

Mount Vernon

Planning and Zoning Code Overview



May 9, 2024

Goals for the Project

- ▶ **Modernize the regulations**
- ▶ **Address ongoing administrative and enforcement issues**
 - ▶ What belongs in planning and zoning versus building or property maintenance
 - ▶ Cleanup of accessory use regulations
- ▶ **Remove barriers to housing development**
 - ▶ Make it easier to build housing but still in a planned manner with higher density in strategic area
- ▶ **Make it easier to invest in Mount Vernon**
- ▶ **Flexibility with predictability**

Code Audit Report

- ▶ A blueprint for determining the direction of future updates
- ▶ Three sections:
 - ▶ Major themes of improvements
 - ▶ Chapter-by-chapter analysis of existing code
 - ▶ Proposed outline for an updated code

City of Mount Vernon, Ohio

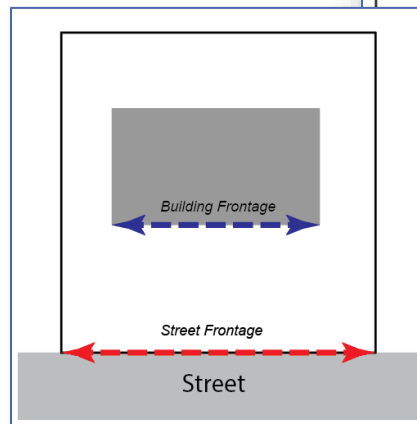
Planning and Zoning Code Audit



May 24, 2022

Code Audit Report

- ▶ Theme 1: Reorganize & Reformat
- ▶ Theme 2: Update Review Procedures
- ▶ Theme 3: Restructure Districts and Use Regulations
- ▶ Theme 4: Modernize the Substantive Standards



Part Eleven – Planning and Zoning Code	
Chapter	Chapter Name
1101	General Provisions
1102	Administration and Enforcement
1103	Zoning Districts and Principal Uses
1104	Planned Developments
1105	Accessory and Temporary Uses
1106	General Development Standards
1107	Architectural Standards
1108	Landscaping and Screening
1109	Parking, Access, and Mobility
1110	Signs
1111	Subdivision Design
1112	Nonconformities
1113	Enforcement and Penalties
1114	Definitions

Chapter 1101: General Provisions

- ▶ **Boilerplate language that is found in all codes:**
 - ▶ Purpose, authority, compliance, separability, etc.
- ▶ **Added a provision that clearly notes that the city is NOT responsible for enforcing HOA provisions or other third-party agreements.**
- ▶ **Added transitional regulations**
 - ▶ Helps identify how the city will address applications under review at the time the new code goes into effect.

Chapter 1102: Decision-Making Roles and Authorities

- ▶ Provides an overview of the establishment of review boards involved in the code, their roles, and general rules for meetings and decisions.
- ▶ The major change in roles is that we have shifted the review of conditional uses and substitution of nonconforming uses to the **Municipal Planning Commission (MPC)**.
 - ▶ Aligns with common practice in municipalities and the overall purpose of planning commissions

Chapter 1103: Review Procedures

- ▶ Consolidates all review procedures under one chapter, with the exception of Planned Developments
- ▶ Establishes a set of common review requirements/information so that we minimize inconsistencies across procedural language.
 - ▶ Fees, public notice, modification of approvals, reapplication, etc.
- ▶ Outlines each procedure in a clear, step-by-step manner and establishes review criteria for each procedure.
- ▶ Added an Alternative Equivalency Review
 - ▶ A “positive” variance where an applicant can propose alternative methods for meeting certain standards provided the approach meets or exceeds the original standard.

Chapter 1103: Review Procedures

- ▶ **Enhanced the Certificate of Appropriateness (COA) review to allow the Historical Review Commission (HRC) to consider whether a structure is really contributing to a district, which relates to how heavily the HRC can apply guidelines.**
- ▶ **Conditional use review moved to MPC**
 - ▶ Fees, public notice, modification of approvals, reapplication, etc.
- ▶ **Added an administrative waiver procedure under zoning permits.**
 - ▶ Allows the Zoning Enforcement Officer to waive certain dimensional standards by up to 20% provided they find that the application meets the variance/practical difficulty criteria. Meant to help residents who need minor variances due to unusual circumstances.

