

SECTION XXXII. FLEXIBLE PLANNED UNIT DEVELOPMENT DISTRICT

32.01 Purpose

The Township, recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential development, hereby provides for the Flexible Planned Unit Development District to promote the variety and flexibility of land development for residential purposes necessary to meet these demands while preserving and enhancing the health, safety and general welfare of the citizens of the Township.

32.02 Permitted Uses

The following uses of building and land and no others shall be classified as Flexible Planned Unit Development:

- A. Single family fee-simple lots.
- B. Detached single family in condominium ownership pursuant to O.R.C. Chapter 5311.
- C. Other specific uses as approved by the Board of Trustees.
- D. Accessory Uses
 1. An office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher or other member of a recognized profession.
 2. Real estate office or insurance sales office
 3. Home Occupations such as, but not necessarily limited to, beauty parlor, barber shop, handicrafts, seamstress, home cooking, caterer or launderer. Such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind. Such accessory use shall not occupy more than twenty-five percent (25%) of the floor area of the principal structure, shall not offer for sale any article except as grown or produced on the premises by members of the immediate family and shall not employ more than one (1) person who is not a member of the immediate family. No Home Occupation may be conducted in an accessory building although supplies for such Home Occupation may be stored in an accessory building on the same lot as the principal building. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses across any property boundary, if the occupation is conducted in a single-family residence, or outside the dwelling unit in which the Home Occupation is being conducted 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 line voltage off the premises. Such accessory uses shall also not include self-employed contractors or tradesmen such as, but not limited to landscapers, yard maintainers, excavators, builders, remodelers which parks or stores vehicles over 2 net tons capacity, multiple commercial vehicles, equipment and/or materials outdoors and employs more than 1 other person, on a full or part time basis, .who reports to work at the residence and parks a vehicle there during the workday.
 4. Orderly storage of functional household equipment, tools and automobiles used as private transportation.
 5. Swimming pools as provided herein. Swimming pools are intended to be used solely for the enjoyment of the occupants of the residential principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in a FPUD or PUD district except as an accessory use and unless it complies with the following conditions and requirements:
 - a. A Zoning Certificate is first acquired,

b. A swimming pool, including any walks, paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any side or rear lot line and must in its entirety be no closer to any road right-of-way, whether it be a public or private road, than the rear line of the main dwelling structure on the subject property,

c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through it or under it. Fence or wall must be maintained in good condition with a gate and locking device,

d. No landowner or occupant of any property in an FPUD or PUD zoning district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.

6. Storage of recreational vehicles as provided herein:

a. The outdoor parking or storage of not more than one (1) licensed recreational vehicle as defined in Section 4501.01(Q) of the Ohio Revised Code is permitted in accordance with the provisions as contained in Section 29 of this Resolution and with particular emphasis upon the requirement for asphalt or concrete parking surfaces.

32.03 Definitions (applicable to this section only)

- A. ATTACHED SINGLE FAMILY DWELLING UNITS: Single family dwelling units not exceeding four dwelling units per building, which are physically attached one to another by common or adjoining vertical walls, which have individual electrical and plumbing systems, and which are individually owned.
- B. BUILDABLE TOPOGRAPHY: That portion of the building site which either naturally or through approved grading is physically suited for building construction. Specifically, the buildable topography is that portion of the building site which is accessible, lies outside of floodplains and consists of stable soil structure.
- C. 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 and intended for residential, recreational or other similar uses.
- D. BUILDING SITE: The portion(s) of privately owned land that may be occupied by one or more structures that meet required area and use parameters within a Flexible Planned Unit Development District.
- E. CLUSTER DESIGN: A development design technique that concentrates buildings in specific areas of a Building Site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
- F. COMMON OPEN SPACE: Deed restricted land or water areas within a Flexible Planned Unit Development District devoid of residential or commercial buildings required to be conveyed to one or more non-profit homeowners association(s) or other non-profit organization(s) for the recreational and aesthetic use of members of the association or organization. This area is exclusive of the required rear, side and front yard setbacks.
- G. CONDOMINIUM DEVELOPMENT: This term shall be defined as specified in O.R.C. Section 5311.01 or any amendments thereto.
- H. DENSITY: The maximum number of dwelling units permitted per net acre of land, after deduction of the required Common Open Space and right of ways.
- I. DETACHED SINGLE FAMILY DWELLING UNITS: A building consisting of a single dwelling unit only with no common building elements attached to any other dwelling unit.
- J. DEVELOPABLE LAND: A Building Site minus the Common Open Space and dedicated roads.
- K. DWELLING UNIT: A dwelling unit shall consist of one or more livable rooms plus a separate kitchen and bathroom, designed or used as living quarters for one family or household. Dwelling units shall include any structures attached thereto, including but not limited to, garages, sunrooms, greenhouses, etc.

