

# Bath Township

*Zoning Resolution Diagnosis*



April 26, 2011

Prepared By:



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## **Introduction**

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Zoning regulations are one of the primary tools that a township such as Bath Township has to implement planning policies. As these policies and development trends change, it becomes necessary for the township to periodically evaluate the zoning regulations and determine if they are consistent with the township's needs. The purpose of this document is to provide an analysis of the existing Bath Township Zoning Resolution based on the provisions of the Ohio Revised Code (ORC), modern best practices in zoning, and our experience with drafting resolutions for other townships in Ohio. The intent of the diagnosis is to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards, and to provide options for improvement. This document also includes a proposed outline for the new zoning resolution with a recommended approach that will result in a complete reorganization of the resolution.

This diagnosis and outline is based on our ongoing discussions with township staff, board members, and legal counsel. Additionally, we have reviewed the existing zoning resolution (substantially amended last on January 24, 2000), the Bath Township Design Guidelines, past minutes of the Zoning Commission, Board of Zoning Appeals, and Appearance Review Commission, and a list of comments and notes from staff. Based on those sources, we have prepared this diagnosis and outline for further discussion. Once the appropriate boards review this document, it can then serve as a foundation for any zoning amendments the township may undertake as part of this update process.

It is important to keep in mind that this diagnosis does not necessarily identify every issue or individual problem with the existing resolution but tries to focus on broader issues that will need direction prior to future text amendments. This document is divided into three parts as follows:

- **Part A** focuses on major themes for improvement;
- **Part B** evaluates the existing resolution on a section-by-section basis; and
- **Part C** proposes an outline for the updated zoning resolution.

## **Part A: Major Themes for Improvement**

### *I. Reorganization and Reformatting of the Resolution*

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## **Part A: Major Themes for Improvement**

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Several major themes and goals for the resolution update effort emerged after discussions with township staff and members of the township's various boards. The intent of this part of the diagnosis is to provide an overview of each theme and a direction or options to address them. These major themes include:

- Undertake a complete reorganization and reformatting of the resolution to improve usability and to eliminate inconsistencies and conflicts;
- Clarify the roles of staff and the boards as well as the procedures for development review that each group utilizes;
- Implement the Bath Township Comprehensive Plan;
- Restructure the district and use regulations; and
- Strengthen the substantive standards of the resolution to improve the quality of development.

Each of these items is discussed on the following pages.

### **1. Reorganization and Reformatting of the Resolution**

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The current resolution encompasses typical regulations found within townships across Ohio, however, many of these standards are scattered throughout the resolution without clear organization or flow making it difficult for the average person to use. For example, there are regulations related to permitted uses in Articles III, IV, and VIII. The township should consider the following changes to make it easier to find standards and improve overall usability.

- A. *Revise the resolution structure to present topics in a more organized and logical fashion;*
- B. *Establish a hierarchy of articles and sections;*
- C. *Improve referencing with aids such as a detailed table of contents, index, headers, and footers;*
- D. *Illustrate additional key concepts, processes, and standards with tables, flowcharts, and graphics; and*
- E. *Eliminate submittal requirements from the zoning resolution.*

#### **1(A) Revise Resolution Structure**

In terms of user-friendliness and the ability to locate particular standards and review procedures, the current resolution is not well organized. As stated above, there are use regulations located throughout at least three articles with a significant number of miscellaneous use regulations found scattered throughout Article 3, Section 301-4 (Supplementary Regulations). This is all complicated by the fact that the existing resolution does not include any page number.

## **Part A: Major Themes for Improvement**

### *I. Reorganization and Reformatting of the Resolution*

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This lack of organization and flow not only makes finding the appropriate requirements difficult but also substantially increases the possibility of conflicting standards. For example, there is language that addresses conflicts in language in both Section 101-2 and in Section 301-4 (U). While the intent is similar, they are located in two very different areas of the existing resolution and the latter section may be difficult to locate.

The usability of the zoning resolution can be improved when the articles and sections are ordered based on functions such as administration, development review procedures, zoning districts, and development standards (e.g., parking, buffering, lighting, etc.). The annotated outline of this document provides a structure for the new resolution that reorganizes the various regulations into a more user-friendly format. This structure is presented in the following table with further description found in Part C of this document.

<b>Proposed Zoning Resolution Articles</b>
Article 1: General Provisions
Article 2: Decision-Making Roles and Authority
Article 3: Review Procedures
Article 4: Zoning Districts and Principal Use Regulations
Article 5: Accessory and Temporary Use Regulations
Article 6: General Development Standards
Article 7: Architectural Standards
Article 8: Landscaping Standards
Article 9: Open Space Standards
Article 10: Parking and Loading Standards
Article 11: Signage Standards
Article 12: Nonconformities
Article 13: Enforcement and Penalties
Article 14: Definitions

#### **1(B) Establish a Hierarchy of Articles and Sections**

To improve overall organization, we recommend using a more extensive hierarchy of articles and sections, as well as a hierarchy of section headings, font types, and font sizes to illustrate the relationship of the procedural and substantive provisions. As discussed above, and outlined in detail in Part C of this document, we recommend dividing the resolution into 14 articles. In addition, we recommend separate section and subsection headings that will be used to provide “guideposts” that distinguish provisions by topic and purpose.

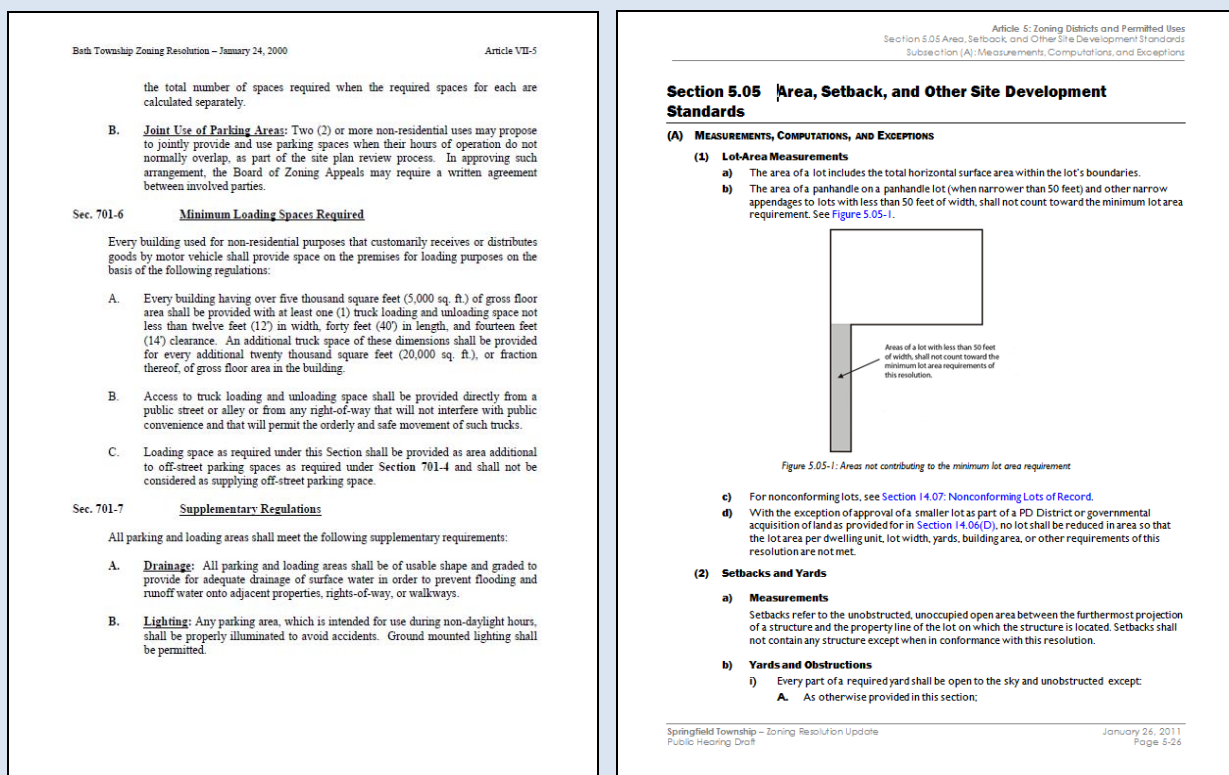
#### **1(C) Improve Referencing**

A detailed table of contents, page numbers, and enhanced use of headers and footers on each page make for much easier navigation through a resolution. The current resolution does contain a modest table of contents at the beginning, but it lacks any form of page number, an index, and other references that can substantially improve the usability of the resolution.

