

CHAPTER 1169

MIXED USE OVERLAY DISTRICT

(AS AMENDED)

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**Prepared For:
Lyndhurst City Planning Commission**

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**CHAPTER 1169
Mixed Use Overlay District**

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1169.01 PURPOSE AND INTENT

It is the intent of Council in establishing the Mixed Use Overlay District to promote the general health, safety and welfare of the citizenry by:

- (a) supplementing the existing Planning and Zoning Code to allow for the possibility of additional development within the boundaries of the Mixed Use Overlay District;
- (b) encouraging economic, residential and recreational development that is compatible with the existing and proposed character of the City;
- (c) encouraging, in select areas, a mixture of uses, including offices, limited retail, and higher density residential in a manner that reinforces and strengthens the present small-town, mixed-use environment;
- (d) utilizing the unique environment in select areas to achieve the economic development objectives by orienting higher density use according to the policies established in the Master Plan;
- (e) encouraging adjustments of lot sizes, setbacks, lot coverage and green space, parking and other development standards in order to achieve better site design, better relationships between different uses, and extended preservation of open spaces and natural topography;
- (f) preserving open spaces along various waterways within the City;
- (g) ensuring that natural topographic features in the Mixed Use Overlay District are protected and preserved during development;
- (h) ensuring that natural resources, including views of the waterways within the Mixed Use Overlay District, will be protected and preserved during development;
- (i) encouraging walking, bicycling and social interaction by providing safe and attractive amenities including benches, public sidewalks, walkways and bicycle paths that link residential and commercial areas to open spaces, natural area corridors, parks and other land uses within the Mixed Use Overlay District;
- (j) ensuring that historical features within the Mixed Use Overlay District are protected and preserved during development;
- (k) encouraging the use of sustainable green building and development practices developed by the U.S. Green Building Council for its LEED[®] (Leadership in Energy and Environmental Design) Program in order to integrate the principles of smart growth into the Mixed Use Overlay District; and,

(l) ensuring that development occurs in a unified and timely manner in accordance with an approved development plan.

1169.02 LOCATION CRITERIA.

(a) A Mixed Use Overlay District may overlay any base or underlying zoning district, or parts thereof. Base district regulations shall apply except to the extent modified by the Mixed Use Overlay District regulations. The official zoning map shall identify the area covered by each approved Mixed Use Overlay District.

(b) The Mixed Use Overlay District may be proposed in the following locations along any of the three major arterial thoroughfares which include Cedar, Mayfield and Richmond Roads within the City of Lyndhurst:

(1) The lands that encompass Acacia Country Club.

(2) The lands that are presently located on the Cleveland Clinic Foundation Property along the west side of Richmond Road.

(3) The land that is presently occupied by Legacy Village located at the corner of Richmond and Cedar Roads.

(c) The conditional uses enumerated in Section 1169.05 shall be permitted only when in compliance with the following location and development criteria:

(1) The area has a useable and suitable size and shape for the intended development;

(2) The design of the buildings, roads, parking areas, and internal circulation creates a unified development;

(3) The density of the area devoted to residential uses is not less than four dwelling units per acre and not more than seven dwelling units per acre. In addition, residential units constructed above ground level offices and retail spaces must meet the space and design criteria found in Section 1164.05 of this zoning code;

(4) Not more than thirty percent of the land area of the Mixed Use Development is devoted to residential uses. Additionally, the maximum number of residential attached dwelling units shall not exceed 50% of the total number of residential dwelling units within a mixed use development.

1169.03 MINIMUM PROJECT AREA AND OWNERSHIP.

(a) The gross area of a tract of land proposed to be developed as a Mixed Use Overlay District shall be at least thirty acres. However, the Planning Commission may waive this standard when it determines that, because of unique circumstances, this minimum standard cannot be achieved, and the development of the property at a lesser standard will not have any material adverse impact on adjacent property or on the City, provided that in no case shall the area of the Mixed Use Overlay District be less than ten acres. Unique circumstances shall be limited to the following:

(1) The proposed Mixed Use Overlay District is adjacent to, and thus becomes, an extension of an existing or separately proposed Mixed Use Overlay District; or,

(2) Because of existing uses, natural features or ownership patterns there is little likelihood that contiguous land area can be acquired and consolidated to achieve the requisite thirty acres.