- L. FLEXIBLE PLANNED UNIT DEVELOPMENT (FPUD): A preplanned development that contains various housing types and other uses constructed according to a predetermined and approved plan that provides for cluster design techniques and open space preservation for the enjoyment of the residents and owners of the development.
- M. GROSS ACREAGE: Total acreage of proposed development location.
- N. HOMEOWNERS ASSOCIATION: An incorporated non-profit private organization operating under recorded land agreements or deed restrictions for the purpose of maintaining Common Open Space and providing various services for the common enjoyment of the residents and guests
- O. LOT: For purposes of this Section of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street, and may consist of:
 - a. A single lot of record,
 - b. A portion of a lot of record, or
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- P. LOT OF RECORD: A lot under one ownership shown as a separate unit on the last preceding tax roll of the County, and either as a separate lot on a subdivision plat recorded in the office of the County Recorder or a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.
- Q. MULTI-FAMILY DWELLING UNIT: A building of at least two (2) but not more than six (6) dwelling units with varying entrances and common party walls.
- R. NET ACREAGE: Land area including only those private lands which support residential or commercial buildings (excluding dedicated right of ways, Common Open Space, parks and other public and private purposes).
- S. OPEN SPACE: Land or water area within a Flexible Planned Unit Development devoid of residential or commercial buildings and which may consist of wooded areas, lakes and streams, walkway systems (pedestrian paths), bike paths, natural sites, active or passive recreation areas and structures customarily incidental thereto.
- T. PARCEL: A distinct portion or tract of land as is recorded and distinguished in the Lake County Ohio Auditor's Property Tax Maps and is identified by its unique Permanent Parcel Number.
- U. STREET TYPES:
 - a. Collector Street: Primary street , either a public dedicated or a local private, serving residential areas and carrying major traffic flow and serving loop, cul-de-sac or other secondary streets.
 - b. Cul-De-Sac: Secondary street, either a public dedicated or a local private, terminating in a vehicular turnaround serving several housing units grouped around the turnaround.
 - c. Loop Street: Secondary street, either a public dedicated or a local private, 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.
 - d. Private Street/Local Street: A road or street which has not been accepted or dedicated as a public thoroughfare and which is to be owned and fully maintained by a homeowners' association.
- V. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground; a fence is not a structure.

32.04 Specific Requirements

- A. Minimum Size for FPUD District: The minimum Gross Acreage for a FPUD District shall be ten (10) acres. No FPUD District shall occur on any parcel of land having frontage of less than four hundred fifty (450) feet along the right-of-way sideline of a public dedicated and improved road.
- B. Open Space: A minimum of twenty percent (20%) of the Gross Acreage within each FPUD District shall be either Open Space or Common Open Space.
- C. Water: The FPUD shall have an adequate source of potable water. All water lines constructed within the District shall be at the sole cost of the owner or developer and title thereto shall be assigned to the appropriate water utility or the homeowners association as may be required by the utility company upon completion thereof. All plans and specifications and construction of all water lines shall meet the approval of all regulatory agencies having jurisdiction.
- D. Sanitary Sewer: The developer of the FPUD shall at its sole expense construct sanitary sewer lines and necessary appurtenances approved by regulatory agencies having jurisdiction to approve such lines. No occupancy of buildings within any phase of a FPUD shall be permitted until an adequate sanitary sewer disposal system to service such phase is approved by the Lake County Sanitary Engineer.
- E. Other Utilities: The following utilities and necessary appurtenances thereto shall be provided, constructed and installed in accordance with the Lake County Subdivision Regulations and other regulatory agencies having jurisdiction:
 - 1. Gas lines.
 - 2. Storm sewer and storm detention as required.
 - 3. Electrical lines and transformers.
 - 4. Telephone lines.
 - 5. Cable television lines

All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land within the FPUD District, such as streams, rock outcroppings, topsoil, trees and shrubs and the same shall be incorporated into the landscaping of such lands.

