

# Salem Township Zoning Code Assessment Report

## A) Code Structure

### a. Organization & Format

1. The table of contents is made up of a long list of chapters with broad titles that could be better organized. To improve navigation, the table of contents should be formatted by article, section, and sub-sections both in the table of contents and throughout the document. A good example of this would be the table of contents for the Warren County Rural Zoning Code.

- Looking through the document online and through a downloaded PDF, many of the page numbers listed for the chapters in the table of contents do not match up to the chapters within the document. This should be fixed with the update.

2. Headers and footers should reflect the article and section of the zoning code the reader is on to make it easier to navigate and cite the information.

3. Use white space and graphics to break up articles and sections for navigation and visual appeal.

4. Definitions Issues:

- The definitions chapter should be at the back of the Zoning Code so it can be accessed only when needed instead of creating additional pages to scroll or flip through before getting to the regulations.
- Definitions are listed by the chapter in which they appear, and some definitions are redundant throughout. The chapter should be restructured so it is only listed alphabetically, and redundancies should either be removed or combined. Thus, removing redundancies and unnecessary text.
- Regulation also shows up within the definitions chapter whereas the chapter the term shows up in could have the regulation. Terms that detail any regulation other than where to find the regulation in the Ohio Revised Code or a federal document should be reduced. Thus, reducing redundancies.

**b. Revise Numbering System**

1. Create more hierarchy in numbering/lettering to break up large chunks of text, organize information more effectively, and more easily cite regulation.

**c. Tables & Graphs**

1. There are some tables used in the Zoning Code, however, much of the document is just chunks of text. Tables and graphs should be utilized:

- To organize information more effectively,
- Use less text to communicate the same regulations,
- More easily make comparisons between similar regulation (i.e. wall sign area maximum based on right of way type, distance from the right of way, and mph)
- Breaks up text and makes the zoning code easier to read.

**B) Zoning Districts**

**a. Add Mixed -Use (MXU) Zone**

1. For both commercial/residential & commercial/industrial

- The comprehensive plan listed MXU implementation as a goal and identified Northern Salem Township and US 22/3 as sites for MXU.

2. Mixed-Use presents an opportunity to create a variety of housing, encourage development in denser areas, promote walking and biking, and provide a sense of place.

**b. Revamp “R-1” Rural Residential Zone**

1. The comprehensive plan made it a goal to have a zoning district that would preserve agricultural land by limiting what activities can be done within the zoning district to that of primarily agricultural use.

2. The comprehensive plan also outlined the desire for a residential district that would be less dense than the current Rural Residential (R-1) zoning district.

- R-1 currently allows a single-family home per 2 acres unsewered and per 1 acre sewerred, but within a subdivision there shall not be more than one single-family home per 1.5 acres.

3. This district should restrict uses that are not large-lot residential or agricultural in use to prevent scattered growth and conserve rural land.

- New homes should not be built on a parcel smaller than 5 contiguous acres with increased setbacks.
- These homes would primarily be on well and septic.
- There could be exceptions to existing farms with incidental residences.

4. As R-1 is reviewed, R-2 which is currently called One-and-Two Family Residential should be reviewed and renamed “Suburban Residential” as it is referred to within the Comprehensive Plan.

**c. Groundwater Protection Overlay (G-P)**

1. The comprehensive plan outlined protecting groundwater as a goal.
2. Data should be collected on where groundwater is and is least to most likely to be affected.
  - Data can justify where certain activities can or cannot take place in general or without conditions in place like with the floodplain regulations.
  - Could justify rezoning or future land use.
3. Should contain regulations found within the Aquifer Protection Overlay (A-P) and the Wellhead Protection Overlay (W-P)
  - To reduce redundancies and needed text
  - Serves to be more effective

**d. Remove and Consolidate Unused Zoning Districts and Overlays**

1. Most Zoning Districts and Overlays are not utilized.
  - Only 4 zoning districts are used or identified by the Zoning Map or the Future Land Use Map (FLUM)
2. Addition of Mixed-Use Zoning replaces “B-2” General Business on the FLUM and covers many other uses within districts including commercial, industrial, and residential.
3. Reduction and consolidation of zoning districts and overlays would remove unused text and redundancies.
  - Zoning Districts and Overlays should be reduced to:
    - Mixed-Use (MXU)
      - i. Commercial/Industrial
      - ii. Commercial/Residential

- Rural Residential (R-1)
- Suburban Residential (R-2)
- Groundwater Protection Overlay (G-P)
- Floodplain Overlay (F)
- Planned Unit Development Overlay (PUD)

## C) Uses

### a. Table of Uses

1. The zoning code currently lists out what is permitted in each zoning district in each chapter and some refer to other zoning district use lists to complete their own. A table of uses should be implemented into the zoning code as its own chapter or section followed by chapter(s) or section(s) of the zoning districts.