(b) To be eligible to be developed as a Mixed Use Overlay District, a tract of land may be owned, leased, or controlled by either a single person or **business entity**, or by a group of individuals or **business entities**, provided that an application must be filed by all of the owners, and the approved final development plan and related conditions, including the phasing of development, shall be binding on all owners.

(c) It is the City's intent to coordinate development of each and all Mixed Use Overlay Districts. To that end, all owners of property within individual Mixed Use Overlay Districts are required to coordinate development. Each development plan for a Mixed Use Overlay District must show proposed development for the entire site, which if approved by the City will serve to bind the owner to follow it in areas including but not limited to proposed uses, development densities, traffic circulation, the location, size and design of buildings, roads, parking and loading facilities, signage, landscaping and other requirements of the City's Planning and Zoning Code.

1169.04 PRINCIPAL USES.

In a Mixed Use Overlay District, the uses permitted by the existing zoning regulations shall be permitted by right and, when developed exclusive of any of the uses listed as a conditional use in Section 1169.05(a), shall not be considered a mixed use development, and shall not be subject to the minimum thirty-acre project area requirement.

1169.05 CONDITIONAL USES.

The following uses may be permitted in a Mixed Use Overlay District only when specifically authorized by City Council according to the procedures contained in Chapter 1156 and the regulations set forth in this chapter:

(a) The following uses, when located in accordance with the specific location criteria of Section 1169.02, may be permitted as part of a Mixed Use Overlay District:

- (1) Residential.
 - (a). Single-family detached cluster dwellings on standard subdivided lots.
 - (b). Single family attached dwellings with no more than four dwelling units of an approved non-repetitive design contained in any single building.
- (2) Offices. Professional, administrative, medical, public, semi-public, and civil offices, excluding drive-through establishments of any type.
- (3) Retail business and service establishments. Retail business uses and personal services, **including, but not limited to**, beauty and barber shops, dry cleaners, shoe repair shops and day care centers in wholly enclosed buildings, excluding drive-through establishments of any type.
- (4) Drive-Through Facilities for Banks and Pharmacies. **Banks and pharmacies with drive-through facilities may be permitted provided that such drive-through facilities are shown to be necessary and are designed to not endanger nearby pedestrian and vehicular traffic.**
- (5) Eating Places. Restaurants, ice cream parlors, pizza or other specialty food establishments, excluding drive-through food establishments of any type.
- (6) Hotels, motels, inns and conference centers.

(b) The following uses may be permitted in a Mixed Use Overlay District in compliance with Chapter 1156:

- (1) Public utility transmission rights-of-way, substations and other utility installations;
- (2) Continuing care facilities
- (3) Public or private parks, playgrounds, playfields, golf courses, tennis courts, swimming pools, recreation center buildings, or other similar recreational uses
- (4) Bed and Breakfasts

(c) Wireless telecommunication towers or facilities when in compliance with Chapter 773 of the Codified Ordinances of the City.

1169.06 ACCESSORY USES.

In a Mixed Use Overlay District, structures and uses customarily incidental to any of the permitted or conditional uses set forth in this chapter, and occupying the same lot or tract of land, shall be permitted including:

- (a) Parking Facilities. Garages or off-street parking areas as set forth in Chapter 1172.
- (b) Temporary Construction Buildings. Temporary buildings which are incidental to construction and which shall be removed upon the substantial completion of such construction, as determined by the Zoning Administrator.
- (c) Home Occupations. Home occupations, in compliance with the following regulations set forth:
 - (1) Permit
 - A. No home occupation shall be conducted until an application for a home occupation permit is reviewed and approved by the Zoning Administrator according to the standards set forth herein.
 - B. A home occupation permit shall be issued only to a resident of the dwelling unit in which the home occupation is to be conducted. If the resident rents the dwelling unit, the resident shall provide evidence of written permission from the dwelling unit's owner as part of the permit application.
 - C. Home occupation permits shall not be transferable and shall not run with the land. All home occupation permits shall expire upon the sale, transfer or lease of the property to a new owner or tenant.
 - (2) Size. Home occupations shall not occupy more than 34 percent of the total gross floor area of the principal dwelling unit.
 - (3) Operational Standards
 - (A) All activities associated with the home occupations shall be conducted within the principal dwelling or an accessory structure. No outside activity or operations shall be permitted.

