ORDINANCE NO. 06-15

AN ORDINANCE AMENDING SECTIONS 1127.01, 1127.05 AND 1127.06 OF THE PAINESVILLE CODE OF 1998, RELATING TO THE CREATION OF A DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

SECTION I. That Sections 1127.01, 1127.05 and 1127.06 of the Painesville Code of 1998 are hereby amended to read as follows:

1127.01 CLASSIFICATION OF DISTRICTS.

In order to carry out the provisions of this ordinance the City of Painesville is divided into the following districts:

S-1 SPECIAL DISTRICT
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
R-2 MULTI-FAMILY RESIDENTIAL DISTRICT
B-1 BUSINESS/RESIDENTIAL DISTRICT
B-2 GENERAL BUSINESS DISTRICT
B-3 CENTRAL BUSINESS DISTRICT
DD DOWNTOWN DEVELOPMENT DISTRICT
OP OFFICE PARK DISTRICT
M-1 LIGHT INDUSTRIAL DISTRICT
M-2 INDUSTRIAL DISTRICT

Land may also be classified into the following special districts:

FP FLOOD PLAIN DISTRICT
DR DESIGN REVIEW DISTRICT

1127.02 CLASSIFICATION OF MAPS.

The boundaries of the districts are shown upon the map dated January 4, 1993 which is made part of this Zoning Ordinance, and designated as the District Map. The setback requirements of the various Districts are shown upon the map which is made a part of this Ordinance and designated as the Setback Map. This District Map and the Setback Map, together with all the notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if such maps and all the notations, references and other information shown there were all fully set forth or described therein, the original of which District and Setback Maps are properly attested and are on file with the Department of Community Development.

1127.03 DISTRICT BOUNDARIES.

(a) The District boundary lines on such map are intended to follow either streets or alleys or lot lines; and where the Districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the Map. In the case of unsubdivided property the District boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

(b) Where the boundary of a District follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of such railroad.

(c) All territory which may, hereinafter be annexed to the City shall be in conformity with the existing zoning regulations of the surrounding City property until otherwise changed by ordinance, following the procedures set forth in this ordinance.

(d) Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

(e) All areas within the corporate limits of the City which are under water and shown as included within a District shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more Districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

1127.04 COMPLIANCE.

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations herein specified for the district in which it is located.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance, shall meet at least the minimum requirements established by this ordinance except as provided herein.

1127.05 SCHEDULE OF DISTRICT REGULATIONS.

District regulations for individual districts shall be as set forth in the Schedule of District Regulations, which shall be a part of this ordinance, and in Chapter 1131 of this ordinance entitled Supplemental Regulations.

Schedule of District Regulations.

S-1 SPECIAL DISTRICT

PURPOSE: To preserve environmentally sensitive areas, to maintain open space and to encourage the preservation of undeveloped areas.

PERMITTED USES:

- Single family residential
- Agricultural uses
- Hospitals
- Places of worship
- Schools, public and private
- Colleges/University
- Funeral homes
- Cemetery

CONDITIONAL USES:

- Golf Courses
- Roadside stands
- Noncommercial recreational uses
- Public Use

R-1 SINGLE FAMILY RESIDENTIAL

PURPOSE: To provide areas that will provide locations for single family development. Certain other uses shall be permitted that are compatible and supportive to the single family character.

PERMITTED USES:

- All uses listed as permitted uses in S-1

CONDITIONAL USES:

- Bed and Breakfast
- Non-commercial recreational uses
- Public Use

R-2 MULTI-FAMILY RESIDENTIAL

PURPOSE: To provide areas for the location and development of greater density residential development. Such districts are intended to be located where transportation facilities and convenience goods are readily available and are adequate to meet the increased demand.

PERMITTED USES:

- Single family residential
- Duplexes
- Multifamily residential subject to requirements of section 1131.05
- Places of worship
- Schools, public and private
- Recreational facilities
- Elderly Housing

CONDITIONAL USES:

- Bed and Breakfast
- Commercial Parking lot
- Day care or nursery school
- Hospitals
- Nursing Homes
- Golf Courses
- Public Use
- Adult Group Homes for the Elderly
- Inn

B-1 BUSINESS/RESIDENTIAL

PURPOSE: The purpose of this district is to provide a transition from residential to the commercial areas, and to prohibit those automobile related businesses and uses, including drive- through commercial uses, that tend to make pedestrian circulation difficult or unsafe. Although the district may allow residential uses, it is not intended to offer a residential environment protected from the effects of usual and customary business activity. The permitted and conditional uses are those which will have a minimal impact on the adjacent residential property but will provide support activities to those adjacent areas.