## Part A: Major Themes for Improvement

### I. Reorganization and Reformatting of the Resolution

We recommend including a master table of contents at the beginning of the resolution to make referencing topics simpler. In addition, an index by topics would be helpful in the back of the resolution for pinpointing the location of key topics within the resolution. The final step in a resolution revision will be to review it for internal consistency and include hyperlinked cross-references among sections. Such hyperlinks should be active in any digital version of the resolution so that users can easily click on the cross-reference and be taken to the appropriate section or graphic.



A typical page of the current Bath Township Zoning Resolution (left) as compared to a page from the recently updated Springfield Township Zoning Resolution (right) including hyperlinks in blue.

Another useful way to improve the overall user-friendliness of the new zoning resolution, and to make key information more prominent, is to employ a variety of page formatting techniques that can more quickly alert a reader as to where they are in the document. More extensive use of headers, tabs, section headings, and a more creative use of font types and sizes will be utilized, all of which may be used to illustrate the complex hierarchy of topics in the resolution.

## Part A: Major Themes for Improvement

### I. Reorganization and Reformatting of the Resolution

#### 1(D) Illustrate Additional Key Concepts, Standards, and Processes

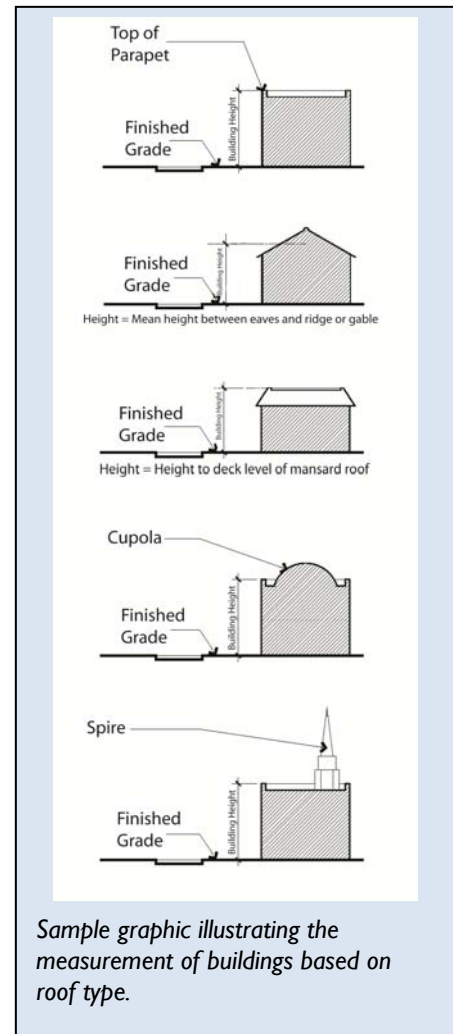
Modern zoning resolutions explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts where possible. The most recent revisions to the zoning resolution did incorporate some of these elements but there are a number of other regulations, such as signage and parking, which will benefit from the inclusion of graphics. Illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions much more quickly and simply than words alone. Tables also can convey a wealth of information about uses and dimensional requirements in a few pages, and vastly improve the readability of a resolution.

The revised resolution should utilize illustrations, graphics, photographs, and tables to explain complex concepts and to summarize detailed lists of information. Where appropriate, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development.

All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the new resolution. Additionally, language will be included in the new **Article I: General Provisions** that will clearly establish that the text of the regulations rule in case of conflict.

#### 1 (E) Eliminate Submittal Requirements

The current resolution lists the exact number of plans and information required as part of many of the township's review procedure. Not only does this add to the length of the resolution, it complicates matters when the township wants to amend the submittal requirements because the lists are part of the adopted zoning text and any change requires a zoning text amendment. We recommend the specific application submittal requirements be removed from the new resolution and maintained as a checklist in an administrative manual or document outside of the resolution. This makes the resolution less cumbersome, and ensures changes in application submittal requirements can be easily made without formal amendments to the resolution.



## Part A: Major Themes for Improvement

### 2. Implement the Comprehensive Plan

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#### 2. Implement the Comprehensive Plan

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The 2010 Bath Township Comprehensive Plan contains a number of recommendations and strategies topics including maintaining rural character, protection of the hamlets, natural resource protection, and land use. One of the reasons the township is choosing to update the zoning resolution is to undertake several of the specific implementation strategies that are related to zoning. The following is a summary of some of the key zoning amendment recommendations from the Comprehensive Plan:

- **Enhance the development standards for open space residential developments.** The Bath Township Comprehensive Plan continues to encourage the use and development of open space residential developments, particularly when they protect the township's natural resources and maintain or enhance the rural character of the area. We recommend incorporating new standards that will clarify requirements for open space (established in the new **Article 9: Open Space Standards**) including what needs to be preserved and guidelines for how the open space is designed and protected. Additional standards should be incorporated related to the design and clustering of the homes that will help enhance the protection of the township's rural character.
- **Incorporate better standards for the mitigation of stormwater.** One of the major issues that many communities are dealing with is the long-standing conflict between certain zoning requirements and the increased stormwater problems those requirements have created. As part of the comprehensive plan, the township established a goal of modifying appropriate standards to encourage and/or require new regulations that will mitigate stormwater runoff, further protecting natural resources in the area. Some of the concepts that we recommend including in the zoning resolution update are provisions that allow for the use of porous pavement and pavers in parking areas, the use of rain gardens as part of landscaping requirements, and provisions that clarify that rain barrels are permitted without a zoning certificate.
- **Strengthen the township's natural resource protection standards where appropriate.** Bath Township has consistently been in the forefront for natural resource protection standards. They were one of the first township's to include riparian corridor protection standards and steep slope regulations. We recommend furthering this goal by strengthening these standards where feasible and in compliance with the ORC. Specifically, we recommend stronger tree preservations standards both as stand-alone regulations applicable to any development, but especially as part of an open space residential development. We also recommend that the township consider additional steep slope regulations that may include a reduction in development density where



*Porous pavement allows stormwater to flow through the pavement rather than runoff in large quantities.*

## Part A: Major Themes for Improvement

### 2. Implement the Comprehensive Plan

significant areas of steep slopes are located on a single lot. Finally, we recommend including some general standards in the new **Article 9: Open Space Standards** that address any open space created in the township that identifies ownership and maintenance responsibilities, permitted uses in open space, and if appropriate, standards for public access and trails.