(B) No equipment shall be used that creates a nuisance due to noise, odor, glare, vibrations or electrical interference.

(4) Outdoor Storage and Exterior Appearances

(A) No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed other than a name plate with a maximum sign area of two (2) square feet attached to the dwelling as provided for in Section 1170.08, which may designate such home occupation thereon along with the occupant's name and address.

(B) No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.

(5) Employees. Not more than one (1) person who is not a resident of the dwelling unit may be employed in the home occupation.

(6) Parking.

(A) A home occupation may provide an additional off-street parking area adequate to accommodate all needs created by the home occupation, but in no case shall provide more than 2 additional off-street parking spaces.

(B) Required off-street parking to serve a home occupation shall not be permitted in the front yard of the dwelling, other than in a driveway.

(C) To the maximum extent feasible, side yard areas shall not be converted to off-street parking areas to serve a home occupation.

(7) Personal and Professional Services. Customer/client visits to the home occupation are limited to the hours from 9A.M. to 8 P.M. The home occupation shall not generate more than 10 customer/client visits in any one day and no more than two (2) customers/clients can be present at any one time.

(8) Prohibited Home Occupations as Accessory Uses. The following uses and activities shall not be permitted or conducted as a home occupation accessory use:

- A. Funeral Homes and Undertaking
- B. Hotels
- C. Restaurants, nightclubs and/or drinking establishments
- D. Retail sales of goods that are not made on the premises
- E. Barbershops or beauty salons
- F. Medical and dental clinics, hospitals
- G. Veterinary facilities and/or small animal clinics and kennels
- H. Vehicle or equipment sales, rental or repair: or

(d) Recreational Facilities. Recreational facilities, including private swimming pools subject to Section 1160.04(a) (9), and any other applicable City ordinance, for the exclusive use of residents and their guests.

(e) Signs. Signs as set forth in Chapter 1170.

1169.07 OPEN SPACE REQUIREMENTS.

In a Mixed Use Overlay District, all proposed development shall comply with the following open space requirements:

(a) Natural Area Corridor. The banks of all waterways, as indicated in Exhibit A entitled *General Guide to Riparian Setbacks* and attached hereto and made a part hereof as it may be amended from time to time, shall be preserved and available to the general public pursuant to the terms and restrictions of this section and shall comply with the following:

(1) The natural area corridor shall extend along both sides of the entire stream bank or waterway frontages as shown in Exhibit A and shall include any area extending outward in a horizontal direction from the *ordinary high water mark of a watercourse** a distance of not less than twenty-five (25) feet for the watercourses identified in red and not less than seventy-five feet (75) for the watercourse known as the West Branch of Euclid Creek which is further identified in Exhibit A as the areas shown in a black diagonally striped pattern.

(2) The natural area corridor shall be for public access, use, and enjoyment. No structures, parking areas, access drives, or other pavement except for pedestrian and bicycle pathways, sitting areas and look-outs shall be permitted in the natural area corridor. The specific use of the corridor shall be established during review of the overall concept plan as determined by the Planning Commission.

(3) Trees within the natural area corridor shall not be disturbed, destroyed, or removed other than as necessary to locate and construct pedestrian pathways. Trees with a caliper of three inches or greater that are to be disturbed, destroyed or removed shall be replaced by an equal number of trees within the corridor area or adjacent thereto as determined by the Planning Commission. Such replacement trees shall have a minimum caliper of two inches.

(4) If there is any uncertainty as to the exact location of the edge of the waterway, the location of the water's edge, for the purposes of establishing the limits of the natural area corridor, shall be determined by the Planning Commission.

(5) When a standard single-family subdivision is developed separately from a mixed use development, the natural area corridor shall be provided in addition to and exclusive of any rear or side yard requirements.

(6) The natural area corridor shall be clearly designated on the applicable development plan and/or subdivision plat.

(7) Appropriate pedestrian access from public streets or from common open space to the natural area corridor shall be designated on the development plan and approved by the Planning Commission.

(8) **The Planning Commission and City Council upon the recommendation of the landowner/s within the natural area corridor may enact additional reasonable rules and regulations for the purpose of protecting the public health, safety and security of residents, businesses, visitors and property owners within the natural area corridor.**

(9) In addition to these requirements, the use of the natural area corridor and the land areas adjacent thereto shall comply with other applicable regulations established for flood plains in Chapter 1331 and any other applicable local, State, or Federal flood plain or wetland regulations.

