to the following procedures:
 - A. The amended Plan shall be reviewed by Zoning Commission which shall recommend to the Trustees that the amended plan be approved, approved with conditions, or denied.
 - B. Prior to becoming effective, the amended Mixed Use Overlay District shall also be approved by a majority vote of the Township Trustees.

Any approved amendment/s shall be the binding development rights and restrictions for the Overlay District and shall replace the previously approved Preliminary Development Plan.

c. Final Development Plan: A Final Development Plan shall be submitted and approved for any portion of a Mixed Use Overlay District, prior to the issuance of a zoning certificate, according to the following procedures:

1. Review for Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that it has satisfied the submission requirements of Section 1165.b. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

2. Review of Final Development Plan by Others. The Township Zoning Inspector may refer the application to other Township Officials, County Planning Commission and/or other private consultants for their review and comment.

Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zoning Commission.

3. Review and Approval by Township. The Zoning Commission shall review the Final Development Plan according to the criteria set forth in Section 1166 and shall either recommend to the Township Trustees:

- A. Approval of the Final Development Plan;
- B. Approval of the Final Development Plan subject to specific conditions not included in the plan as submitted; or
- C. Table the Final Development Plan for the next scheduled meeting. If the Final Development Plan is tabled, the Zoning Commission shall convey to the applicant the reasons the Plan has been tabled and provide specific yet reasonable revisions that would result in an acceptable Plan.
- D. Disapproval with reasons for such disapproval being clearly stated.

4. Review and Approval by Trustees: The Township Trustees shall review the Final Development Plan and the findings of the Zoning Commission and

- A. Approve the Plan by a majority vote.
- B. Disapprove with reasons for such disapproval being clearly stated.
- C. If a majority vote for approval or disapproval cannot be obtained, the recommendation of the Zoning Commission shall be considered approved.

5. Effect of Approved Final Development Plan: An approved Final Development Plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved Development Plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. A request for such a transfer or change of ownership shall be presented to the Zoning Inspector and granted only if the new ownership entity satisfies the administrative, financial, legal and all other

performance guarantees approved with the original Development Plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Article.

6. Expiration of Final Development Plan Approval:

- A. An approved Final Development Plan shall remain valid for a period of 12 months following the date of its approval or as otherwise specifically approved by the Township. If, at the end of that time, construction of the development has not begun, then approval of such Final Development Plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Article. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.
- B. Final Plan approval shall expire for any portion of Final Development Plan that has not been constructed within five (5) years from the date that the Final Development Plan was approved.

1165 SUBMISSION REQUIREMENTS.

- a. **Contents of Preliminary Development Plan Application:** The Preliminary Development Plan shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted should include the following:
 - 1. Completed Application Form along with the application fee.
 - 2. Vicinity Map showing the relationship of the proposed PDD to existing development.
 - 3. Legal description or a listing of the permanent parcel numbers.
 - 4. Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - A. Boundaries of the area proposed for development, dimensions and total acreage;

- B. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - C. Identification of any existing buildings or structures to be removed or demolished;
 - D. Existing zoning district boundaries and jurisdictional boundaries;
 - E. Existing utility systems and providers;
 - F. The location of existing topography showing contour lines and identifying any areas with slopes over 5%;
 - G. Locations of all wooded areas, tree lines, hedgerows;
 - H. Delineation of existing drainage patterns on the property; and
 - I. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway.
5. The Preliminary Development Plan Map should include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted shall indicate:
- A. The proposed location, use and size of areas of residential, retail, office, institutional uses, community facilities, and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - B. The general layout of the proposed internal road system, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
 - C. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - D. Natural areas and other natural features to be conserved and any required buffer areas;
 - E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.; and

- F. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area; the building height(s); and square footage as proposed for retail, office, institutional uses, by use area; and the number of parking spaces provided for each use area.
- 6. Prototypical Architectural Drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character and general elements.
- 7. Project Phasing Map. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.
- 8. Proposed Utilities including the proposed provision of water, sanitary sewer and surface drainage facilities.
- 9. Traffic Study indicating the impact of future traffic on the existing and proposed roadway system.
- 10. Development Standards Text. The development standards text identifying the requirements that are to govern the design and layout of the Overlay District that are not included on the Development Plan.
 - A. A description of all dimensions and /or acreages illustrated in the Development Plan or of provisions that depart from applicable standards shall be included.
 - B. Adequate provision shall be made to establish a private organization (i.e. Management Association) with direct responsibility to provide for the operation and maintenance of all common facilities.

However, to the extent that the above items are not submitted with the Preliminary Development Plan, the Preliminary Development Plan may however, be approved by the Township with the conditions that state compliance with the item not submitted will be satisfactorily addressed at the time of Final Development Plan approval. Alternatively, the approval may specify the limits of development that may occur prior to full compliance with the item that has not been submitted and/or fully addressed in the Preliminary Development Plan.

b. **Contents of Final Development Plan Application:**

1. Completed Application Form along with the application fee.
2. Vicinity Map showing the relationship of the area of the Final Development Plan to the entire Mixed Use Overlay District.
3. Subdivision Plat. A Final Plat shall be submitted in accordance with the County Subdivision Regulations if the proposed development includes the subdivision of land.
4. Final Development Plan Map prepared by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items:
 - A. A bar scale, north arrow, and total acreage of the area that is the subject of the Final Development Plan, and accurate location of all monuments;
 - B. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
 - C. All lot lines and easements with their dimensions;
 - D. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities;
 - E. Location and height of existing and proposed structures including fences, walls, signs, and lighting;
 - F. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - G. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - H. Delineation and identification of areas to be dedicated or reserved for public use; and
 - I. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement

coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities; and proposed density by use area and overall.

5. Proposed Utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions.
6. Additional Plans for the Proposed Development.
 - A. Topographic maps showing existing and proposed grading contours, water courses, wetlands and flood plains and other flood hazard boundaries and information;
 - B. Landscaping and screening plans;
 - C. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average foot-candle calculations minimum foot-candles and maximum foot-candles;
 - D. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs; and
 - E. Architectural plans and prototypes for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development demonstrating consistency with the Preliminary Development Plan.
7. Covenants, Easements and Restrictions. The substance of covenants, grants of easements, or other restrictions that will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.
8. Modifications. A statement identifying any aspect of the Final Development Plan in which the applicant is requesting a modification from the Preliminary Development Plan.

1166 FINAL DEVELOPMENT PLAN APPROVAL CRITERIA.

In the review of proposed Mixed Use Development, the Township Zoning Commission shall determine whether or not the proposed development, as depicted on the Final Development Plan, complies with the following:

- a. The plan conforms in all pertinent respects to the approved Preliminary Development Plan;
- b. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- c. The development has adequate public services and open spaces;
- d. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution and the Comprehensive Plan;
- e. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- f. The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Mixed Use Overlay District and with adjacent development;
- g. The landscape plan will adequately enhance the principal building and site; maintain existing trees; buffer adjacent incompatible uses;
- h. Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Resolution; and
- i. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

1167 CONFLICT WITH OTHER REGULATIONS.

In the event there is a conflict between the regulations of this Article and any other regulation in this Township Zoning Resolution, the regulations of this Article shall govern.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
10/12/06	ALL	New article. Ref. Motion 9/4/06. Effective date 10/12/06.	Zoning Commission