- A table of uses would make the additional list of uses unnecessary and more user friendly to find uses for each zoning district, compare, and update for the future.
- A good example of a Table of Uses can be found in the Warren County Rural Zoning Code.

### b. Modernize

1. Some uses are obsolete or have shifted in business or public view. There are also several uses that should be included and some that are able to consolidate due to similarities between other uses. Some uses below were identified by the comprehensive plan and some were found in review:

- Add Agritourism, Agritourism Provider / Ecotourism, Ecotourism Provider
- Add Residential Care Facility / Nursing Home as provided in ORC 3721.
  - Remove convalescent/ rest homes as the above term in the ORC covers it and a wider array of other residential care facilities.
- Add Institutional Care Facilities as stated in the Warren County Rural Zoning Code
  - Each type of this facility listed in their definition should be included here as well.

- It is noted that residential care facilities are also listed under Institutional Care Facilities in the definition. The objective behind having the distinction of “Residential” and “Institutional” Care Facilities is to identify the former as lower-intensity and permitted within residential districts. Whereas the latter would likely need additional approval.
- Add Agriculture as defined in ORC Section 1.61 and include it as a heading similar to Residential or Commercial.
- Add Winery under Agriculture
- Add Day-Care, both family and commercial as defined in ORC Section 5104.01 and the Warren County Rural Zoning Code A+B
- Add Foster Home
- Add Wind, Solar, and Geothermal Energy Conversion Systems as uses and definitions
- Add Temporary Uses such as:
  - Outdoor Plant, Art, and Craft Sales
  - Commercial Tent Events
  - Circuses, Fairs, Carnivals, Revivals, Rodeos, etc. (Allow with permit or conditional use in other zoning districts other than only M-1)
- Add Auto Washing Facility, as it is not assumed to be covered under the existing use options according to the Library of Congress.
- Add Shooting Range as a use that could be permitted or conditionally approved to locate outside of a residential district under a home occupation.
- Add Bank/Financial Institution as a permitted use within districts, not mentioned right now but parking mentions Banks/Financial Institutions.
- Add Bar/ Nightclub/ Cocktail Lounge/ Brewpub to uses unlinked to Sexually Oriented Business and allowed in additional districts.
  - Ohio ranked 4<sup>th</sup> in the nation in craft beer production and breweries/brewpubs are becoming a tourism booster.

- Add any other agricultural uses I have not listed here but are listed in the Warren County Rural Zoning Code.

**c. Conditional Use**

1. Conditional use approval is used for landscaping review, some home occupations, sexually oriented business licenses, and Planned Unit Developments (PUD) but is not used for most uses.
2. Conditional Use Approvals are used when a use is potentially acceptable in a zoning district but not necessarily in all locations.
  - There are uses listed in the zoning code that have conditions listed for them -they are not permitted to exist without meeting those conditions; however, they are listed as permitted or not permitted outright within a zoning district.
3. By allowing for Conditional Use Approval, a use that is more intense or less intense than its adjacent neighboring uses can be further reviewed by a recommending body and a decision-making body to determine whether it would be appropriate based on a set of criteria.
  - This would give additional flexibility to zoning districts to be able to potentially allow a use if they can meet conditions. This would also allow for greater public input and serve community interests without having to rezone, get many variances, allow a use that would not fit in, or be denied entirely without a way to make their case.

D) Regulations

**a. Design Standards**

1. Another goal of the comprehensive plan is to create a set of design standards to be implemented in Mixed-Use as well as other Commercial and Industrial zoning districts when proposed expansion or new building is to occur.
2. The standards should include “smart growth” design that promotes walking and biking instead of prioritizing cars.
  - Parking could be placed to the rear or side of the development giving more area for walking, patios for seating, open space, making the

structures the focus, and allowing the buildings to be immediately accessible from the sidewalks in the right of way.

3. Architectural Standards should also be included to create a visually attractive sense of place.

#### **b. Signage**

1. Organize into logical subsections based on Residential and Commercial Zoning Districts.

- As sign permitting is different from other types of permits, an explanation of process and permit requirements should be in this section.

2. Use Tables to organize minimums and maximums such as sign distance from right-of-way, height, illumination allowed, and total area allowed per type of sign. This will be more user-friendly to find and compare types of signs from different distances and areas.

- Sign design standards should be reviewed.