(b) Common Open Space. In addition to the public parks and public open space requirements for residential portions of the development set forth in Section 1162.11, a minimum of twenty percent of the area in non-residential portions of the development

shall be devoted to common open space. Such areas shall be clearly designated on the development plan and shall comply with the following:

(1) Any common open space that is not part of the natural area corridor set forth in subsection (a) above shall be designed and located so as to provide (to the greatest extent possible) pedestrian access to and views of the natural area corridor along the waterway.

2) No building or parking area shall be permitted in the designated common open space area.

(3) Other common areas shall not be considered as part of the required open space, including land fragments between two or more buildings and between buildings or parking areas, and required yards between project boundary lines and buildings or parking areas.

(4) Appropriate public pedestrian and bicycle pathways providing access to public streets, common open space, natural area corridors, and/or adjacent parcels shall be designated on the development plan and approved by the Planning Commission.

(c) Management and Maintenance of Natural Areas and Open Space.

(1) The natural area corridor and common open space reserved as part of an Mixed Use Overlay District shall be either:

A. Retained by the owners of the project area; or

B. Dedicated to a Community Association, as set out in Section 1169.10, that shall have title to and control over the land to be retained as common open space; or

C. Offered to the City for public open space. The City shall have the right not to accept any land area offered to the City. In the event of such refusal, the conditions of either paragraph (c) (1)A. or B. hereof shall apply. Any land area that is accepted by the City for dedication as public open space shall also continue to be counted toward the requirements for common open space.

(2) The legal articles relating to the ownership, management, public easements, if any, and maintenance of such common open space and natural area corridor shall be reviewed and approved by the City's Law Director. The Law Director shall indicate such approval prior to the development plan being approved by the Planning Commission.

(d) Requirements for Public Parks and Public Open Space. As stated earlier, in addition to the common open space requirements set forth in this Section, all residential developments shall comply with the requirements for public parks and public open space set forth in Section 1162.11.

1169.08 DEVELOPMENT STANDARDS.

A mixed use planned development in the Mixed Use Overlay District approved as a conditional use shall comply with the following development standards:

(a) Minimum Building Setbacks from Project Boundaries and Streets. All buildings and structures shall maintain the following minimum setbacks.

(1) When the wall of a building abuts an existing or proposed public right-of-way, the minimum setback for such wall shall be either fifty feet from the right-of-way

line or the minimum building setback distance as shown on the Zoning Map, whichever is greater.

(2) When the wall of a building abuts any Mixed Use Overlay District project boundary line, the minimum setback for such wall shall be calculated in accordance with the existing setback standards found in Chapter 1164 of this Planning and Zoning Code.

(3) When the wall of a building abuts a private street or driveway, the minimum setback for such wall other than a front wall shall be twenty feet from the edge of the pavement. The setback for a front wall of a building that abuts a private street or driveway shall be twenty-five feet.

(b) Minimum Separation Between Buildings. In order to ensure reasonable privacy and separation of buildings, individual buildings located within the Mixed Use Overlay District shall be separated by the minimum distances specified below:

(1) Single-Family Detached Dwellings. All single-family detached dwelling units shall have a side yard separated from each dwelling unit by a minimum of twenty feet, except that when two walls facing each other both contain windows of living areas, or adjacent patios or decks, the minimum separation shall be forty feet.

(2) Single-Family Detached Dwellings adjacent to other uses. The minimum separation between single-family detached dwelling units shall be:
A. Forty feet from attached single family dwellings; and
B. Sixty feet from all other buildings.

(3) All attached single-family dwellings, and nonresidential buildings. Between two building walls facing each other, the distance between two such walls shall be as determined by the yard formula in Section 1164.09 (b) of this planning and zoning code. The maximum separation required shall not exceed sixty-feet when neither of the two walls contains windows, and 100 feet when one or both walls contains windows.

(c) Building Height. The maximum height of any residential building shall be thirty-five feet, and the maximum height of any commercial, retail or office building shall be forty-five feet, unless the Planning Commission specifically authorizes a greater height.