Chapter 1103: Review Procedures

- ▶ **Clarified a minor subdivision process for lot splits, consolidations and property transfers between lots.**
 - ▶ Current code vaguely references as a “procedural variance”. Administratively approved.
- ▶ **Conditional use review moved to MPC**
 - ▶ Fees, public notice, modification of approvals, reapplication, etc.
- ▶ **Added an administrative waiver procedure under zoning permits.**
 - ▶ Allows the Zoning Enforcement Officer to waiver certain dimensional standards by up to 20% provided they find that the application meets the variance/practical difficulty criteria. Meant to help residents who need minor variances due to unusual circumstances.

Chapter 1104: Establishment of Zoning Districts

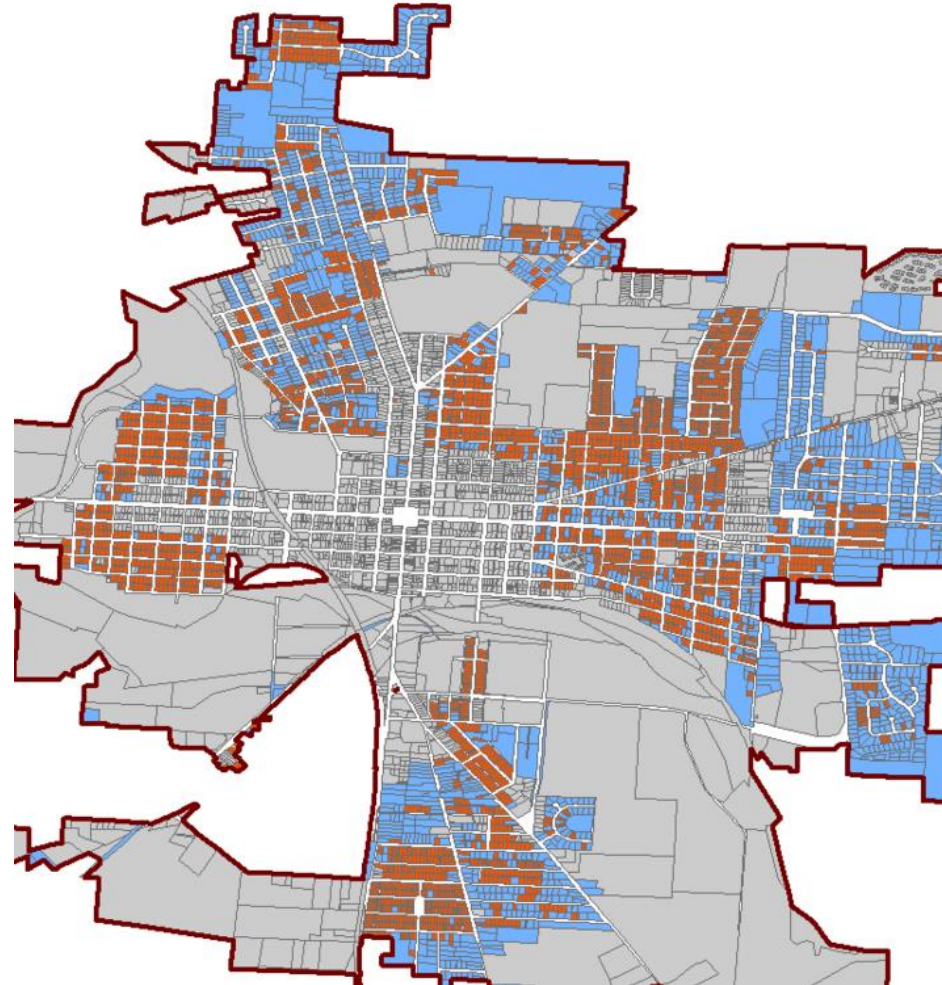
- ▶ Brief chapter that establishes the zoning districts, zoning map, interpretation of the map, and how the zoning districts have changed with this update.