Easements shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.

- F. Streets: All streets and cul-de-sacs, including private streets, shall conform to specifications as set forth in Lake County Subdivision Regulations.
 - 1. All cul-de-sacs must provide a vehicular turnaround which meets or exceeds minimum specifications as set forth in Lake County Subdivision Regulations in order to provide easy turning for fire equipment, moving vans and school buses.
- G. Walkways: All walkways shall be constructed of suitable hard surface material.
- H. Sub-Lot Widths: Sub-Lot widths may be varied to allow for a variety of structural designs, provided that the minimum width shall be sixty (60) feet as measured at the right-of-way sideline on public dedicated roads or at the back of the curb on private local roads. The minimum lot width of 60 feet must be maintained between whichever starting point applies and either the minimum required front setback or the actual front setback, whichever is further from the respective starting point. An exception will be made for sublots with frontage on the vehicular turnaround portion of a cul-de-sac. On public streets the subplot width must be a minimum of thirty two and seventy two one-hundredths (32.72) feet at the right-of-way sideline and sixty (60) feet at the minimum front setback line as measured by the chords of the arcs formed by the road right-of-way between the sidelines and the extension of same at the required minimum front setback. On private streets the width must be a minimum of forty (40) feet at the back of the curb and sixty (60) feet at the minimum required front setback line as measured by the chords of the arcs formed by the curvature of the road curbing and the extension of same at the required minimum front setback. Please refer to Sub-Section 6.20, Lot/Parcel Shapes and Measurements for measurement illustrations.

- I. Building Height: The maximum height of building within a FPUD District shall not exceed thirty-five (35) feet. For lakefront or other developments with unique characteristics, the Trustees may allow a height of up to fifty (50) feet in the final development plan.
- J. Building Setbacks: Building setbacks may be varied, but in no case shall the minimum required front building setback be less than thirty (30) feet from ~~the~~ any dedicated street right-of-way or fifty (50) feet from the back of the curb on any private street.
- K. FPUD Documents: Final plats, deed restrictions and/or all other pertinent documents applicable to the FPUD are to be filed with the Township Zoning Inspector (except for paperwork that falls under the jurisdiction of the Lake County Subdivision Regulations).

32.05 Density and Area Computations

No dwelling or structure in a FPUD District shall be erected or maintained or any parcel of land divided unless the following unless the following lot areas are provided and maintained in connection with such building or structure.

- A. The density of land use within the FPUD District shall be computed on a net acreage basis by deducting the required Open Space from the total acreage. This density shall not exceed four (4) dwelling units per net acre.
- A. Computation of lot area shall not include any portion of the public road right-of-way existing prior to the platting.
- B. All land within the FPUD District shall be contiguous unless specifically approved by the Trustees.