(d) Parking and Roadway Setbacks. Off-street parking areas and roadways must be screened according to Section 1172.02(g) and shall comply with the following setback requirements:

(1) All off-street parking areas shall be set back from an existing or proposed public right-of-way a distance of not less than forty feet.

(2) All off-street parking areas and roadways shall be set back from all other boundaries of the Mixed Use Overlay District not less than twenty feet.

(3) No off-street parking areas or roadways shall be permitted in the natural area corridor.

(e) Exterior Lighting. All exterior lighting in a Mixed Use Overlay District Development must comply with the following lighting requirements:

(1) All residential and nonresidential development within a Mixed Use Overlay District shall submit for approval a proposed detailed exterior lighting plan

that sets forth any exterior lighting for traffic circulation areas, utility areas, open space, recreational areas and within private spaces in the interior of the development. The exterior lighting plan must provide for the functional security needs of the proposed land uses without adversely affecting adjacent properties of the community.

(2) Exterior lighting shall be installed only in accordance with an approved plan and shall be designed in such a manner so as to avoid lighting nuisances.

(3) With the exception of lighting for public streets, all other exterior lighting used to illuminate buildings, parking lots, walkways, or the landscape, shall be evaluated during the site plan review process. The “Area/Activity For Exterior Lighting” chart on the following page gives the lighting criteria to be met for outdoor facilities used at night.

(4) The amount of nuisance glare (light trespass) projected onto a residential use from another property shall not exceed 0.1 vertical footcandle at the property line.

(5) All exterior lighting, including public street lighting as applicable, shall meet the following standards:

A. No flickering or flashing lights shall be permitted, except for temporary holiday decorations.

B. Background spaces like parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside eating areas, shall utilize local lighting that defines the space without glare.

C. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.

D. All outdoor light not necessary for security purposes shall be either reduced, activated by motion sensors devices, or turned off during non-operating hours.

E. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.

F. For upward-directed architectural, landscape and decorative lighting, direct light emissions shall not be visible above the building line roof.

G. Light fixtures shall be mounted on concrete or painted metal poles no higher than 20 feet.

(f) Ownership. Any ownership arrangement, including fee simple lots, condominiums, and zero lot line parcels, is permitted in a residential development proposed as part of the Mixed Use Overlay District, provided the arrangement of the dwelling units shall comply with the spacing requirements of this section. Within any such subplot, the applicant shall depict the maximum parameters, or building envelope, which indicates where the buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section. Alternatively, if such building locations are not depicted on any such sublots, the Planning Commission may establish on the development plan the appropriate front, side, and rear yard dimensions for each subplot.

AREA /ACTIVITY FOR EXTERIOR LIGHTING

OUTDOOR LOCATION AND TASKS	HORIZONTAL ILLUMINATION	VERTICAL ILLUMINATION	MEASUREMENT	IESNA LIGHTING HANDBOOK REFERENCE
		(foot candles)		
Building Exteriors				
Entrances:				
Active (pedestrian/conveyance)	5.0	3.0	average fc	Lighting Design Guide
Inactive (normally locked, infrequent use)	3.0	3.0	average fc	Lighting Design Guide
Floodlighting		3.5	average fc	Figure 21-12
Loading Platforms	10.0	3.0	average fc	Lighting Design Guide
Outdoor Recreational Areas	see IESNA <u>Lighting Handbook</u> , Chapter 20 - Sports & Recreational Area Lighting			
Parks, Plazas, & Pedestrian Malls	5.0	3.0	average fc	Lighting Design Guide
Parking Areas			uniformity ratio	
<i>Parking Lots (open)</i>	4.0 max./ 0.2 min.	2.0 max./0.1 min,	20: 1 max./min.	Figure 22-21
Pool Areas & Terraces	5.0	3.0	average fc	Lighting Design Guide
Retail Spaces				
Car dealerships- front row	5.0	3.0	average fc	Figure 17-18
Restaurants & dining areas	5.0	3.0	average fc	Lighting Design Guide
Service stations:				
Approach	1.5	0.5	average fc	Chapter 17
Driveway	2.0 average with	0.5	average fc and	. Chapter 17
	20: 1 max./min. uniformity ratio		uniformity ratio	
Pump island area under canopy	15.0	10.0	average fc	Chapter 17
Building faces (exclusive of glass)	na	3.0	average fc	Chapter 17
Security Lighting	see IESNA <u>Lighting Handbook</u> , Chapter 29 - Security Lighting			Figure 29-17
Signs	3.0	10.0	average fc	Lighting Design Guide
Walkways & Stairways	0.5	0.1	minimum average fc	Figure 22-10

Source: Illuminating Engineering Society (IES), Lighting Handbook (2000, as revised)

(g) Additional Standards. Additional development requirements, whether standards or criteria, formulated to achieve the objectives for the Mixed Use Overlay District may be established during the Planning Commission's review of the development plan. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed development.