TABLE 1104-2: ZONING DISTRICT TRANSITION TABLE

Zoning Districts in the Planning and Zoning Code Effective Prior to <>	Zoning Districts in the Planning and Zoning Code Effective <>
RR: Rural Residential District	RR: Rural Residential District
ER: Estate Residential District	ER: Estate Residential District
R-1: Single-Family District	R-1: Single-Family Residential District
	R-1A: Core Residential District
R-2 Single and Two-Family District	R-2 Single- and Two-Family Residential District
R-3: Multi-Family District	R-3: Attached Residential District
No Existing District	R-4: Mixed Residential District
R-MH: Manufactured Home Park District	R-MH: Manufactured Home Park District
NC: Neighborhood Commercial District	NC: Neighborhood Commercial District
CB: Central Business District	CB: Central Business District
TOC: Traffic-Oriented Commercial District	
GB: General Business District	GB: General Business District
O/I: Office-Institutional District	OB: Office Business District
M-1A: Light Industrial District	LI: Light Industrial District
M-1: Manufacturing District	GI: General Industrial District
P-1: Public, Semi-Public District	PI: Public and Institutional District
Special Districts	District Eliminated
FDPD: Flood Damage Prevention District	FDPO: Flood Damage Prevention Overlay District
Historical District	HO: Historic Overlay District
PND: Planned Neighborhood District	
PCDD: Planned Commercial Development District	PD: Planned Development District

Chapter 1104: Establishment of Zoning Districts

- ▶ Divided the R-1 District into two with the new R-1A District allowing 5,000 square foot lots. This was because most of the centrally located residential lots in R-1 were nonconforming because of lot size (red lots in map).
- ▶ Added a new R-4, higher density residential district. Not on map yet but provides an option for denser housing, potentially near downtown.



Chapter 1104: Establishment of Zoning Districts

- ▶ Consolidated the TOC-Traffic Oriented Commercial District and GB General Business District. There was no distinct difference.
- ▶ Consolidated the PND Planned Neighborhood District and PCDD Planned Commercial Development District into a single PD Planned Development District
 - ▶ Sets up a single procedure for any future planned development
 - ▶ Allows flexibility in the proposed uses, with ultimate decision-making authority with MPC and City Council

Chapter 1105: Base Zoning Districts and Principal Uses

- ▶ This chapters sets out how principal uses are allowed in the individual districts
- ▶ Establishes that the R-MH Manufactured Home Park District remains to protect existing parks from becoming nonconforming but no new R-MH Districts are permitted.
- ▶ Organizes all uses within a principal use table so that you can see where different uses are allowed in each district.

TABLE 1105-1: PRINCIPAL USES												
Principal Land Uses	P=Permitted Use		PS=Permitted Use with Standards					C=Conditional Use				Use-Specific Standards See Section:
	RR	ER, R-1 & R-1A	R-2	R-3 & R-4	NC	CB	GB	OB	LI	GI	PI	
Agricultural Uses												
Agriculture	PS										PS or C	1105.04(a)
Residential Uses – Household Living												
Dwelling, Multi-Family				P	C		C	C				
Dwelling, Rowhouse			C	P	C		C	C				
Dwelling, Single-Family	P	P	P	P	C	C		C				1105.04(b)
Dwelling, Two-Family		C	P	P	C	C		C				1105.04(b)
Dwelling, Three-Family		C	C	P	C	C						1105.04(b)

Chapter 1105: Base Zoning Districts and Principal Uses

▶ Use changes include:

- ▶ Two- and three-family dwellings will be allowed as conditional uses in the R-1A IF the owner can demonstrate they existed prior to 1990.
- ▶ Added a “small-scale planned housing development” use that will give MPC the ability to consider alternative housing approaches on a case-by-case basis. Cottage home courts, tiny house development, etc.
 - ▶ Projects no larger than five acres
 - ▶ Slight increase in density, depending on surrounding uses
 - ▶ Intended to expand opportunity for
- ▶ Addressed group homes, homeless shelters, and other transitional housing to align with state law

Chapter 1105: Base Zoning Districts and Principal Uses

▶ Use changes include:

- ▶ Addressed short-term rentals
 - ▶ Limiting occupancy, events, etc. Makes it clear subject to lodging taxes
- ▶ Marijuana dispensaries are still prohibited but cultivation and processing is allowed because it is indoors and very secure due to state law.
- ▶ Added a provision for the adaptive reuse of pre-existing buildings that could allow for old churches, schools, industrial buildings, etc. to be used as something other than what is allowed in the zoning district, as a conditional use.
- ▶ General modernization of use language with each use defined.
- ▶ Added numerous graphics to show how setbacks, height, etc. are measured.

Chapter 1106: Overlay Zoning Districts

- ▶ **Carried forward the Flood Damage Prevention Overlay**
 - ▶ Largely intended to show where floodplains and floodways are located on the zoning map and then cross-reference flood damage prevention standards in Title 13
- ▶ **Carried forward the Historic Overlay District**
 - ▶ Enhanced the standards and guidelines for the three historic districts that are subject to review by the HRC.
 - ▶ Gave more guidance to some vague language.

Chapter 1107: Planned Development Districts

- ▶ Maintains a purpose similar to the PND or PCDD, which is to give flexibility options for development by allowing a developer to propose something that is not easily buildable under the base zoning.
 - ▶ Applicants can propose any mixture of uses that are allowed in the code (i.e., cannot use to build a dispensary or other prohibited use). MPC and Council have final say in proposed uses.
 - ▶ Have added a provision that no more than 50% of a development can be single-family dwellings to encourage a mix of housing types.
 - ▶ Established density based on location.

Proposed Uses or Location	Maximum Gross Density
Mixed-use buildings in a PD adjacent to the CB District or within 1,000 feet of the CB District	20 units per acre
Mixed-use buildings or residential uses in a PD District that was originally zoned GB or is adjacent to a GB District	16 units per acre
PD Districts where 75 percent or more of the dwelling units will be contained in buildings with 6 or more dwelling units per structure	12 units per acre
All other types of PD Districts	8 units per acre

Chapter 1108: Accessory and Temporary Uses

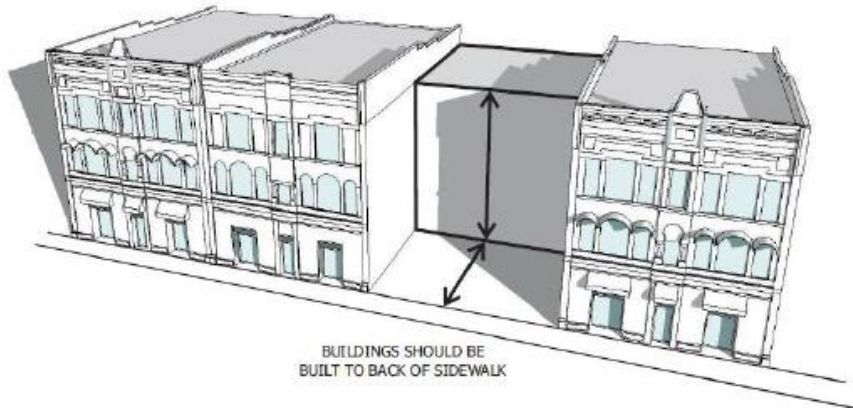
- ▶ Modernized the list of accessory uses allowed to address things like community gardens, accessory dwelling units, outdoor dining, rain barrels, etc.
- ▶ Allowed for some raising of chickens or livestock based on lot area. Six chickens or small livestock on lots of two acres or less
- ▶ Spent a lot of time updating the accessory building provisions.
 - ▶ Maximum of two buildings per lot. One small (240 square feet or smaller) and one that cannot exceed the footprint of the principal building.
 - ▶ There are additional limitations on how big the accessory building can be due to lot coverage limitations.
 - ▶ Setbacks were adjusted based on the zoning district.
 - ▶ Accessory Dwelling Units (ADUs) are allowed as another approach to expanding affordable housing options.
- ▶ Most temporary uses are addressed outside of the planning and zoning code so minimal language on temporary sales, constructure structures, and model homes.