32.06 Open Space

- A. A minimum of twenty percent (20%) of the gross acreage within each FPUD District shall be either Open Space or Common Open Space, excluding dedicated rights-of-way, riparian corridors and public utility easements.
- B. All Common Open Space land shown on a Final Development Plan (FDP) for each phase shall, simultaneously with the recording of each phase:
 1. Be transferred to a homeowners association or associations, upon approval of the Township Legal Advisor, which shall be created as an Ohio non-profit corporation for the purpose of accepting, operating and maintaining said Common Open Space land, along with buildings and equipment, if any, for recreational purposes for the exclusive and benefit of the members of said association(s), and to cooperate 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(s) including, without limitation, the dedication of drainage ways or granting easements thereto. Membership in said association(s), by deed restriction, shall be mandatory for all owners of residential units within the FPUD District. The deed restrictions must contain language incorporating the provisions of this Resolution, currently set forth in Section 32.06(D), which allows the Township Trustees to enforce the deed restrictions and maintenance obligations of the association(s).
 2. The developer may deed title to all Common Open Space and recreational facilities to a fiduciary which, for a fee, acts as trustee for the benefit of members of the homeowners association(s). The trustee shall give easements across open space and the right of use of the facilities to members of the homeowners association(s). Each owner shall receive a deed from the trustee, subject to the trustee's right to charge and lien each property for its proportionate share of maintenance costs for the common facilities.
- C. Fees for preservation, improvement and maintenance of the Common Open Space shall be imposed with adequate provision for collection and enforcement.
- D. In the event the homeowners association(s) established to own and maintain Common Open Space, or any successor association(s), shall at any time after establishment of the FPUD fail to maintain the Common Open Space in reasonable order and condition, the Township Trustees may serve written notice upon such association(s) or upon the members thereof setting forth the manner in which the association(s) have failed to maintain the Common Open Space in reasonable order and condition, and said notice shall include a demand that such failures of maintenance be corrected within thirty (30) 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 Township Trustees may modify the terms of the original notice as to the failures and may give an extension of time within which they shall be corrected. If the failures set forth in the original notice or in the modifications thereof have not been corrected within thirty (30) days or any extension thereof, the Township Trustees, in order to preserve the taxable values of the properties within the FPUD, and to prevent the Common Open Space from becoming a public nuisance, may enter upon the Common Open Space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the Common Open Space. Before the expiration of said year, the Board of Township Trustees shall, upon its initiative or upon the request of the association(s) theretofore responsible for the maintenance of the Common Open Space, call a public hearing upon notice to such association(s) or to the residents of the FPUD to be held by said Board of Township Trustees, at which hearing such association(s) or the residents of the FPUD shall show cause why such maintenance by the Board of Township Trustees shall not continue for a succeeding year. If the Board of Township Trustees shall determine such associations(s) are not ready and/or able to maintain the Common Open Space in reasonable order and condition, the Board may, in its discretion, continue to maintain the Common Open Space during the next succeeding year and thereafter, subject to a similar hearing and determination in each year. The decision of the Board of 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 Township Trustees shall be assessed against the responsible homeowners association(s). Such cost shall become a tax lien against the Common Open Space. The Board of Township Trustees, at the time of entering upon said Common Open Space 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 within the FPUD.

32.07 Lot Width

No FPUD shall occur upon any parcel of land having a frontage of less than four hundred fifty (450) feet along the right of way line of a dedicated road. All developments shall be designed, including the proposal for access drives providing ingress to and egress from the development, for proper traffic circulation and emergency vehicle access.

32.08 Building Setback Line

- A. No building or structure in a FPUD shall be erected or located within fifty (50) feet of the right of way of any dedicated local road and such area shall be landscaped and maintained.
- B. No building or structure in a FPUD shall be erected or located within thirty (30) feet of the curb of any private internal driveway and such area shall be landscaped and maintained.
- C. No building or structure in a FPUD shall be erected or located within ten (10) feet of any required buffer areas except for any accessory buildings or structures as are provided for in this Section.
- D. In regards to structures which constitute dwelling units, any setback clearances set forth in this section as well as distances between dwelling units shall be determined by measurement from the nearest point of the foundation of said main structure to the nearest portion of the property line or other dwelling unit. No part of any dwelling unit, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback or required distance between dwelling units. In regards to structures other than dwelling units, all setbacks for such structures and required distances between such structures and dwellings in the section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling or other structure.

32.09 Side and Rear Yards

- A. A FPUD shall have a buffer of thirty-five (35) feet from the parcel's side and rear lot lines which shall not be included in the requirements for Open Space.
- B. The minimum distance between buildings shall be twenty (20) feet side to side, forty-five (45) feet back to back, and forty (40) feet side to back. Variations may be approved by the Trustees if the plan provides arrangements for exceptional design.

