**ORDINANCE NO. 08-15**

AN ORDINANCE ENACTING CHAPTER 1138 OF THE PAINESVILLE CODE OF 1998, RELATING TO SPECIAL PROVISIONS FOR DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

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

**SECTION I.** That Chapter 1138 of the Painesville Code of 1998 is hereby enacted to read as follows:

**CHAPTER 1138 SPECIAL PROVISIONS FOR DD DOWNTOWN DEVELOPMENT DISTRICT.**

1138.01 Special Provisions for Downtown Development District.

(a) Developments that occur in a Downtown Development District shall be permitted on contiguous parcels of not less than two (2) acres and no more than eight (8) acres.

(b) Residential and/or Commercial Developments within the Downtown Development District that include individual ownership of lots are required to file deed covenants and restrictions with the Lake County Recorder's Office. The deed covenants and restrictions shall ensure that the project is constructed as a unified development project. The applicant shall submit the necessary covenants, restrictions and agreements to the City for review and approval so that the City Planning Commission can make the determination that the project is developed as a unified development project. Such documents upon approval by the City Planning Commission shall be filed with the County Recorder's Office before the start of any construction.

(c) Setbacks. Setbacks for single family and duplex units that abut other residential property shall follow the rear yard setback regulations as set forth in Chapter 1129. Multi-Family developments that abut other residential property shall meet the following requirements:

1) The minimum lot area for a multi-family development shall be 12,000 sq. ft.
2) In areas where multi-family abuts single family zoning districts a buffer shall be maintained between the districts. The buffer shall be landscaped in accordance with an approved landscape plan and/or screened through the use of fencing or walls and shall be maintained as open space.
3) In all multi-family developments there shall be a minimum of 30 % of the lot area exclusive of buildings, paved areas or streets which shall be designated as usable open space for the enjoyment of all the residents. Said open space shall be accessible to all residents.
4) The following minimum design standards shall apply to multi-family developments:
    a) Each private street or access drive shall have a minimum right-of-way width of forty (40) feet for street pavement, utilities and other right-of-way requirements.
    b) All access whether by private street or drive shall have a minimum paved width of 22 feet.
    c) In developments of multiple dwellings the following minimum separations between buildings shall apply:
        10 feet side to side
        40 feet rear to rear
        30 feet side to rear
    d) Front setbacks shall be measured from the edge of pavement or back of curb for private streets. A minimum 7.5 foot front setback shall apply.
    e) The minimum building setback from any property line that does not abut a dedicated street shall be 20 feet. This requirement shall apply to the main building and all accessory buildings or structures.

(d) Parking. Parking shall be required in accordance with the requirements set forth in Chapter 1137. The number of parking spaces required in 1137 may be met with off-site parking within 400-feet of the site if the applicant can demonstrate that such parking provides adequate parking for the site. All buffering and screening requirements in Chapter 1137 shall apply unless waived by the Planning Commission. The City Manager may approve any such parking arrangements. Should a submitted parking plan be denied by the City Manager, the applicant may appeal such denial to the Planning Commission within 30-days.

(e) All buildings in this district are subject to the requirements contained in the Downtown Design Review District Standards, Chapter 1146.