1169.09 SUPPLEMENTARY REGULATIONS.

Each proposal in a Mixed Use Overlay District shall comply with the following supplementary regulations:

(a) Vehicular and Pedestrian Circulation. The vehicular and pedestrian circulation systems shall be designed to assure that the entire area (as shown on the Comprehensive Plan) is a cohesive development, and to promote inter-connection among individual projects. Internal circulation among different uses which isolates a project shall be discouraged. All streets, whether public or private, shall comply with Sections 1162.14 and 1162.15. In addition, sidewalks and walkways shall comply with the requirements of Section 1162.15 (b).

(b) Tree Lawns. All street right-of-ways within the Mixed Use Overlay District shall contain tree lawns as required by Chapter 1136 of this Planning and Zoning Code.

(c) Enclosed Buildings. All activities except off-street parking, accessory recreation, and refuse storage shall be conducted in a completely enclosed building. City Council may grant approval for outdoor patio dining for restaurants and coffee houses upon written application to the Planning Commission and City Council.

(d) Equipment Installation. All equipment or machinery used in servicing a building, or in processing goods therein, shall be installed entirely within the building or enclosed or screened on all sides by a solid wall or fence in compliance with Section 1166.11, and shall be located, isolated, or sound insulated in such a manner that any noise generated thereby is not objectionable beyond the limits of the lot where such equipment is located, as determined by the Planning Commission.

(e) Residential Buffers. All proposed developments shall provide and maintain the following buffers:

(1) One hundred (100) feet of a no build, natural state buffer zone shall be maintained between a residential portion of the Mixed Use Overlay District and existing residentially zoned areas.

(2) Two hundred (200) feet of a no build, natural state buffer zone shall be maintained between a non residential portion of the Mixed Use Overlay District and existing residentially zoned areas.

(f) Screening, Landscaping and Privacy. All proposed developments shall provide and maintain the following landscaping, screening, and privacy requirements:

(1). Screening through the use of walls, fences, and/or landscaping shall be provided to minimize potential incompatibility between contrasting uses within the Mixed Use Overlay District.

(2). All open areas, including required yards, shall be landscaped according to an approved landscape plan. All pervious areas within the Mixed Use Overlay District shall be permanently protected from soil erosion with grass or other suitable ground cover.

(3). Dwelling units shall be grouped or clustered to maximize privacy and preservation of natural areas and open space.

(g) Phased Development. If the development is to be implemented in phases, each phase shall provide adequate access, parking, storm water management and other public improvements, including temporary or permanent transitional features such as buffer areas, in order to prevent any adverse impact on completed phases, future phases, and adjoining projects.

1169.10 COMMUNITY ASSOCIATIONS.

Community associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities, the natural area corridor and common open spaces, shall be established in such a manner that:

(a) Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;

(b) The association or similar legal entity has clear legal authority to maintain and exercise control over such facilities, corridors and common areas; and

(c) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such facilities, corridors and common areas.

1169.11 WAIVERS.

If the Planning Commission determines that certain design standards set forth in this chapter do not or should not apply specifically to the circumstances of a particular project, and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Planning Commission may relax such standards to an extent deemed by it to be just and proper, provided that the granting of such relief shall be accompanied by a finding that such relief is not detrimental to the public good, and is not detrimental to the intent of this chapter.

1169.12 APPROVAL PROCEDURE.

A Mixed Use Planned Development shall be approved according to the procedures set forth in Chapter 1156 for Conditional Use Permits.

1169.13 PERFORMANCE BOND

A performance bond shall be required. Such bond shall guarantee the completion of all public improvements required by the City prior to the issuance of a building permit. The City Engineer shall establish the scope and amount of such performance bond.