3. Different types of signs may be reviewed differently and need a different processing fee.

- For example, a large monument sign application comes in and requires review of a landscaping plan and appears to be just outside the right of way. This review will take more time to review because of the components, size, and possible needed inspection.
- Calculate a base fee which covers a standard sign's area. Anything more than the standard adds a dollar amount per square foot/inch.
  - Changeable copy signs to be inserted into monument or other ground signs (commonly seen by large development areas, PUD's and strip malls) should be charged a fraction of the standard base fee.

#### **c. Parking, Loading, and Other Impervious Surfaces**

1. Use a table to organize parking and loading information for the different uses. Remove parking information for unused uses/uses to be removed from the zoning code by revision.

2. Add a parking matrix table to help illustrate how businesses or mixed-use can share parking spaces needed.

3. Parking minimums and maximums should be considered as better site design and reduction of impervious surfaces become more important.

- Decrease largely unused parking and loading spaces.
- Promote parking and loading sharing between businesses that can.
- Promote the use of pervious surfaces if can be maintained
  - Over time or high volumes of traffic, pervious surfaces can become impacted and impervious.
  - It is suggested that if pervious surfaces are permitted to be used to increase parking or allow additional surface where a impervious surface maximum lot percentage is enforced, then a maintenance agreement for the pervious surface should be acquired and regular inspections either by the township or by a third party should take place to enforce the agreement.

4. Impervious surface maximum lot percentages should be used.

- Encourages better site design, allows water to pass through to the earth at a higher rate, decreases runoff produced, decreases temperature, justifies using pervious surfaces, etc.
- There are many counties across the nation that use these percentages to limit impervious surface. Franklin County, for example.
  - Residential zoned areas have lower percentages allowed for impervious.
  - Commercial and Industrial have higher allowed percentages, but usually require landscaping and retention basins or alternate drainage away from natural water resources.

**d. Rural Subdivisions Open Space**

1. The comprehensive plan desired agricultural activities to be permitted in open spaces required in subdivisions.

2. As seen in Aberlin Springs in Union Township, it creates a new and desired type of lifestyle that encourages its residents to participate, learn about, and benefit from agriculture.

3. This can be encouraged through changing the passive and active open space definitions to include some of these agricultural uses.

**e. Tree Coverage**

1. The comprehensive plan outlined this as a goal, as tree coverage effectively reduces temperature and cooling costs as well as providing good community character.

2. A tree study should be conducted in residential and commercial zoning districts respectively to be able to calculate what the tree coverage goal(s) should be.

- With the data, good justification can be provided for tree and buffer-yard requirements to increase.

**f. Stream Setbacks**

1. The comprehensive plan prescribed stream setbacks for new development proposals to keep stream banks from eroding and keep streams healthy.

2. The Warren County Soil and Water Conservation District (WCSWCD) prescribes setbacks for development on contributing watershed sizes.

- The minimum setback from the building envelope to the stream bank is 50 feet.
  - The area in between the two points shall be left naturally vegetated unless a landscaping plan can be approved by the WCSWCD.

**g. Buffer-yards & Screening**

1. The comprehensive plan prescribed heftier buffer-yards between zoning districts. Buffer-yard increases should be reviewed considering the following:

- Increase in tree coverage percentage that align with comprehensive plan goals.
- Reduction in noise, visibility of commercial/industrial from residential or much less intense uses.
- Increase in attractiveness of community.

**h. Non-Conforming Uses**

1. The comprehensive plan also desires for more flexibility to permit updating or expansion of non-conforming or “grandfathered” uses such as Christmas Ranch within the township.

2. A permitting process with limited flexibility should be implemented to allow for small expansion or updates within a window of time.

- To allow for necessary growth but not exponential growth without a more in-depth review.
- For example: updating is permitted when done in compliance with any applicable design standards; expanding 25% or less needs to have improvements such as bike racks, ADA compliant paths, architectural style, or another design standard; expanding 50% or more needs to go through a conditional use process/variance process depending on situation or needs to get PUD approval.

**i. Home Occupations**

1. The comprehensive plan also called for additional flexibility for home occupations based on lot size and proposed use.

2. Some home occupations listed often do not cause deliveries to their property, material/vehicle storage, customers to visit, or even advertise on their property.

- 3 or 4 classes of home occupations should be implemented instead of only 2.
- They should range from allowed to occur outright (telecommuting professionals, for example) to those that require conditional approval (contracting company with more than 2 employees and needed supplies, for example).
- Increasing from 2 classes to 3 or 4 classes can expand on lot size required for each type of home occupation.