- **Develop basic development form standards for the two hamlets (Ghent and Hammond's Corner).** One of the significant changes to the comprehensive plan in its last update was the creation of more definition for the two hamlet areas in the township. The plan recommends creating special zoning standards for each hamlet that will help tailor zoning requirements to protect and enhance the existing development character. The plan also recommends undertaking special area plans for each hamlet to help create special, focused planning efforts. As an interim step, we recommend creating two new zoning districts, one for each hamlet, which will include special setback, lot area, parking and buffering regulations specific to each area. Creating districts for each area will also allow the township to specify the ideal permitted uses for each area including allowing for mixed uses and higher density development.
- **Establish special rural development standards for the heritage corridors.** Bath Township has taken great pride in the rural heritage corridors that run throughout the township. The township can help maintain the appearance of these corridors through simple changes such as enhanced tree protection standards along the established corridors as well special setbacks. We will work with staff to develop development standards to address the protection of the heritage corridors.
- **Develop special design guidelines for State Route 18.** While the township has a strong set of design guidelines, especially for the Cleveland-Massillon Road Overlay District, these guidelines (located outside of the zoning resolution) are written more as advisory standards rather than mandated design standards. We recommend incorporating a set of basic architectural design standards (requirements) within the updated zoning resolution that will establish a minimum base for the quality of development. These standards, along with improved landscaping, signage, and parking standards, will help greatly enhance the nonresidential areas of State Route 18 in the Montrose area as the properties redevelop.
- **Develop a planned overlay district to address the SR 18 Residential Area land use category.** The southwest corner of the township received a lot of attention during the plan update due to increased development pressures and high traffic volumes along SR 18. Ultimately, those discussions led to a recommendation that the township utilize a planned overlay zoning district where a property owner could develop at one unit per 2.5 acres (existing zoning) as-of-right but, would have the option of applying for increased residential development densities if they went through a review process with the township that is available through the overlay district. The planned overlay district



## Part A: Major Themes for Improvement

### 3. Clarification of Roles and Procedures

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will include strong natural resource protection standards, architectural standards, open space standards, and numerous other regulations to help address the quality and impact of the increased development. The district would also include a special review process that mandates that all applications will be subject to zoning commission and trustees review with the trustees having the final decision. We recommend moving forward with this district and establishing the standards and review procedure as part of the zoning resolution update.

- **Develop a Cleveland-Massillon Mixed Use District for two of the gateway areas into the township.** Within the plan, there was a recommendation for a new land use category called the Cleveland-Massillon Mixed Use Area, located along Cleveland-Massillon Road at the north end of the township and near the interchange with I-77. This land use category provides for a mixture of uses that are different from the current B-I zoning found along the corridor. We recommend creating a new zoning district to implement the new land use category that may include tailored landscaping, parking, and buffering standards as well as a specific list of permitted uses.

### 3. Clarification of Roles and Procedures

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One of the more important attributes of an effective resolution is that procedures are efficient, logical, and easily understood by the average user. In particular, the board or department responsible for review should correspond with the required level of review.

Some existing procedures, such as appeals and variances, have standards that will not change a great deal in the new resolution given that they are defined in the Ohio Revised Code (ORC). One key step in the revision of the resolution will be clarifying the review procedures, eliminating excess “red-tape” where possible, and creating efficient review procedures.

The township should consider the following improvements:

- A. *Consolidate procedures into one article;*
- B. *Modify the site plan review process to reflect recent ORC changes;*
- C. *Clarify all the existing procedures with the addition of a set of review criteria;*
- D. *Add transitional regulations; and*
- E. *Include a “complete application” provision.*

#### **3(A) Consolidate Procedures into One Article**

The trend in zoning resolutions is to consolidate all procedural provisions into one article of a zoning resolution. This enables the resolution user to locate, in one place, all procedures and the applicable review criteria governing each type of development review (e.g., site plan review, zoning certificate, rezonings, conditional uses, variances, etc.). Currently, the township’s procedures are scattered throughout the resolution with site plan review located in Article IV, sign review information located in Article V, and the remaining procedures located in Articles VIII through XII. Consolidation of procedures can make the resolution easier to use and to help readers understand the relationships among different procedures. Flow charts, similar to the example in the sidebar should be included to illustrate each review process. Each procedure

## Part A: Major Themes for Improvement

### 3. Clarification of Roles and Procedures

should include common sections (e.g., applicability, initiation, procedure, review criteria) so that the procedures are presented in a consistent format and order.

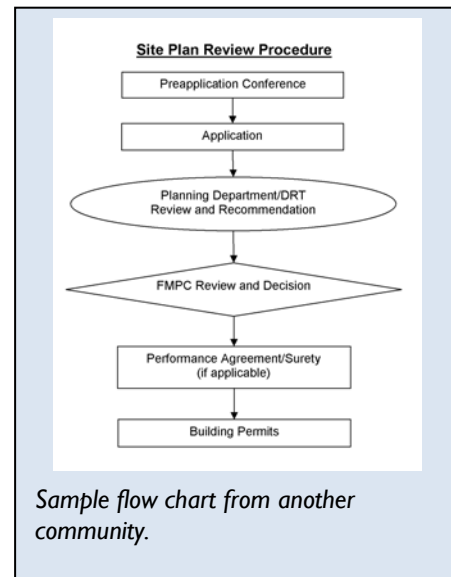
Another suggested improvement is the inclusion of a “common review requirements” section prior to the list of procedures. This introductory section will include important information that is relevant to all procedures. For example, this new section could include provisions covering such common topics as public notice and public hearing requirements, authority to apply, and application filing fees (where the separate fee schedule is referenced but not included).

#### 3(B) Revise the Site Plan Review Procedure

The current zoning resolution outlines a site plan review process in Sec. 301-5 that, as stated, essentially requires all nonresidential development and alterations to be reviewed by the Board of Zoning Appeals (BZA). This is usually done after the application has been subjected to review by the Appearance Review Commission (ARC). Two issues have been identified related to this review. First, it appears that the way the site plan process is laid out in the resolution is not necessarily the way it happens when applied to development and the BZA has not reviewed numerous site plans in recent history. Second, it is very uncommon for BZAs to review site plans in a community. This is especially true in townships because the ORC does not appear to specifically grant the BZA authority to undertake such reviews unless it is part of a conditional use review. All of this being said, recent changes to the ORC have established that a township can have an architectural review board (ORC Section 519.171) who have the authority “to enforce compliance with any zoning standards it may adopt pertaining to landscaping or architectural elements. For this reason, we recommend shifting the site plan review process to the Bath Township ARC with the addition of clear applicability standards for when a certain use, expansion, or other action will be subject to such review. We will work with legal counsel to determine the fine details of the review (e.g., advisory to the zoning inspector, final decision, appeals, applicability, etc.) during the drafting of the first section of the resolution.

#### 3(C) Clarify all the Existing Procedures

As stated earlier, the township’s various review procedures are located in a number of articles in the existing zoning resolution. We have recommended a change in review boards for the site plan review process but the remaining procedures (zoning certificates, zoning amendments, conditional use review, variances, appeals, etc.) will largely remain the same. We recommend enhancing the existing procedures by incorporating specific review criteria for each of the procedures. Currently, the site plan review process includes review criteria in Sec. 301-5 (C)(2) and the conditional use review process includes criteria under Section 801-2, but the other procedures, such as variances, appeals, and zoning amendments, do not have individual sets of review criteria. We recommend detailing each individual review procedure in the new **Article 3: Review Procedures** and incorporate a distinct set of review criteria for each procedure.



## **Part A: Major Themes for Improvement**

### *4. Restructure the District and Use Regulations*

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#### **3(D) Add Transitional Regulations**

The current zoning resolution does not fully address what happens to applications that are under review at the time the zoning resolution is amended and the updated resolution becomes effective. We recommend incorporating a new section called “transitional regulations” within **Article 1: General Provisions** that will help resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new resolution or amendment is adopted. The provisions will allow an application, in general, to be processed under the rules in place at the time a complete application is submitted. Additionally, the transitional regulations section will include language stating that violations prior to the enactment of the revised resolution shall remain violations after the effective date of the resolution. These provisions will also address what happens if a zoning certificate expires and the new resolution is in effect.

