

**ROOTSTOWN TOWNSHIP
ZONING CODE UPDATE WITH AMENDMENTS
November 2017**

Received: October 18, 2017
Meeting Date: November 8, 2017

Reviewed by Todd Peetz

At the October 17, 2017 Zoning Commission special meeting, a motion was passed unanimously to amend Schedule 370.07 A and Sections 420.09, 520.02, 530.02, 620.02, 620.07 A, and 660.07 of the Zoning Resolution.

Amendment 1

Section 370.07 Existing:

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 370.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

Schedule 370.07

	L-I Light Industrial/ Business Park District	G-I General Industrial District
A. Setback from street right-of-way	20 ft.	80 ft.
B. Setback from side and rear lot lines		
1. Adjacent to non-residential district	10 ft.	10 ft.
2. Adjacent to residential district	40 ft.	40 ft.

Section 370.07 Proposed (shown in bold):

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 370.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

Schedule 370.07

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B. Setback from side and rear lot lines		
1. Adjacent to non-residential district	10 ft.	10 ft.
2. Adjacent to residential district	40 ft.	40 ft.

Rationale: To make the G-I parking setback consistent with other commercial/industrial districts.

Staff Comments: A setback of 20 feet may make it more reasonable to put the parking on the side or rear of the property and also not to have a predominant asphalt parking lot in front of the building. The negative may be that the type of use is something that should have more separation from the road. Also note that 20ft setbacks may not be enough space if certain roads like collectors and or arterial roads need to be widened along with the road right of way. That may be a problem in the future without sufficient right of way.

Staff Recommendation: We could recommend for approval the text change. However before approving, the Township may want to see if there would be any future encumbrances with potential road expansions where general industrial zoning may exist. If the Planning Board is confident that roads with general industrial are not located on collectors or minor arterials then we would recommend approval.

Amendment 2

Section 420.09 Existing:

The following signs shall be exempt from regulation under the Zoning Resolution.

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.
- C. Works of art that do not include a commercial message.
- D. Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
- E. Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.

Section 420.09 Proposed (shown in bold):

The following signs shall be exempt from regulation under the Zoning Resolution.

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.
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- F. **Political signs.**

Rationale: The Zoning Department does not enforce political signs as they are considered a form of protected speech.

Staff Comment: We have been advised that this is a freedom of speech issue. I do believe the Township may be able to regulate location and size, but I would recommend securing legal advice before adding any stipulations to political signs.

Staff Recommendation: We would recommend approval, but we would suggest getting addition information from legal counsel to see if there is anything the Township may want to do to protect health and safety. Like keeping the "street visibility triangle" free from blocking sight line distances.

Amendment 3

Section 520.02 Existing:

The Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Rootstown Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. The members of the Zoning Commission shall serve without compensation.

Section 520.02 Proposed:

The Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Rootstown Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. ~~The members of the Zoning Commission shall serve without compensation.~~

Rationale: Outdated; the members do receive compensation from the Trustees.

Staff Comment: If the Township wants to provide compensation for their service then yes this should be deleted.

Staff Recommendation: Staff would recommend deletion as submitted.

Amendment 4

Section 530.02 Existing:

The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Rootstown Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. The members of the Board of Zoning Appeals shall serve without compensation.

Section 530.02 Proposed:

The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Rootstown Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. ~~The members of the Board of Zoning Appeals shall serve without compensation.~~

Rationale: Outdated; the members do receive compensation from the Trustees.

Staff Comment: If the Township wants to provide compensation for their service then yes this should be deleted.

Staff Recommendation: Staff would recommend deletion as submitted.

Amendment 5

Section 620.02 Existing:

Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

- A. General Development Plan. A general development plan that indicates the general concept of development for an entire site; including the general location of use areas, open space and circulation pattern, shall be required for:
 - 1. All Planned Unit Residential Developments;
 - 2. All Planned Commercial Developments;
 - 3. All applications for a Planned Commercial Overlay District

- B. Conditional Use Approval. When applying for a Planned Commercial Development or a Planned Commercial Overlay District, all conditional uses shall be applied for and approved by the Board of Zoning Appeals before submission of the final development plan. As part of the final development plan process, the Zoning Commission will include the final site plan for any conditional uses.