PERMITTED USES:

Professional offices, general or medical, with no more than 3,000 square feet of gross ground floor area

Personal services

Financial institutions

Funeral homes

Places of worship

CONDITIONAL USES:

Residential uses as permitted in R-2 District

Transitional retail with no more than 2,000 square feet of gross ground floor area

Professional offices, general or medical, with more than 3,000 square feet of gross ground floor area

Day care facilities, commercial

Adult family homes

Adult group homes

Nursing homes

Assisted living facilities

Bed and Breakfast

Similar uses as determined by the Planning Commission

Public use

B-2 GENERAL BUSINESS

PURPOSE: The purpose of this district is to provide areas for commercial, service and business uses in a manner adequately served by transportation and utilities and to have minimal impact on other districts.

PERMITTED USES:

Retail stores

Auto repair, not including body work

Service Station

Offices

Hospitals

Restaurants, private clubs and bars

Drive-in and drive-thru restaurants

Financial institutions

Dry cleaners

Barber and beauty salon

Printing and publishing

Contractor shops without storage yards

Day care centers

Game rooms and pool halls

Wholesale and warehousing

Radio, television and cable transmission or receiving studio and associated appurtenances

Animal hospitals, veterinary clinics without outdoor runs.

CONDITIONAL USES:

Residential use when accessory to a permitted commercial use

Commercial recreational uses

Car wash

Public Use

Similar uses as approved by the Planning Commission

B-3 CENTRAL BUSINESS DISTRICT

PURPOSE: To provide a location for a greater intensity of development which permits a variety of commercial, business, cultural and recreational activities as a focal point of the community.

PERMITTED USES:

Retail stores

Offices, subject to the requirements of Section 1133.04

Hospitals and nursing homes

Restaurants
Theaters
Bars and Night clubs
Motels and Hotels
Dry cleaners and laundry
Barber and beauty shops and similar personal services
Printing and publishing
Bakery

CONDITIONAL USES:

Residential uses when accessory to a permitted commercial use
Public Use
Similar uses as approved by the Planning Commission
Parking lots

DD DOWNTOWN DEVELOPMENT DISTRICT

PURPOSE: To provide a location for a greater intensity of development which permits a variety of commercial, business, cultural and recreational activities as a focal point of the community in accordance with the Downtown Master Plan and to encourage flexible zoning guidelines and site design criteria.

PERMITTED USES:

Retail stores
Restaurants
Offices, subject to the requirements of Section 1133.04
Theaters
Bars and Night clubs
Motels and Hotels
Barber and beauty shops and similar personal services
Bakery
Day care centers
Financial institutions
Personal services
Printing and publishing
Professional offices, general or medical
Residential uses as permitted in B-2 District
Dormitories and Student Housing

CONDITIONAL USES:

Similar uses as determined by the Planning Commission
Public use

OFFICE PARK DISTRICT

PURPOSE: To promote accessible and visible office parks in a campus-like setting where offices are clustered with minimal intrusion from non-office uses.

PERMITTED USES:

Offices
Restaurants when located within a building occupied by other permitted uses.
Fitness Center
Health Club

CONDITIONAL USES:

Laboratories or research facilities
Commercial Recreational uses
Public Use
Similar uses

M-1 LIGHT INDUSTRIAL

PURPOSE: To provide locations for activities generally understood to be manufacturing activities in a manner conducive to the creation of new job opportunities, minimization of impacts on other districts, and providing access to materials and adequate transportation facilities.

PERMITTED USES:

Uses which involve the transformation of materials to create a finished product.
Assembly uses
Auto repair and body work
Contractors shops
Packaging facilities
Offices

Wholesale
Warehousing and storage
Testing and research
Animal boarding and kennels
Truck terminal facilities

CONDITIONAL USES:

Public Use
Commercial/Organizational recreation uses
Similar uses as approved by the Planning Commission

M-2 HEAVY MANUFACTURING

PURPOSE: To provide locations for uses that may have a significant impact on the surrounding uses of property and may require special performance standards in addition to those generally applicable in the M-1 district.

PERMITTED USES:

Uses listed as permitted uses in the M-1 district

CONDITIONAL USES:

Public Use
Commercial/Organizational recreation uses
Manufacturing uses which involve potentially hazardous, explosive or flammable materials
Similar uses as approved by the Planning Commission.

SPECIAL DISTRICTS

FP FLOOD PLAIN DISTRICT

PURPOSE: To establish certain districts along water courses that as a result of a severe storm may be inundated by flood waters. To restrict the uses in these areas so as to preserve life and protect property and prevent or minimize damage. It is the intent of this district to regulate development in the areas designated as the 100 year flood plain as designated by the Floodway maps.