#### **3(E) Include a Complete Application Provision**

Part of the overall improvement to the new resolution will be clarifying the steps in various review procedures. In order to ensure accountability and responsibility for moving applications forward for the township and applicant, the township should consider a “complete application” requirement. A complete application provision explicitly authorizes the zoning inspector to review submitted applications and to make a determination that they are “complete” and should be formally accepted for further review and action. The provision, which would be applicable to all development applications, would state that no processing would begin on an application until after a formal determination by staff that such application is “complete.” Applications are complete when they contain all the required exhibits, including reports, maps, and plans, and are accompanied by the required fee. Without such requirements, staff and decision-makers may waste time and effort reviewing incomplete applications only to have to re-review applications once any errors or omissions are corrected. Formally instituting this step can help prevent the township from processing incomplete applications, which is frustrating to staff, decision-makers, and the applicant. Generally, if the staff determines an application is “incomplete,” and therefore unacceptable for further processing, the staff is required to notify the applicant in writing of any deficiencies they find.

Typically, staff should have no more than three days to review and make a determination that an application is complete. An applicant, in turn, would have a prescribed period to remedy the deficiencies and resubmit, or risk rejection of the application.

### ***4. Restructure the District and Use Regulations***

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One of the key purposes of this rewrite is to evaluate the existing district structure and make it easier to identify permitted uses and related use regulations (e.g., accessory uses, home occupations, etc.). As part of this purpose, there is a need to review the existing zoning district structure (the number and purpose of the current zoning districts), the permitted uses within each district, and general regulations governing temporary, accessory, and similar uses.

In summary, to address these uses and district issues, we recommend the township consider the following revisions:

## **Part A: Major Themes for Improvement**

### **4. Restructure the District and Use Regulations**

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- A. Consider revisions to the existing zoning district structure that will include the incorporation of four new zoning districts;
- B. Consolidate the existing use regulations; and
- C. Clarify existing accessory and temporary use standards.

#### **4(A) Consider Revisions to the Existing Zoning District Structure**

According to staff, the existing zoning district structure (i.e., number and purpose of districts) works well for the township and we do not recommend any significant changes to those existing districts. We do recommend adding the four new zoning districts discussed in Part A, Section 2 of this document that outlines implementation strategies from the comprehensive plan. These four new districts include a new district for Hammond's Corner, a new district for Ghent, a new Cleveland-Massillon mixed use district, and a new RT 18 planned overlay district. Each of these districts will be incorporated into the updated resolution.

#### **4(B) Consolidate the Existing Use Regulations**

In addition to reorganizing and simplifying the list of uses, the use regulations (i.e., conditions specific to a particular use, accessory uses, temporary uses, and home occupations) need to be brought up to modern standards where they have created problems. For the most part, there will need to be some minor revisions to the list of uses and use regulations but we do not expect to undertake a major overhaul of the list of uses and related standards.

One specific use issue that was raised by the review committee is encouraging the reuse of historic structures and homes in the township, particularly along Cleveland-Massillon Road, rather than seeing the structure demolished for new development. We recommend the township consider establishing a list of residential businesses that may be permitted under these circumstances, in certain areas of the township. Residential businesses can take the form of a home occupation where the business use can be more prominent. Some examples include home recording studios, beauty parlors, salons, etc. Provisions for residential businesses could also be written to allow for certain nonresidential business (e.g., professional offices, medical or dental office, etc.) where there is no resident living in the home. In such cases, the residential character of the structure must be maintained and certain protections will need to be added to buffer adjacent residential uses from any potential impact.

#### **4(C) Clarify Accessory and Temporary Use Standards**

The township has a thorough list of accessory use and temporary use standards, including standards for modern temporary uses such as portable storage sheds. Many of these standards are scattered throughout the existing Article III. We recommend consolidating all of the accessory and temporary use regulations into the new **Article 5: Accessory and Temporary Use Regulations**. Consolidating them into their own article will make them easier to find by a user and since much of Bath Township is residential, accessory uses are going to be an on-going issue. We recommend supplementing these regulations with new provisions to address items such as solar and wind energy systems as well as updating specific standards as outlined in Part B of this document.

## Part A: Major Themes for Improvement

### 5. Strengthen the Substantive Standards

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#### 5. Strengthen the Substantive Standards

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One priority of the zoning resolution update is to maintain and improve the quality of development while making standards easy to understand and related to the purpose of the zoning resolution. This can be accomplished by upgrading the development standards within the zoning resolution and integrating new standards as needed.

Specific recommendations for strengthening the substantive standards include:

- A. *Strengthen the existing development standards;*
- B. *Incorporate sustainable development practices; and*
- C. *Clarify rules of measurement.*

#### 5(A) Strengthen the Existing Development Standards

The current resolution provides a basic set of development standards, including signage, landscaping, and parking. Some recommendations for strengthening standards (e.g., natural resource standards and open space residential standards) were discussed in the earlier section on implementing the comprehensive plan. Other changes the township might consider adding or improving on include the following:

- **Outdoor Storage, Sales, and Displays**

The current resolution has some minimal language related to the regulation of outdoor storage, sales, and displays. This is often a major issue with communities especially, when it comes to seasonal sales in parking areas or the sale of mulch at gas stations. We recommend the township strengthen the existing provisions for outdoor storage to address issues related to seasonal outdoor sales and address outdoor cafes and similar uses.



- **Improved Parking and Stacking Standards**

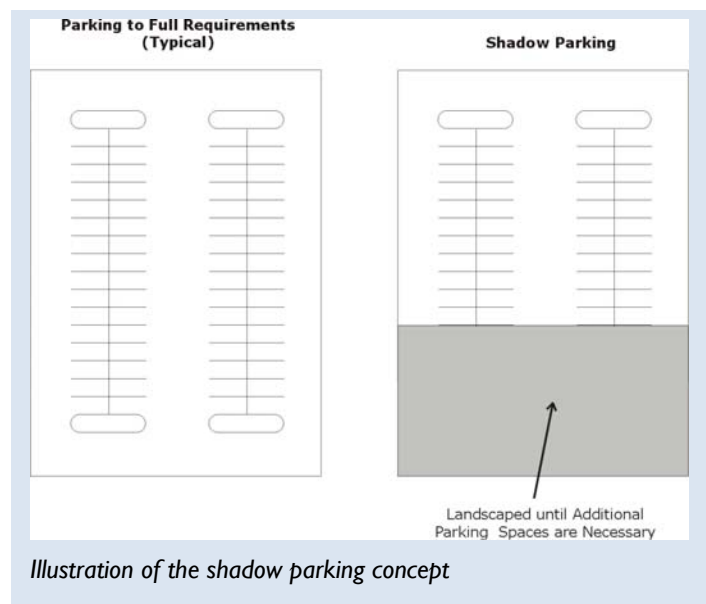
We identify several recommended improvements to the existing parking and loading requirements throughout this document. However, as with many standards, the township can be more progressive with regard to parking. The current regulations are typical of most community with a minimum number of spaces required and minimum setbacks for parking areas. Some communities are beginning to establish requirements that only a certain percentage of parking (e.g., 50% to 60%) can be located between the street and building with the remaining parking in the side and rear yards. Other communities are moving so far as to limit parking between the street and building to two bays of parking (i.e., one parking space on each side of a single driveway). These types of provisions force a building to be located closer to a street to create an

## Part A: Major Themes for Improvement

### 5. Strengthen the Substantive Standards

improved street frontage. This potential range of options should be considered by the township when revising the off-street parking standards, especially in the hamlet areas.

The township currently has regulations for joint and shared parking requirements, provisions that are standard in most communities. However, the township should also consider the option of permitting shadow parking, sometimes referred to as land-bank parking. Shadow parking (See example below.) is where an applicant is required to build only a certain percentage of the required parking (e.g., 75 percent) and then maintain a grass or landscape area that could, in the future, be improved to build the remaining parking. This is particularly effective for structures that can be used for a variety of uses and where excessive parking may not be necessary for the initial land use.