Chapter 1109: General Development Standards

- ▶ **Consolidates several small sets of regulations that do not fit in with other chapters.**
 - ▶ Added language to address outdoor lighting, especially near residential uses.
 - ▶ Updated fencing regulations to provide clearer guidance on location, height, and design standards.
 - ▶ Maintained language on a lot of existing standards related to junk, construction in easements, performance standards, and small-cell technology.

Chapter 1110: CB District Architectural Standards

- ▶ Establishes some baseline design standards for the CB District to help maintain the overall character of the downtown (no setbacks) without rising to the level of historic preservation review.
- ▶ Focus on the form of development rather than styles



Chapter 1111: Landscaping and Screening

- ▶ Created a modern set of landscaping and screening standards to soften the appearance of large parking areas, screen service areas, and screen adjacent uses (e.g., commercial uses next to residential).
- ▶ Allows the use of landscaping area for stormwater management.

Chapter 1112: Parking, Access, and Connectivity

- ▶ Updated the parking requirements. Still maintain ratios for parking on residential lots but for nonresidential uses, the applicant only needs to demonstrate they have provided sufficient parking.
 - ▶ There is guidance and information by which the ZEO can determine that enough parking has not been provided but this approach has worked for a lot of communities and reduced the need for unnecessary parking variances.
- ▶ Added requirements for the establishment of sidewalks for redevelopment if a sidewalk is included as a need in the Active Transportation Plan.

Chapter 1113: Signs

- ▶ Full rewrite of the sign ordinance to address legal issues and also to make it easier to understand what is allowed.
- ▶ From a legal standpoint, had to eliminate content-based regulations, which are sign regulations that vary based on the message of the sign (political sign, real estate sign, contractor signs, etc.). The new focus is solely on the structure type, area, and height.
- ▶ Expanded the amount of sign area allowed in some instances due to variance approvals and on-the-ground examples. However, no massive increase in sign height or area.
- ▶ Gave more flexibility for property owners to decide what type of building signs they want.

Chapter 1113: Signs

- ▶ Added a Master Sign Plan provision for major developments where they can propose a single plan for signs across the development. Consider this a planned development for signs.
- ▶ Temporary signs is where there was a lot of change because that is where there was content-based rules.

TABLE 1113-2: TEMPORARY SIGN ALLOWANCES

Zoning Districts	Residential	Nonresidential
Time Limit	Unrestricted	Unrestricted
Maximum Sign Area per Lot [1]	36 Square Feet	36 Square Feet
Maximum Sign Area per Individual Sign [1]	16 Square Feet	16 Square Feet
Maximum Height	5 Feet	5 Feet
Permitted Sign Types	Banner, Window, or Yard	Banner, Window, Sidewalk, or Yard
Zoning Permit Approval Required	No	No

NOTE:

[1] The provisions of this requirement are as stated in the table unless otherwise allowed for in the applicable sign type standards below.

- ▶ Some limited additional signage allowed on a temporary basis.

Chapter 1114: Subdivision Design

- ▶ Undertook some general clean up of the subdivision design standards but most of the technical requirements for subdivisions are found outside of the code.
- ▶ Added a developer's agreement provision that will allow the City Engineer and subdivider to have an agreement about specifications, timing, inspections, etc.
- ▶ Added a provision for green infrastructure options.

Chapter 1115: Nonconformities

- ▶ The nonconformity regulations were generally in good shape so we did some clean up.
- ▶ Due to the lack of records, this chapter sets January 1, 1990 as a threshold for when the city will require documentation of legal nonconformity. If something was built prior, then there is a presumption it was built legally and therefore, is a nonconformity subject to the rules.
- ▶ Nonconforming residential dwellings can be rebuilt even if they are destroyed completely.

Chapter 1116: Enforcement and Penalties

- ▶ **General update of the enforcement and penalty provisions.**
- ▶ **Established an escalating penalty for repeat offenders.**

Chapter 1117: Definitions

- ▶ The definitions chapter was completely overhauled and expanded.
- ▶ All uses are defined and the list of defined terms was greatly expanded.