

Bath Township Zoning Resolution Update

Executive Summary

In mid-1998, Bath Township undertook the substantial and bold task of updating the Township Zoning Code. This task was a logical step following the completion of the Bath Township Comprehensive Plan. The Comprehensive Plan contains many recommendations that can only be implemented through zoning. To carry out this important project, the Bath Township Trustees appointed a Comprehensive Plan Implementation Committee (CPIC). This Committee included representatives from bodies such as the Comprehensive Plan Steering Committee, Zoning Commission, Board of Zoning Appeals and Appearance Review Commission. The firm of Poggemeyer Design Group (PDG) was also hired to work with the CPIC toward the development of an updated Township Zoning Code.

The first working meeting of the CPIC took place in June 1998 and discussion was focused toward two primary areas. First was the need to enact specific recommendations made in the Bath Township Comprehensive Plan. Secondly, many problem areas were identified in the existing Zoning Resolution and the needed changes that would clarify, strengthen, and improve certain areas were discussed. The CPIC met on a dozen occasions reviewing, editing, and discussing proposed changes to the Zoning Resolution.

Many changes were made to the Zoning Resolution during the CPIC's working meetings. Some of the most significant areas of change include the following:

Expand the Site Plan Review Process for All Developments.

The Site Plan Review Process (Section 301-5) was developed to provide a clear site plan review process for new construction, alteration, modification, change of use, or enlargement of a structure (except single- or two-family dwellings) that results in the provision of new or additional off-street parking spaces. The updated site plan review process presents uniform requirements for structures and uses, reorganized and expanded submission requirements, and clear development criteria and standards. Site plans (and conditional uses) must be reviewed and approved by the Board of Zoning Appeals. The Appearance Review Commission also reviews Site Plans and will use the Bath Township Design Review Guidelines (currently under development).

Protect Open Space, Rural Character, and Environmental Resources.

In keeping with the Bath Township Comprehensive Plan's recommendation to protect natural resources, open space, and rural character, the proposed Zoning Resolution fully embraces the concept of conservation design for new residential subdivisions. Conservation design is a newer approach to land development that favors the establishment of significant amounts of open space while maintaining the same density (housing units per acre) as conventional subdivisions. The Township has opted to increase the minimum lot size in the R-2 Residential District to a minimum of 2.5 acres. The decision to increase the minimum lot size conforms to the requirements of Summit County Health Department regulations for septic systems.

Existing provisions contained in the Bath Zoning Resolution intended to promote conservation design, but these provisions were found to have serious shortcomings. Proposed zoning requirements provide a much-cleared definition of a preferred approach to future residential subdivisions using conservation design principles. One important attribute of the proposed Zoning Resolution is that residential subdivisions using conservation design principles (called open space residential subdivisions in the code) are defined as a permitted use, while conventional subdivisions are a conditional use. This unique aspect of the proposed code underscores the fact that Bath Township seriously favors conservation design as a method of land development and will give conventional subdivisions greater scrutiny in the future. To help provide for some

public access to future open space, an incentive was included in the open space residential subdivision that allows for additional housing units when required open space is made available to the public through walking/biking trails, equestrian trails, and park areas.

A Riparian Corridor Overlay District (Section 411) was added to the Zoning Code to protect the watercourses of Bath Township by imposing additional development standards beyond those of the underlying Zoning District. The boundaries of this Zoning District are based on ecological studies of waterways in Bath Township as contained in the Bath Township Natural Resource Protection Study. Davey Resource Group prepared this study, and it greatly expands upon the natural resource data provided in the Bath Township Comprehensive Plan. Uses listed as permitted or conditionally permitted in the underlying Zoning Districts are allowed; however, a list of prohibited uses has also been added in this District specifically to preclude land uses that could negatively impact aquatic environments. Additionally, the Riparian Corridor Overlay District requires that a streambank buffer be provided. This streambank buffer defines a minimum distance between structures and streambanks that can be developed or disturbed.

Protection of Existing Residential Neighborhoods.

The Transitional District was created to protect residential areas located near commercial development by providing a transition zone where multifamily, office, institutional, and related uses are allowed. This District is not being applied to any property at this time but will be available as an alternative. In cases where existing homes or vacant land is less suitable for residential purposes due to its proximity to existing commercial development, this Transitional District can be considered as an option to commercial zoning. Development standards contained in the Transitional Zoning were designed to reduce negative impacts to adjacent single-family neighborhoods and help create a desirable transition between residential and commercial areas.

Improve and Protect the Quality of Commercial Developments.

The Cleveland-Massillon Road Corridor Design Review Overlay District was added to the Zoning Resolution to help protect and enhance historical and architectural qualities of the Cleveland-Massillon Corridor. As an overlay zone, it imposes development standards beyond the underlying zoning. The primary requirement of this Overlay Zone District is that the Appearance Review Commission must review all applications for zoning permits within the District along with property improvements that do not require a zoning permit. Where a zoning permit is required, the Appearance Review Commission provides a recommendation to the Zoning Inspector, the Appearance Review Commission provides a recommendation to the property owner where a permit is not required.

Review criteria and standards to guide the actions of the Appearance Review Commission will be forthcoming in the Bath Township Design Guidelines. The Bath Township Design Guidelines are being developed to specifically define desired architectural elements in new construction and renovation and to encourage development that is compatible with community character.

Landscaping Requirements (Section 702) were also added to the Zoning Resolution to preserve and maintain the value of the property in addition to promoting public health and safety through the reduction of noise and air pollution, air temperature, and artificial light and glare. Landscaping and buffer strips are proposed to be required in most non-residential areas. Landscaping for interior and perimeter parking areas were also developed and are now required. The Sign Regulations (Section 501) were also updated to include standards for illumination so that adjacent residential districts are not adversely affected.

Improve and Protect the Current Transportation Network.

Access management regulations were developed to help preserve the capacity of local roads and help maintain efficient traffic flow along Bath Township thoroughfares. New developments or changes to existing

development that generate significant traffic (50 or more trips in a peak hour) will be required to provide a traffic impact study to document anticipated traffic impacts and to propose measures to mitigate negative impacts on traffic flow. Other access management standards address issues such as the number, location, and alignment of future driveways.

Conclusion.

Many changes were made to Bath Township Zoning Resolution, and it is difficult to summarize all the improvements. Individuals who wish to learn more about specific changes and improvements are encouraged to review a copy of the Resolution that contains highlighted text and strike-outs to indicate reworded material, new material, and material to be deleted.

The proposed Bath Township Zoning Resolution is believed to be a giant step forward. Bath Township has traditionally set high standards for development, and there is shared belief that new development should only represent a positive addition to the area. The people who spent many hours reviewing text and rewriting code provisions believe that while the proposed Zoning Resolution may need slight refinement in the future, it represents an outstanding set of development standards, procedures, and requirements that will serve Bath Township in a new century of opportunities and challenges.