- C. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs, and outdoor storage areas shall be required for the following:
 - 1. Planned Residential and Planned Commercial Developments following review and approval of a general development plan.
 - 2. Developments in the Planned Commercial Overlay District following the approval of the overlay district.
 - 3. Platted subdivisions.
 - 4. New construction of all permitted uses in multi-family, commercial, and industrial districts, except single-family dwellings.
 - 5. New construction of all conditional uses.
 - 6. Any existing or previously approved development meeting the criteria of subsections B.1 through B.5 above that proposes to alter, reconstruct, or otherwise modify a use or site; including expanding the floor area of the permitted use greater than 10% of the original approved development plan, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

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- A. General Development Plan. A general development plan that indicates the general concept of development for an entire site; including the general location of use areas, open space and circulation pattern, shall be required for:
 - 1. All Planned Unit Residential Developments;
 - 2. All Planned Commercial Developments;
 - ~~3. All applications for a Planned Commercial Overlay District~~

- B. Conditional Use Approval. When applying for a Planned Commercial Development ~~or a Planned Commercial Overlay District~~, all conditional uses shall be applied for and approved by the Board of Zoning Appeals before submission of the final development plan. As part of the final development plan process, the Zoning Commission will include the final site plan for any conditional uses.

- C. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs, and outdoor storage areas shall be required for the following:
 - 1. Planned Residential and Planned Commercial Developments following review and approval of a general development plan.
 - ~~2. Developments in the Planned Commercial Overlay District following the approval of the overlay district.~~
 - 2. Platted subdivisions.
 - 3. New construction of all permitted uses in multi-family, commercial, and industrial districts, except single-family dwellings.
 - 4. New construction of all conditional uses.
 - 5. Any existing or previously approved development meeting the criteria of subsections B.1 through B.5 above that proposes to alter, reconstruct, or otherwise modify a use or site; including expanding the floor area of the permitted use greater than 10% of the original approved development plan, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

Rationale: To remove references to the Planned Commercial Overlay District, this was previously removed from the Zoning Resolution.

Staff Comment: The Township deleted Planned Commercial Overlay Districts earlier this year. This change would be for internal consistency and should be deleted.

Staff Recommendation: Staff would recommend deletion as submitted.

Amendment 6

Section 620.07 A Existing:

SECTION 620.07A REVIEW CRITERIA FOR PLANNED COMMERCIAL DEVELOPMENTS AND PLANNED COMMERCIAL OVERLAY DISTRICTS.
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In reviewing plans for Planned Commercial Developments and Planned Commercial Overlay Districts, the Zoning Commission shall determine that the development plan complies with the following criteria:

- A. **General Development Plan.** For a general development plan, the Zoning Commission shall determine by a majority vote that:
 - 1. The appropriate use and value of property within and adjacent to the area will be safeguarded.
 - 2. The general layout of lots, groupings of buildings, outdoor display areas, and vehicle/pedestrian circulation systems within the proposed development are compatible with existing and proposed uses on adjacent property.
 - 3. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 - 4. The development will have adequate public service and open spaces.
 - 5. Buildings and open spaces are in proportion and scale with existing structures and spaces in the surrounding area.
 - 6. Natural separations of uses are created by careful planning of access, parking, and clustering of buildings and by using existing natural land features and new landscaping and buffering for space for separation.
 - 7. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
 - 8. Each stage of development shall be carried out so that the foregoing conditions are complied with at the completion of each stage.
- B. **Final Development Plan:** For a final development plan, the Zoning Commission shall determine by a majority vote that:

1. Conditional Uses have been reviewed and approved by the Board of Zoning Appeals.
2. The final development plan reflects all changes, additions, eliminations, and issues agreed to by both the applicant and the Commission in the approval of the general development plan.
3. All conditions of the general development plan approval have been satisfied.
4. Final development studies including but not limited to traffic studies and storm water management studies show results that are acceptable to the Zoning Commission.
5. The development will have open space areas that meet the objectives of the Comprehensive Plan and the criteria of the Planned Commercial Overlay District Regulations (for PCO district approvals only).
6. Restricted open space areas are not isolated from one another by unrelated physical obstructions such as buildings and parking areas.
7. Open space has been distributed throughout the entire development to the maximum extent possible.
8. Storm drainage is managed, to the extent practicable by maintaining existing natural storm water courses and drainage areas. However, such drainage shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
9. The applicant complies with all regulations contained in this resolution that apply to this development plan, which have not been specifically waived or altered by the Commission.

Section 620.07 A Proposed:

<p>SECTION 620.07A REVIEW CRITERIA FOR PLANNED COMMERCIAL DEVELOPMENTS AND PLANNED COMMERCIAL OVERLAY DISTRICTS.</p>
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In reviewing plans for Planned Commercial Developments and ~~Planned Commercial Overlay Districts~~, the Zoning Commission shall determine that the development plan complies with the following criteria:

- A. General Development Plan. For a general development plan, the Zoning Commission shall determine by a majority vote that:
 1. The appropriate use and value of property within and adjacent to the area will be safeguarded.
 2. The general layout of lots, groupings of buildings, outdoor display areas, and vehicle/pedestrian circulation systems within the proposed development are compatible with existing and proposed uses on adjacent property.

3. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 4. The development will have adequate public service and open spaces.
 5. Buildings and open spaces are in proportion and scale with existing structures and spaces in the surrounding area.
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 7. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
 8. Each stage of development shall be carried out so that the foregoing conditions are complied with at the completion of each stage.
- B. Final Development Plan: For a final development plan, the Zoning Commission shall determine by a majority vote that:
1. Conditional Uses have been reviewed and approved by the Board of Zoning Appeals.
 2. The final development plan reflects all changes, additions, eliminations, and issues agreed to by both the applicant and the Commission in the approval of the general development plan.
 3. All conditions of the general development plan approval have been satisfied.
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 5. The development will have open space areas that meet the objectives of the Comprehensive Plan ~~and the criteria of the Planned Commercial Overlay District Regulations (for PCO district approvals only).~~
 6. Restricted open space areas are not isolated from one another by unrelated physical obstructions such as buildings and parking areas.
 7. Open space has been distributed throughout the entire development to the maximum extent possible.
 8. Storm drainage is managed, to the extent practicable by maintaining existing natural storm water courses and drainage areas. However, such drainage shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
 9. The applicant complies with all regulations contained in this resolution that apply to this development plan, which have not been specifically waived or altered by the Commission.

Rationale: To remove references to the Planned Commercial Overlay District, this was previously removed from the Zoning Resolution.

Staff Comment: The Township deleted Planned Commercial Overlay Districts earlier this year. This change would be for internal consistency and should be deleted.

Staff Recommendation: Staff would recommend deletion as submitted.

Amendment 7

Section 660.07 Existing:

Zoning amendments shall be tracked from initiation throughout the entire due process by utilizing an Amendment Tracking Form. The Zoning Commission secretary will be responsible for the maintenance of Section I of Form 660.07A and the township clerk will be responsible for the maintenance of Section II of Form 660.07A.