#### ▪ **Architectural Standards**

With recent changes to the ORC, townships may now include some architectural standards for buildings in nonresidential districts. While the regulations cannot regulate building materials, regulations can be designed so that there are little to no flat roofs, that long walls are broken up by recesses and/or similar details, and that there are certain building details that improve the general appearance of nonresidential buildings. We recommend taking some of the best guidelines from the Bath Township Design Guidelines document and incorporating them into the zoning resolution as a set of minimum architectural standards. The guidelines will still remain intact for its existing purposes.



## Part A: Major Themes for Improvement

### 5. Strengthen the Substantive Standards

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- **Landscaping and Buffering**

The township has some fairly common landscaping and buffering requirements that could be greatly enhanced. We recommend incorporating stronger buffering standards that takes into account the specific type of use that will be buffered from an adjacent residential area. Additionally, the new landscaping and buffering standards need to be revised to account for the variety of development types in the township including smaller-scale development in the hamlets and larger, regional-scale development in Montrose. along with standards for screening mechanical equipment visible from residential uses.

- **Signage**

The township has consistently identified the sign regulations as the one area of the zoning resolution in need of a major update. In Part B of this document, we make a series of suggestions on how to improve the sign regulations. As noted, it will be improtant to have a specific discussion with the township about the use or prohibition of new signage technology such as LED signs and/or electronic message centers.

#### 5(B) Incorporate Sustainable Development Practices

There has been a lot of discussion at the township level about taking steps to encourage sustainable development, reduce energy use, and potentially improve living conditions and overall quality of life for Bath Township residents and businesses. Achievement of some of these sustainable practices will require changes and clarification in the resolution to make them possible. We recommend the township consider the following issues related to sustainable development practices.

- **Solar Energy**

The township should allow for the installation of photovoltaic (PV) solar panels to homes and businesses as an accessory use, either attached to roofs or possibly as stand-alone accessory structures in the rear yard. The current resolution does not currently address solar panels.

- **Wind Energy**

Wind energy systems (turbines) often are cause for more discussion as compared to solar panels due to the higher visibility. The township should consider allowing reasonably scaled wind turbines for residential uses, as well as newer turbines (e.g., horizontal turbines or small-scale roof turbines) in other areas of the township to support this source of renewable energy.



*New technology is allowing for smaller scale turbines that are compatible with the scale of buildings and should be addressed in the new resolution.*

## Part A: Major Themes for Improvement

### 5. Strengthen the Substantive Standards

- **Reduce Automobile Dependence**

Increase pedestrian and bicycle accessibility in all types of developments through requirements for installation of sidewalks and design that is not as dependent on the automobile for access. Internal sidewalk requirements will be utilized in the requirements for the RT 18 Residential Overlay District where increased densities are proposed.

- **Local Food Production and Sales**

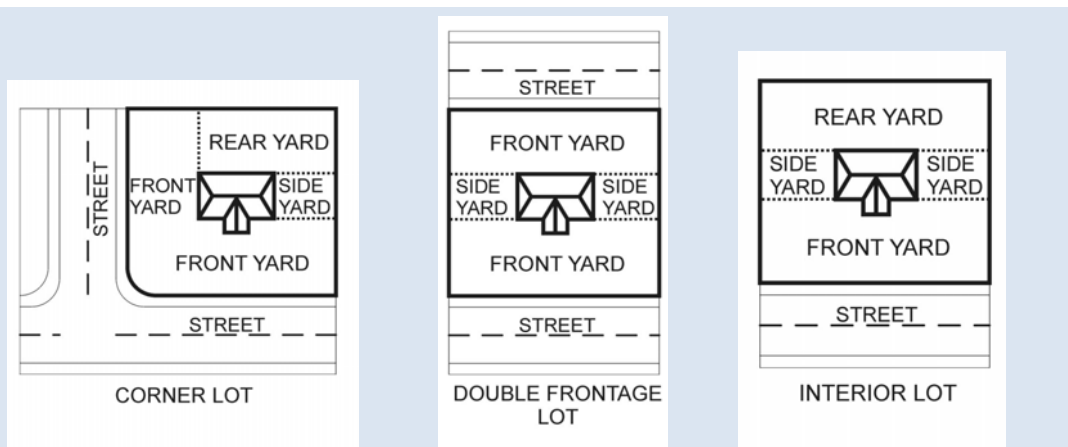
Allow for the development of community gardens and farmers markets in certain districts to encourage local food production and sales. We recommend further discussion on where and how to permit farmers markets but one strategy could be to allow them on township properties, where the township can exert the most control, but also to allow them in the two hamlet districts as a method of promoting business activity in Ghent and Hammond's Corner.



*Local food sales and farmer markets are important components of sustainability.*

### 5(C) Clarify Rules of Measurement

As suggested in previous sections, the revised resolution should clearly list all dimensional requirements in a summary table (e.g., density requirements, building heights, setbacks). In addition, the resolution should contain a section devoted to rules for measuring dimensions. Such rules should be explicit (e.g., to measure a setback the rules might state, “measure from the furthestmost projection of structure and any abutting right of way line”), and exceptions and permitted encroachments should be clearly defined. Many of these types of regulations are currently scattered throughout Article III.



*Illustrations such as these help resolution users understand how yards and setbacks are measured for various lot types. Sample illustrations are from Monroe Township, Ohio.*

## **Part B: Detailed Review of the Existing Resolution**

### *Article I: Title, Interpretation and Conflict*

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## **Part B: Detailed Review of the Existing Resolution**

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Part B of this document sets forth a section-by-section review of the current Bath Township Zoning Resolution and proposes changes in either organization or substance based on our initial discussions with township officials and staff. The intent of this section is not to provide line-by-line edits but to identify key issues that may need to be addressed in the zoning resolution update process.

### ***Article I: Title, Interpretation and Conflict***

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The three subsections under this article are boilerplate regulations typically found in zoning resolutions that will be incorporated into the new Article I: General Provisions of the proposed resolution. Section 101-2 on conflicts will be consolidated with Section 301-4 (U) on inconsistencies. A new, separate provision will be added that will address issues and conflicts specifically related to private deed restrictions, private covenants, and other third-party agreements that may be treated differently than internal conflicts and inconsistencies in the zoning resolution.

### ***Article II: Definitions***

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This entire article will be updated after drafting the new language for the zoning resolution. Terms that are not used should be deleted while new terms will need to be defined and added to this article. We recommend moving the definitions to the new **Article 14: Definitions** as glossaries and the definitions of terms tend to be found in the back of books and similar documents.

### ***Article III: General Provisions***

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Article III of the existing resolution appears to be where any existing regulation that does not fit elsewhere in the resolution is located. We recommend the township consider the following revisions to some of the existing regulations and restructuring the provisions so they are located in a more functional setting as part of the new zoning resolution.

- Sec. 301 (Establishment of Districts) through Sec. 301-2 (Zoning Districts Map) are sections that establish the basic list and structure of the township's zoning districts. These three sections will be carried forward, with minimal changes, to the new **Article 4: Zoning Districts and Principal Use Regulations**. The only changes that we propose will be to update the list of zoning districts per the recommendations of this document.
- Sec. 301-3 (Interpretation of District Boundaries) is a section that addresses how the zoning map may be interpreted if there is any uncertainty in the location of the district boundaries. This section is common to most zoning resolutions and should be maintained but we recommend including a specific procedure the township will follow in interpreting these boundaries. Typically, in townships, this type of interpretation is made through the BZA as part of an appeals review procedure. Additionally, we recommend modifying subsection (C), which addresses zoning district application in the situation of a public way vacation. In this situation, we recommend that if a public way

## **Part B: Detailed Review of the Existing Resolution**

### *Article III: General Provisions*

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is ever vacated, the township or property owners will initiate a zoning map amendment process to determine the applicable zoning districts because as currently written, the language allows for an automatic rezoning without any due process given to the property owners or township.