32.10 Supplemental Regulations

- A. An attached two-car garage shall be required for each multiple family, detached single family and attached single family dwelling unit.
- B. All FPUD uses shall provide paved private access driveways in accordance with Lake County Subdivision Regulations of not less than twenty-two (22) feet of surfaced width and each collector street shall be not less than twenty-four (24) feet of surfaced width. Each such access driveway shall have unobstructed access to a public street, alley or highway.

32.11 Building Height and Accessory Structure Regulations

- A. Except as set forth in Section 32.04, no building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty five (35) feet in height which means the distance between finished grade and the highest point of the main roof line of the building..
- B. On fee simple lots, Accessory buildings, Accessory structures, and Accessory Structures, Leisure of two hundred (200) square feet or less, with a maximum height of twelve (12) feet, may be located in the rear or side yard and shall have a minimum rear yard clearance of three (3) feet and a minimum side yard clearance of three (3) feet. Accessory buildings and structures which are larger than two hundred (200) square feet shall conform to R-1 District requirements for such and, in addition, shall conform to rules and regulations of the Declarations and By-Laws of the Homeowners Association as approved by the Painesville Township Board of Trustees which do not conflict with the provisions of this Zoning Resolution.
- C. All setbacks for such structures and required distances between such structures and dwellings in this section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling.

32.12 Minimum Dwelling Area

Every dwelling unit shall contain a minimum of fourteen hundred (1,400) square feet of living area, of which eight hundred (800) square feet of living area shall be on the ground floor of a two-story home, and all homes shall include a minimum two-car attached garage.

32.13 Drive and Buildings Identification

- A. 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.
- B. All public right-of-ways and private drives shall be clearly identified by name displayed on an identification sign which shall conform to 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/or names sounding the same.
- C. A map clearly identifying the drives and buildings shall be provided to the Zoning Inspector prior to the issuance of the zoning certificate.

32.14 Parking

- A. Required in Plot Plan – See Section 29.01
- B. Parking Space – See Section 29.02
- C. Minimum Parking Spaces – See Section 29.04
- D. Access – See Section 29.05
- E. Surfacing – See Section 29.06
- F. Drainage – See Section 29.07
- G. Lighting, Screening and Striping – See Section 29.08

32.15 Signs

- A. General Requirements – See Section 28.01

- B. Construction, Entrance and Exit Signs – See Section 28.03B and C
- C. Identification Signs – See Section 28.04A
- D. Real Estate Signs – See Section 28.04B and D
- E. See Section XXVIII for other applicable regulations

32.16 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, or maintenance or repair of, said premises, provided however that this provision shall not apply to parking of licensed operable cars or trucks owned and personally operated by the occupant(s) of said premises.

32.17 Zoning Amendment Procedure

In addition to any other procedures in this Resolution, all applications for amendment to the zoning map to rezone lands to the FPUD District shall follow the procedure set forth in this Section. The owners or developers of lands within the Township may file an application requesting that the zoning of said lands be amended to a FPUD District in accordance with the provisions of this Resolution.

A. Pre-Application Conference

The applicant owner or developer shall meet with one or more Township Trustees, the Zoning Inspector, the Fire Chief, the Lake County Engineer or his representative, Storm Water Management representative, the Lake County Sanitary Engineer or his representative, a water authority representative, and the Director of the Lake County Planning Commission or his representative prior to submission of the 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 applicant owner or developer with the current Lake County Subdivision Regulations, the drainage, sewer and water systems and the Zoning Resolution of Painesville Township, as well as allowing the applicant to present the concept and initial design strategies of the proposed FPUD.