DESIGNATION OF FLOODPLAIN DISTRICT: The floodplain district shall be those areas designated as the 100 year flood way on the flood plain maps developed by the Army Corp of Engineers.

PERMITTED USES: All uses permitted in the district in which the property is located provided that the use meets the flood hazard requirement of the Ordinances of the City. There shall not be permitted any filling or change of grade to effect the floodway, diversion of water, or change in velocity.

DR DESIGN REVIEW DISTRICT

PURPOSE: To establish certain districts where the stabilization of the designated area is necessary to protect property values, stimulate economic activity and preserve and maintain the character of the area. It is the intent of this district to establish standards to maintain the historic character and attractiveness of the district and to promote compatible development of vacant land.

DESIGNATION OF DESIGN REVIEW DISTRICTS:

(a) Downtown Design Review District. There shall hereby be established a Downtown Design Review District as a Special District. The Downtown Design Review District shall include all lots and buildings including public properties and rights of way included in an area delineated on the District Map.

(b) Richmond Street Design Review District. There shall hereby be established a Richmond Street Design Review District, which includes all lots and buildings including public properties fronting on the following streets and rights of way included in an area delineated on the District Map.

PERMITTED USES: All permitted uses in the district in which the property is located provided that the use meets the design review requirements of this section and as set forth in Chapter 1146.

PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

PURPOSE: All planned unit development (PUD) project proposals will be considered on the merits of the particular proposal in the context of the City's Comprehensive Plan, the neighborhood in which the PUD is to be located, the adequacy of public facilities and ease of extending service and the compatibility of the project proposal and immediate surroundings.

PERMITTED USES: All permitted uses in the district in which the property is located provided that the use meets the planned unit development requirements of this section and as set forth in Chapter 1134.

1127.06 ACCESSORY USES.

Accessory uses shall be subordinate to the main use. No accessory use, building or structure shall exceed the main use in height or floor area. Accessory uses shall only be permitted provided they do not alter the character or intent of the zoning district.

(a) The following accessory uses shall be permitted in the S-1, R-1 and R-2 districts;

(1) Accessory uses customarily incidental to a permitted use.

(2) Accessory buildings or structures customarily incidental to a permitted use shall be permitted, provided that only two (2) structures shall be allowed. Accessory buildings or structures shall include detached garages and sheds.

(3) Gardening for personal use.

(4) Private swimming pools subject to Section 1131.01. Private swimming pools shall not be counted toward the number of accessory structures permitted on a parcel. Said aboveground pools cannot exceed 512 square feet in size; in-ground pools cannot exceed 800 square feet in size.

(5) Temporary buildings for use in construction which are removed upon completion or abandonment of the work.

(6) Summer houses and living quarters for temporary guests or servants employed solely on the premises.

(7) Home occupation or a professional office or studio of a resident.

(b) The following accessory uses shall be permitted in the B-1, B-2, B-3, DD and OP districts;

(1) Accessory uses customarily incidental to a permitted use.

(2) Accessory buildings or structures customarily incidental to a permitted use shall be permitted, provided that only two (2) structures shall be allowed. Accessory buildings or structures shall include detached garages and sheds.

(c) The following accessory uses shall be permitted in the M-1 and M-2 Districts:

(1) Accessory uses customarily incidental to a permitted use.

(2) Accessory buildings or structures customarily incidental to a permitted use shall be permitted.

(d) SETBACKS

(1) Accessory structures or buildings in residential districts shall meet the following minimum requirements, except if regulated by Section 1131.05:

Front yard:	Same as main structure
Side yard:	5 feet
Rear yard:	3 feet
Height:	16 feet or the height of the main structure, whichever is less.
Area:	One accessory structure shall not exceed 768 square feet and the other structure shall not exceed 300 square feet.

(2) Accessory structures in commercial districts shall meet the following minimum requirements:

Front yard:	Same as main structure in the district
Side yard:	5 feet
Rear yard:	5 feet
Height:	Same as main structure in the district
Area:	One accessory structure shall not exceed 768 square feet and the other structure shall not exceed 300 square feet.

(3) Accessory structures in industrial districts shall meet the following minimum requirements:

Front yard:	Same as main structure in the district
Side yard:	5 feet
Rear yard:	5 feet
Height:	Same as main structure in the district.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective immediately.

PASSED: April 20, 2015

EFFECTIVE DATE: April 20, 2015

Paul W. Hach, II
President of Council

ATTEST:

Tara Diehl
Clerk of Council