- Sec. 301-4 (Supplementary Regulations) is a section that contains a wide range of standards that have various levels of applicability but, for the most part, will be carried forward into the new resolution. We recommend reorganizing many of these standards and placing them in more appropriate groupings, under various articles, in the updated zoning resolution. The following are some specific issues for the township to consider:
  - Sec. 301-4 (G) (Transition Area) is a vague provision that allows the BZA to determine the need for buffering between residential and nonresidential uses. This section will be eliminated and replaced by stronger buffer requirements in the new **Article 8: Landscaping Standards**.
  - The provisions of Sec. 301-4 (P) (Accessory Buildings and Structures) will be moved to the new Article 5: Accessory and Temporary Use Regulations. The current provisions appear to be designed around the rural residential properties with large setbacks that may not be feasible on smaller lots. We recommend re-evaluating the size and setback requirements for some of the smaller residential lots in the township. The driveway standards that are part of this section will be moved to the new **Article 10: Parking and Loading Standards**.
  - The noise standards established under Sec. 301-4(V) should be moved to the new **Article 6: General Development Standards** if the township wants to maintain the regulations.
  - The domestic animal/household pet regulations of Section 301-4 (Y) classify domestic animals as most common forms of livestock ranging from a chicken to a cow and limits the number to two animals on lots of two acres. While this is very understandable for larger animals such as horses and cows, this is very restrictive when considering the smaller domestic animals. The township should consider a sliding scale of the number of animals allowed based on size or type where an owner could have a few more chickens on two acres but the limit for larger animals would still be two.
  - The regulations pertaining to dish antennas (Sec. 301-4 (AA)) should be revised to address the federal telecommunication laws, which generally prohibit regulations of any dish antenna that has a diameter of less than one meter.
- Sec. 301-5 (Site Plan Required) is the section of the zoning resolution that establishes the township's site plan review process that was discussed in Part A of this document. As discussed in Part A, we recommend revising the site plan review process to have the ARC review site plans, where applicable. This procedure will be carried forward, as modified, to the new **Article 3: Review Procedures**.
- The township currently has access management requirements in Sec. 301-6 that are very detailed and are required for significant developments. We recommend deleting

## **Part B: Detailed Review of the Existing Resolution**

### *Article IV: Use, Area, Height Regulations*

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these regulations as the county maintains strict access management requirements and has a traffic impact study requirement for any subdivision that accesses off a county road. Given that the county is in a better position, from an administrative and engineering standpoint, to review these studies, the requirements in the township are more duplicative in nature and will likely end with the same results as the county.

- It was clear that the township still wants to allow for the design and development of open space residential developments as allowed in Sec. 301-7 but there is a desire to see enhanced open space and general design standards. We recommend carrying forward most of Sec. 301-7 with enhanced standards for the design and use of open space as well as better standards for the clustering of the homes. The new provisions will be located in the new **Article 4: Zoning Districts and Principal Use Regulations** with enhanced open space standards established in **Article 9: Open Space Standards**.

### **Article IV: Use, Area, Height Regulations**

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This article is almost exclusively dedicated to zoning districts, the overlay districts, and related use regulations. For the most part, these regulations will be carried forward into the new **Article 4: Zoning Districts and Principal Use Regulations**. The township should consider the following issues and recommendations:

- We recommend utilizing a principal use table, similar to the use table included in the existing resolution's appendix, instead of listing individual uses under each of the individual districts. First, by consolidating the lists of uses, there is minimal chance of a conflicting use of terminology. Second, a person who is reading the resolution can see where and how an individual use is permitted in the township, which helps illustrate within what districts certain uses are appropriate. Finally, the cross-references to various use-specific standards (as used widely in the conditionally permissible use lists) can be consolidated and added to the table as shown in the example in Part A of this document.
- We generally recommend maintaining the same uses and terminology of the existing resolution unless otherwise noted or as may be discussed during the drafting of the use table. One suggested change is making unique distinctions for agricultural uses based on how the Ohio Revised Code allows townships to regulate agricultural uses. While agriculture is largely exempt from zoning, the township does have the authority to regulate height, setback, and related site standards for agricultural uses on lots between one and five acres in size. For agricultural uses on lots of less than one acre, the township has full zoning authority.
- We suggest that instead of cross-referencing numerous subsections from the existing Articles VIII and XI, that each identify special conditions for certain uses, that a new subsection be established in **Article 4: Zoning Districts and Principal Use Regulations** for use-specific regulations and that all applicable standards for, as an example, cemeteries, be listed under a cemeteries subsection. See the example on the following page.

## Part B: Detailed Review of the Existing Resolution

### Article V: Sign Regulations

#### (6) Cultural Institutions

- a) A minimum of 25 percent of the lot shall be maintained as landscaped areas or open space.
- b) New cultural institutions that require a lot area larger than five acres shall take primary access from an arterial road as established in the Major Thoroughfare Plan.

#### (7) Religious Institutions

- a) The proposed use shall require Major Site Plan approval by the Planning Commission (See [Article 6: Minor and Major Site Plans.](#)).
- b) Proposed additions to religious institutions may be reviewed by the Planning Director as a Minor Site Plan (See [Section 6.01: Minor Site Plan.](#)) if the proposed expansion is less than 50 percent of the floor area of the original structure or less than 2,000 square feet, whichever is less.
- c) New religious institutions shall be required to take primary access from an arterial or collector roadway as established in the Major Thoroughfare Plan.

#### (8) Commercial Cemeteries

- a) Commercial cemeteries shall have a minimum lot or site area of 20 acres, including business offices and storage buildings.
- b) New commercial cemeteries shall take primary access from an arterial road as established in the Major Thoroughfare Plan.
- c) Commercial cemeteries shall be subject to all applicable standards of Title 46 of the Tennessee Code Annotated and any other applicable Local, State, or Federal regulations.

*Above is an example of consolidated use-specific standards from a zoning ordinance in Tennessee. All of the conditions for each specific use are listed with the individual use.*

- Currently, the township regulates development on steep slopes in *Sec. 412: Steep Slope Regulations*, and treats the regulations as an overlay district even though steep slope areas are not illustrated on the zoning map. Unless the township wants to treat steep slope regulations as an overlay district, we recommend moving the steep slope regulations to the new **Article 6: General Development Standards** where the standards for development will be applicable to all steep slope areas, regardless of zoning.