B. Preliminary Development Plan (PDP)

A formal application for a FPUD shall first be presented in the form of a Rezoning Application, including a Preliminary Development Plan (PDP), signed by all the owners of the lands located within the proposed FPUD and submitted to the Township Zoning Inspector, who shall transmit such application and all documents relating thereto, to the Township Zoning Commission. An applicant shall undertake all reasonable efforts to design a PDP that complies with all of the requirements set forth in Section XXXII, sub-sections 32.02 through 32.16. Applications which include a PDP which is in total compliance with the provisions as contained in sub-sections 32.01 through 32.16 will be designated as FPUDA and/or PUD-A. Should any PDP fail to comply with all of the requirements set forth in Section XXXII, sub-sections 32.02 through 32.16 of the Township Zoning Resolution, the application shall include a list of any items with which there is non-compliance as well as an explanation for any failure to conform to such requirements. Upon receipt, the Zoning Inspector shall also independently review the PDP for compliance with all of the requirements set forth in Section XXXII of the Township Zoning Resolution. Should any non-compliance be found, the zoning inspector shall provide to the zoning commission a list of any items which are non-compliant. An application which includes a PDP which is not in total conformance with the provisions as contained in sub-sections 32.02 through 32.16 will be designated as FPUDB and/or PUD-B. The Zoning Commission may recommend and the Board of Township Trustees may approve an application for rezoning to FPUD District and the PDP that does not strictly conform to the requirements as contained in subsections 32.02 through 32.16 only after consideration of the following factors (Amended September 19, 2017 by Tr Res 2017-80, effective October 19, 2017):

1. The nature and extent of each non-compliant item with the requirements set forth in Section XXXII of the Township Zoning Resolution.
2. Any impact of such non-compliance on any adjoining properties.
3. The reasons for non-compliance as explained by the applicant that prevent strict compliance with all of the requirements set forth in Section XXXII of the Township Zoning Resolution.
4. Whether the PDP, as proposed, will be in accordance with the general objectives, or with any specific objective, of the Zoning Resolution and/or Township Comprehensive Plan.

5. Whether the PDP will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the area surrounding the proposed FPUD.
6. The impact, if any, such non-compliance will have on existing and proposed vehicular traffic patterns.
7. Any other factors the Zoning Commission or Board of Trustees consider relevant.

If, after considering the above factors, the Zoning Commission determines that the PDP as proposed, or some modification thereof, is in the best interests of the orderly development of the Township of Painesville and promotes the objectives of the Township Comprehensive Plan as well as the purposes and principles of FPUD, the Zoning Commission may recommend approval of the request for rezoning for such PDP to the Township Board of Trustees.

If, after considering the above factors, the Township Board of Trustees determines that the PDP as proposed, or some modification thereof, is in the best interests of the orderly development of the Township of Painesville and promotes the objectives of the Township Comprehensive Plan as well as the purposes and principles of FPUD, the Township Board of Trustees may grant approval of the request for rezoning to FPUD. The application shall also contain a request that the lands contained in the PDP be rezoned to FPUD as provided in this Section. Copies of the PDP shall be transmitted to the Lake County Planning Commission, the Lake County Engineer and the Lake County Sanitary Engineer by the Zoning Commission Secretary, who shall also notify the Township Trustees of the receipt and transmittal of said PDP.

The purpose of the PDP is to establish a frame of reference for the Township to consider the merits of the proposed FPUD and to afford a basis for determining whether or not the Township would rezone the property to a FPUD District.

A PDP for a FPUD shall be submitted in ten (10) copies and shall include but not necessarily be limited to the following:

1. A legal description of the lands proposed to be rezoned and developed. If the applicant is not the owner of the property, evidence of the owner's permission or an executed purchase agreement shall be submitted.
2. A survey plat or a map prepared by a registered surveyor, engineer or architect which shall show the conceptual plan of the proposed FPUD.
3. The approximate topography of the proposed development area at two foot contour intervals and extending one hundred feet outside of the proposed site in all directions, including property lines, street rights-of-way, existing structures, structures to be removed, trees, and landscape features located thereon, and showing the gross area of the development area in acres.
4. The density proposed for the entire development, and if the development is to be comprised of different uses, the density of each separate use.
5. A complete traffic impact evaluation which shall include:
 - a. existing and proposed vehicular traffic patterns;
 - b. an estimate of traffic volumes to be generated; and
 - c. any additional information requested by the Zoning Commission or Trustees.
6. Generalized plan for all utilities to include all existing and proposed storm sewers, sanitary sewers and water facilities.
7. The proposed assignment of use and subdivisions of all land including private and Common Open Space land with the gross area of each such use area in acres.
8. General outline of deed restrictions, protective covenants and other measures to control the use, development and maintenance of the land and improvements, including those areas which are to be commonly owned and maintained.