### Article V: Sign Regulations

This chapter focuses solely on the regulation of signage. After discussion with the staff and boards, it is clear that this article needs significant revisions both for clarity purposes and to address ongoing issues with signage throughout the township. We recommend rewriting the entire article with some of the following revisions:

- The new regulations must make a clear distinction between, at a minimum, the following:
  - Off-premise and on-premise signs;
  - Permanent and temporary signs;
  - Commercial speech and non-commercial speech (free speech) on signs; and

## Part B: Detailed Review of the Existing Resolution

### Article V: Sign Regulations

- Internal and external illumination.
- The above changes will help address many of the sign issues and will help create sign regulations that are as content-neutral as possible in the eyes of the law. Content-neutral regulations allow the township to read a sign to determine if it is an on-premise versus off-premise sign and if it is commercial speech versus free speech. For example, the township's current political sign regulations (Sec. 501-2 (B)(2)(b)) allude to election signage as they are only permitted 30 days prior to and five days after an election. Political signage is a form of temporary, non-commercial speech signage and should not be subject to timing limitations. The height and location of temporary non-commercial speech signs may be regulated from a safety standpoint but the time limitation and area regulations should be removed.
- Instead of creating a list of permanent signs permitted in any district (Sec. 501-2), we recommend creating a new subsection that identifies signs that are exempt from the sign regulations (e.g., traffic control signs or government signs in the right-of-way); a new subsection that identifies signs that are specifically prohibited in Bath Township (e.g., roof signs and snipe signs); and a third subsection that identifies all permanent signs that are permitted in any residential districts without a zoning certificate (e.g., memorial signs and plaques on homes with a home occupation).
- All temporary signage regulations should be consolidated into a single subsection under the new **Article 10: Signage Standards** for ease of review.
- The revised sign regulations should be tailored for the different business areas of Bath Township with special sign provisions (including multi-tenant signage) developed for the areas of Hammonds Corner and Ghent that reflect the scale and character of development in these areas as compared to the general commercial areas in along Route 18.
- Instead of using language such as "Signs appropriate to a church, school, community center...", we recommend identifying very specific permanent sign regulations for signs associated with a specific list of uses that may, depending on the format of the principal use table, be categorized as public or institutional uses. This will help move away from terms such as "appropriate," which can be very discretionary.
- We recommend clearly identifying how electronic message centers or LED signs may or may not be permitted in the township. Based on the existing regulations, they appear to be prohibited, particularly if they are animated, but the township may want to allow the limited use of this signage in cases where the signage copy does not change constantly (e.g., fuel signs).



Above are examples of snipe signs. They can be regulated because they are commercial signs – often in the right-of-way.

## Part B: Detailed Review of the Existing Resolution

### Article VI: Non-Conforming Uses

- We recommend identifying if changeable message boards (non-electronic) are permitted in conjunction with any signs and, if they are, what percentage of signage may contain changeable message boards.
- Generally, we do not currently recommend any major changes to the number, sign height, and sign area requirement's other than for clarification.



Above is an example of a changeable copy sign that is not electric and does not appear to be clearly regulated in the Bath Township Zoning Resolution.

### Article VI: Non-Conforming Uses

This chapter is fairly standard language found in most zoning resolution that addresses how the township deals with uses that when constructed, were legally permitted under the zoning resolution that existed at the time of construction but that are no longer permitted due to zoning amendments. These regulations are sometimes referred to as “grandfathering” regulations.

The township currently treats all types of non-conformities as a non-conforming use. This means that a home in a residential zoning district that simply does not meet the minimum front yard setback is treated the same as a nonconforming commercial uses located in a residential zoning district. In the case of the home that does not meet the front yard setback, but is otherwise permitted, the township is unlikely to prohibit extensive alternations which, it could, based on the provisions of Sec. 601-1 (A). The township may, however, not want to allow the expansion of a non-conforming commercial use that could have negative impacts on the surrounding residential uses. We recommend revising the non-conforming use regulations to make clear distinctions between a non-conforming use (a use that was legally established but is no longer permitted in the applicable zoning district), a non-conforming structure or site (a use that is permitted in the applicable zoning district but does not meet some dimensional requirement, such as a setback, and a non-conforming lot of record. With the latter, the township does have clear regulations that allow for the development of a home on a lot of record, which will be carried forward in the new non-conforming use provisions.

### Article VII: Parking, Loading, Landscaping and Buffering Requirements

This article combines regulations for parking and landscaping. We recommend modernizing the standards and separating them into two separate articles in the new resolution. Other specific recommendations include:

- Updating the off-street parking space requirements to minimize over-parking will include re-evaluating the retail parking space requirement of one space for every 200 square feet that. While this is not considered overly excessive, it is a high ratio as many communities are moving to a ratio of one space required for every 300 square feet.

## **Part B: Detailed Review of the Existing Resolution**

### *Article VIII: Conditional Zoning Certificates*

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- As identified in Part A of this document, we recommend incorporating new standards that will help mitigate stormwater including the allowance for pervious pavement, allowing for phased parking development, and enhanced standards for joint or shared parking.
- The lighting standards should be enhanced and moved to a separate and distinct section under the new **Article 6: General Development Standards**.
- There does not appear to be any general parking standards for the parking and storage of recreational vehicles. The township may want to consider whether or not there is any desire to regulate the storage of such vehicles and incorporate them into the new resolution.
- The landscaping regulations should be enhanced as established in Part A of this document with modern buffering requirements that take into consideration the intensity of the proposed use as well as the scale and use of surrounding properties. A buffer requirement in the hamlets will differ greatly from those in the general business district.
- We recommend incorporating some tree canopy preservation standards in the landscaping requirements to supplement the provisions of Sec. 702-10, in particular, the focus should be on the protection of large trees or large standards of trees.

### **Article VIII: Conditional Zoning Certificates**

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This article deals specifically with conditional zoning certificates and includes the procedure for review and all applicable review criteria. The following are some specific recommendations the township should consider:

- We recommend moving the general review criteria and the procedure to the new **Article 3: Review Procedures**. We recommend taking the regulations pertaining to conditionally permitted uses and listing the appropriate regulations under each individual use, as applicable, under the new use-specific regulations in **Article 4: Zoning Districts and Principal Use Regulations**. This will allow an applicant to look up a specific use, such as churches, and see a list of applicable regulations rather than having to look up individually number/alphabetized standards under Article VII. This will prevent any potential conflict if the numbering of the conditions is modified in Article VIII but not changed elsewhere in the resolution. The standards will be updated and enhanced based on further discussions with staff and our experience with regulating the various uses.
- We recommend completely revising Sec. 803 that addresses oil and gas well regulations. The ORC has largely stripped townships and municipalities of any authority to regulate the uses. However, the township can include some basic health and safety standards related to the use, including regulating any uses (e.g., homes or businesses) that may locate near an existing well.
- We recommend modifying Sec. 804 that addresses wireless telecommunication facilities to incorporate the initial notice requirements established in the ORC. The state requires that a township notice adjacent property owners when a wireless

## **Part B: Detailed Review of the Existing Resolution**

### *Article IX: Administration and Enforcement*

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telecommunication facility is proposed in a residential district. If no one who is noticed objects to the facility, it must be permitted as-of-right without any conditions or special reviews. It is only if someone objects to the facility can the regulations from the existing Sec. 804 be applied to the facility.

### **Article IX: Administration and Enforcement**

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This article deals specifically with the role of the zoning inspector and requirements for zoning certificates. These provisions will be clarified and enhanced as proposed in Part A of this document and carried forward into the new **Article 2: Decision-Making Roles and Authority**, **Article 3: Review Procedures**, and **Article 13: Enforcement and Penalties**, as appropriate.

### **Article X: Board of Zoning Appeals**

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This article deals specifically with the role of the BZA and requirements for variances and appeals. These provisions will be clarified and enhanced as proposed in Part A of this document and carried forward into the new **Article 2: Decision-Making Roles and Authority** and **Article 3: Review Procedures**, as appropriate.

### **Article XI: Appearance Review Commission**

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This article deals specifically with the role and duties of the ARC. This section will have to be completely rewritten to address the ARC's role in site plan review. The new provisions will be incorporated into the new **Article 2: Decision-Making Roles and Authority** and **Article 3: Review Procedures**, as appropriate.

### **Article XII: Zoning Commission and Amendments**

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This article deals specifically with the role and duties of the Zoning Commission and also include the procedure for amending the zoning map or text. Most of this language is standard for townships in Ohio and will be clarified as proposed in Part A of this document. The new provisions will be incorporated into the new **Article 2: Decision-Making Roles and Authority** and **Article 3: Review Procedures**, as appropriate.

### **Article XIII: Validity**

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This article contains a single section that is common to all zoning resolutions. This section will be incorporated into the new **Article 1: General Provisions**.