9. Proposed landscaping plan including treatment of the perimeter of the FPUD showing materials and techniques to be used such as fences, walks and shrubbery.
10. Such other reasonable information as the Township Zoning Commission and/or Trustees may require.

The application shall also contain a request that the lands contained in the PDP be rezoned to FPUD as provided in this Section. Copies of the PDP shall be transmitted to the Lake County Planning Commission, the Lake County Engineer and the Lake County Sanitary Engineer by the Zoning Commission Secretary, who shall also notify the Township Trustees of the receipt and transmittal of said PDP.

C. Zoning Commission Recommendation

Upon the receipt of the application for rezoning to FPUD District and the PDP, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) or more than forty (40) days from the date of the receipt of said application and PDP. Notice of the hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing, in accordance with Section 519.12 of the Ohio Revised Code.

Within five (5) days after receipt of the application for rezoning, the Zoning Commission shall transmit a copy thereof together with the PDP to the Lake County Planning Commission.

The Lake County Planning Commission shall recommend the approval or denial of the proposed application for rezoning to FPUD District and the PDP or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission. The Zoning Commission shall within thirty (30) days after the hearing recommend approval or denial of the proposed application for rezoning to FPUD District and the PDP or the approval of some modification thereof and submit such recommendation, together with the application for rezoning, the PDP and the recommendation of the Lake County Planning Commission to the Township Board of Trustees.

The Board of Township Trustees shall, upon receipt of such recommendations, set a time for a public hearing on such proposed application for rezoning to FPUD District and the PDP which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from Zoning Commission. Notice of the public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed application for rezoning to FPUD District and the PDP.

Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission, the majority vote of the Trustees shall be required.

Upon approval by the Trustees, the applicant owner or developer shall file a copy of the PDP as approved with the Township Secretary, the Lake County Planning Commission and the Township Zoning Inspector.

32.18 Final Development Plan (FDP)

After approval of the Preliminary Development Plan (PDP), the owner or developer shall submit a Final Development Plan (FDP) for each phase of the development to the Township Trustees for approval prior to commencing construction of buildings or structures on that phase of the approved FPUD. The initial phase FDP shall be submitted within twelve (12) months after the approval of the PDP by the Trustees. If not submitted within the prescribed time, the Trustees shall notify owner or developer that the Trustees will hold a public hearing to determine if PDP shall be re-approved. Said notice shall contain a brief statement of the reason or reasons the hearing is being conducted and the date, place and time of the hearing.

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.

At the hearing the owner or developer of the land and the public shall be permitted to speak personally or through a representative as to whether or not the PDP should be re-approved. Within thirty (30) days from the date of the public hearing, the Board of Trustees will notify the owner or developer of the land of its decision.

- A. The Final Development Plan (FDP) of each phase shall include the following:

1. A recorded plat in conformance with the requirements of the Lake County Subdivision Regulations.
 2. All the information required on the PDP, the location and size of lots, location and proposed density of dwelling units, and non-residential building density within the FPUD.
 3. A schedule for the development of phases to be constructed.
 4. Engineering plans showing, as necessary, water, sewer, drainage, electric, telephone, cable and natural gas installations, waste disposal facilities, final landscaping, street improvements within and outside the project, and the nature and extent of earth work required for site preparation and development in conformance with the Lake County Subdivision Regulations.
 5. Final forms of covenants running with the land, deed restrictions for both private and commonly owned land, easements and by-laws for homeowners associations, including those applicable to those areas of the project to be developed for non-residential uses.
 6. Estimated cost of public improvements.
 7. Owner or developer shall post with the Lake County Commissioners, prior to the commencement of any construction, a bond sufficient to insure completion of the dedicated roadways and related public improvements to comply with the Lake County Planning Commission and the Lake County Subdivision Requirements.
 8. Final approval of each phase subject to modifications or conditions shall be agreed to in writing before recording where applicable and before formal acceptance by the Township Trustees. Such written approval shall be filed with the Township Zoning Inspector together with the plan for each phase as approved.
 9. In the event any public utility service has not been constructed or guaranteed by the service provider prior to recordation of the plat, the owner or developer shall comply with the Lake County Planning Commission and the Lake County Subdivision regulations. A zoning certificate shall not be issued for any building or use until such time as such public utility service for the phase in which the building or use is located has been completed.
 10. All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the Trustees or their designated representatives for administrative review to insure substantial compliance with the PDP as approved.
- B. If any phase of the FDP contains land that is to be subdivided for a condominium development or any other use of the land that requires the recordation of a plat or plan pursuant to the Ohio Revised Code or the Lake County Subdivision Regulations, the owner or developer shall provide to the Trustees a copy of the plat or plan in its final form after having been approved by all other governmental departments required to approve same.