## ***Part C: Proposed Outline of the Updated Bath Township Zoning Resolution***

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### **Part C: Proposed Outline of the Updated Bath Township Zoning Resolution**

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The following is a proposed outline for the updated Bath Township Zoning Resolution that reflects the reorganization and major substantive changes discussed in the preceding sections.

For reference purposes only, the table below sets forth the proposed structure of articles in the revised zoning resolution. This table is followed by a detailed discussion of the contents of each article.

<b>Proposed Zoning Resolution Articles</b>
Article 1: General Provisions
Article 2: Decision-Making Roles and Authority
Article 3: Review Procedures
Article 4: Zoning Districts and Principal Use Regulations
Article 5: Accessory and Temporary Use Regulations
Article 6: General Development Standards
Article 7: Architectural Standards
Article 8: Landscaping Standards
Article 9: Open Space Standards
Article 10: Parking and Loading Standards
Article 11: Signage Standards
Article 12: Nonconformities
Article 13: Enforcement and Penalties
Article 14: Definitions

#### ***Article 1: General Provisions***

---

This article will include basic provisions including the purpose and intent of the zoning resolution, severability, and transitional regulations. This article is not intended to include any development standards or substantive regulations but will specify that compliance with the resolution is required. Some of the key sections that will be included in this article include, but are not limited to:

- Purpose
- Title
- Authority
- Interpretation and Conflicts
- Relationship with Third-Party Agreements
- Compliance
- Severability
- Transitional Rules
- Effective Date
- Zoning of Annexed Lands
- Restoration of Unsafe Buildings

## Part C: Proposed Outline of the Updated Bath Township Zoning Resolution

- Repeal
- Use of Graphics, Illustrations, Figures, and Cross-References
- Burden of Proof

### Article 2: Decision-Making Roles and Authority

This article will consolidate all of the existing sections that identify the roles and responsibilities of the Zoning Inspector, Zoning Commission, Appearance Review Commission, Board of Zoning Appeals, and Township Trustees as it relates to zoning decisions. We will include a summary table (See example.) that illustrates which person or board has the role of reviewing applications, making recommendations, and making decisions as well as who hears appeals. This article will include a separate section for each of the review bodies.

TABLE 2.02-A: SUMMARY TABLE OF REVIEW BODIES					
H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED) R = REVIEW AND/OR RECOMMENDATION			D = DECISION (RESPONSIBLE FOR FINAL DECISION) A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)		
PROCEDURE	SECTION	BOARD OF TOWNSHIP TRUSTEES	ZONING COMMISSION	BOARD OF ZONING APPEALS (BZA)	ZONING INSPECTOR
Zoning Resolution Text or Map Amendment	3.07	H-D	H-R		R
Planned Unit Development – Preliminary Development Plan	5.05 B.	H-D	H-R		R
Planned Unit Development – Final Development Plan	5.05 C.		H-D		R
Conditional Use	3.08			H-D	R
Appeals	3.08			H-D	[1]
Variance	3.08			H-D	R
Zoning Permit	3.05			A	R-D
Certificate of Occupancy	3.06			A	R-D
NOTES: [1] Staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.					

Sample table from another township illustrating the roles of various review bodies

### Article 3: Review Procedures

This article will summarize all of the review procedures in a simple step-by-step method. For each procedure, there will be individual review criteria to be used by the applicable review body. This article will also include the common review requirement section proposed in Part A of this document. The article will include the following sections:

- Purpose
- Exemptions from Zoning (agricultural and utilities)
- Common Review Requirements
- Zoning Certificate

## ***Part C: Proposed Outline of the Updated Bath Township Zoning Resolution***

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- Site Plan Review
- Zoning Text or Map Amendment
- Variance
- Conditional Use
- Appeals

### ***Article 4: Zoning Districts and Principal Use Regulations***

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This article will identify what uses are permitted in each of the zoning districts. The article will also include all of the use-specific regulations that apply to various permitted and conditionally permitted ***principal uses***. This article will include the site development standards for each of the districts including lot area requirements, setbacks, and height restrictions. The article will include the following sections:

- Establishment of Zoning Districts
- Official Zoning Map
- Interpretation of District Boundaries
- Vacation of Public Ways
- Zoning District Purpose Statements
- Principally Permitted Uses
- Use-Specific Standards
- Area, Setback, and Other Site Development Standards

### ***Article 5: Accessory and Temporary Use Regulations***

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This article will focus entirely on accessory use and temporary use regulations with one section dedicated to each topic. No major changes to existing standards are anticipated but there may be revisions for the purpose of clarification.

### ***Article 6: General Development Standards***

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This article will be where we propose to group a number of standards that are small enough that they do not generate a need for individual articles but are important nonetheless. Most of these standards are performance standards for development. The article will include the following sections, at a minimum:

- Outdoor Lighting Standards
- Steep Slope Standards
- Noise Regulations

### ***Article 7: Architectural Standards***

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As stated in Part A of this document, we recommend incorporating some architectural standards in the zoning resolution that would be applicable to all nonresidential standards with some variations based on the specific districts. These standards will be drawn, in part, from the township's existing design guidelines but the design guidelines will still apply to Cleveland-Massillon Road Overlay District. As proposed in this document, the Appearance Review

## ***Part C: Proposed Outline of the Updated Bath Township Zoning Resolution***

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Commission will review and administer the standards as part of the site plan review process. The article will include the following sections:

- Purpose
- Applicability
- Authority to Review
- Architectural Standards

### ***Article 8: Landscaping Standards***

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This will be a new article that incorporates all of the landscaping and buffering requirements that are currently grouped with the parking regulations. We will update the standards and provide illustrations to help make the resolution easier to use. The article will include the following sections:

- Purpose
- Applicability
- Landscaping Materials and Standards
- Landscaping Requirements
- Buffering and Screening Requirements
- Maintenance

### ***Article 9: Open Space Standards***

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This will be a new article for the township that will consolidate all of the standards that apply to open space. In particular, this article will focus on what may count as open space and what does not. The article will include requirements and options for how the open space will be owned and maintained. The article will include the following sections:

- Purpose
- Applicability
- General Standards
- Design Standards for Open Space
- Protection and Maintenance

### ***Article 10: Parking and Loading Standards***

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This article will contain all of the updated standards for parking areas, loading areas, stacking lanes, and general mobility. The article will include the following sections:

- Purpose
- Applicability
- General Standards
- Off-Street Parking Requirements
- Off-Street Loading Requirements
- Stacking Space Requirements
- Driveway Standards
- General Parking of Vehicles

## ***Part C: Proposed Outline of the Updated Bath Township Zoning Resolution***

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### ***Article 11: Signage Standards***

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This article will be dedicated to the updated signage regulations. The article will include the following sections:

- Purpose
- Applicability
- Computation and Rules of Measurements
- Signs Exempt from this Article
- Prohibited Signs
- Permitted Permanent Signs
- Permitted Temporary Signs
- Enforcement and Maintenance
- Nonconforming Sign Regulations

### ***Article 12: Nonconformities***

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This article will contain the completely revised provisions related to nonconforming uses, structures, and lots. The article will include the following sections:

- Purpose
- General Provisions
- Determination of Nonconformity Status
- Nonconformities and Variances
- Nonconforming Uses
- Nonconforming Structures and Sites
- Nonconforming Lots of Record
- Repair and Maintenance

### ***Article 13: Enforcement and Penalties***

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This article will include all of the provisions for enforcement including violations, penalties, and remedies. The article will include the following sections:

- Enforcing Officer
- Remedies
- Other Actions
- Penalties
- Affected Parties
- Other Actions

### ***Article 14: Definitions***

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The final article will be the revised and completely updated article that consolidates all of the definitions from the entire zoning resolution.