32.19 Zoning Permits

After the FDP for each for each phase is approved by the Township Trustees, a zoning application accompanied by required fees for each building shall be submitted to the Zoning Inspector. The owner or developer may request from the Zoning Inspector minor modification of any approved phase. If approved, the development of that phase may continue. Should any request for modification represent a substantial departure from the intent of the approved PDP, said modification or amendment shall be subject to the procedures of Section 32.17.

The following shall be deemed to be substantial modifications and subject to the approval of the Trustees:

- A. A change in the use or character of the development.
- B. An increase in the density.
- C. An increase in traffic circulation and public utility usage.
- D. A reduction in approved open space.

E. Any reduction or expansion of the development.

32.20 Development

Actual development within a FPUD may be done in phases after a developer or owner has obtained approval of the PDP and approval by the Trustees of the FDP for the phase to be developed.

32.21 Enforcement

A. The Zoning Inspector shall review at least once every twelve (12) months, all zoning permits issued and all construction that has taken place within the development area.

1. If the 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 shall issue orders to the developer or owner to comply with the approved phasing program. Upon failure to comply with such orders, the Zoning Inspector may suspend the developer or owner from further construction until compliance is achieved.

2. If the Zoning Inspector shall find that the developer or owner of the FPUD District has failed to meet the approved development schedule for that particular phase, he shall forward this information to the Board of Trustees.

B. The Township Trustees shall within thirty (30) days of receipt of such information from the Zoning Inspector conduct a public hearing, upon at least fifteen (15) days prior notice to the developer or owner, 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 approved phase be voided, or whether for good cause shown the developer or owner may correct the violations within a prescribed time as set by the Trustees. In the event the developer or owner does not comply with the approved plan or any phase thereof after the hearing and decision of the Trustees, such non-compliance shall be deemed a violation of the Zoning Resolution of Painesville Township and the Township may proceed in an action at law or in equity in addition to the remedies set forth in this Zoning Resolution or the Ohio Revised Code to enforce the provisions 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: labor strikes beyond the control of the developer or owner, and force majeure including but not limited to floods, hurricanes and fire.

(Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021)
(Amended January 07, 2020 by Resolution 2020-008, effective February 06, 2020)
(Amended August 13, 2019 by Resolution 2019-081, effective September 12, 2019)
(Amended September 19, 2017 by Resolution 2017-80, effective October 19, 2017)
(Amended March 15, 2016 by Resolution 2016-31, effective April 14, 2016)
(Amended March 15, 2016 by Resolution 2016-29, effective April 14, 2016)
(Amended June 22, 2015 by Resolution 2015-67, effective July 22, 2015)
(Amended December 2, 2014 by Resolution 2014-142, effective January 1, 2015)
(Amended November 18, 2014 by Resolution 2014-135, effective December 18, 2014)
(Amended October 9, 2012 by Resolution 2012-89, effective November 9, 2012)
(Amended December 21, 2010 by Resolution 2010-98, effective January 20, 2011)
(Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
(Amended July 6, 1999 by Resolution 99-52, effective August 5, 1999)
(Amended June 1, 1999 by Resolution 99-52, effective July 1, 1999)
(Adopted March 27, 1997 by Resolution 97-31, effective April 26, 1997)