ZONING AMENDMENT TRACKING FORM

Section I - Zoning Commission

Amendment Number _____ Date Application Filed _____
Trustee _____ Zoning Commission _____ Property Owner _____ Other _____
Date of Legal Notice in Newspaper (§660.03F) _____
Date of Notice of Property Owner(s) (§660.03G) _____
Date Sent to Regional Planning Commission (§660.03D) _____
Date Regional Planning Commission Recommendation Received (§660.03D) _____
RECOMMENDATION OF REGIONAL PLANNING COMMISSION:
Approved _____ Disapproved _____ Modified _____
Date Sent to Prosecutor's Office (§660.03E) _____
Date Prosecutor's Office Input Received (§660.03E) _____
Date of Public Hearing of Zoning Commission (§660.03F) _____
DATE OF PUBLIC HEARINGS, IF CONTINUED _____
Date Recommendation by Zoning Commission (§660.03H) _____
RECOMMENDATION OF ZONING COMMISSION:
Approved _____ Disapproved _____ Modified _____
Date Forwarded to Township Trustees (§660.03H) _____

_____, Secretary of Zoning Commission

Section II - Trustees

DATE RECEIVED FROM ZONING COMMISSION (660.03H) _____
Date of Legal Notice In Newspaper by Trustees (§660.03I) _____
Date of Public Hearing of Trustees (§660.03I) _____
DATE OF PUBLIC HEARINGS, IF CONTINUED _____
Date Action of Township Trustees (§660.03J) _____
Approved _____ Disapproved _____ Modified _____
If approved or modified unanimously (§660.03K), Effective Date _____
If not unanimously over-ruled, (§660.03J), Effective Date _____
TRUSTEE RESOLUTION NUMBER _____
Date Petition for Referendum Filed (§660.03K) _____
Election Result (§660.03K) _____
Effective Date _____
Date Notice of results sent to Zoning Commission Secretary _____
Official Map Revised _____
Date Amendment with text and maps filed with County Recorder _____
Date Amendment with text and maps filed with the Reg. Plan. Comm. _____

_____, Clerk of Rootstown Township

Section 660.07 Proposed:

Zoning amendments shall be tracked from initiation throughout the entire due process by utilizing an Amendment Tracking Form. The Zoning Commission secretary will be responsible for the maintenance of Section I of Form 660.07A and the township clerk fiscal officer will be responsible for the maintenance of Section II of Form 660.07A.

ZONING AMENDMENT TRACKING FORM

Section I - Zoning Commission

Amendment Number _____ Date Application Filed _____
Trustee _____ Zoning Commission _____ Property Owner _____ Other _____
Date of Legal Notice in Newspaper (§660.03F) _____
Date of Notice of Property Owner(s) (§660.03G) _____
Date Sent to Regional Planning Commission (§660.03D) _____
Date Regional Planning Commission Recommendation Received (§660.03D) _____
RECOMMENDATION OF REGIONAL PLANNING COMMISSION:
Approved _____ Disapproved _____ Modified _____
Date Sent to Prosecutor's Office (§660.03E) _____
Date Prosecutor's Office Input Received (§660.03E) _____
Date of Public Hearing of Zoning Commission (§660.03F) _____
DATE OF PUBLIC HEARINGS, IF CONTINUED _____
Date Recommendation by Zoning Commission (§660.03H) _____
RECOMMENDATION OF ZONING COMMISSION:
Approved _____ Disapproved _____ Modified _____
Date Forwarded to Township Trustees (§660.03H) _____

_____, Secretary of Zoning Commission

Section II - Trustees

DATE RECEIVED FROM ZONING COMMISSION (660.03H) _____
Date of Legal Notice In Newspaper by Trustees (§660.03I) _____
Date of Public Hearing of Trustees (§660.03I) _____
DATE OF PUBLIC HEARINGS, IF CONTINUED _____
Date Action of Township Trustees (§660.03J) _____
Approved _____ Disapproved _____ Modified _____
If approved or modified unanimously (§660.03K), Effective Date _____
If not unanimously over-ruled, (§660.03J), Effective Date _____
TRUSTEE RESOLUTION NUMBER _____
Date Petition for Referendum Filed (§660.03K) _____
Election Result (§660.03K) _____
Effective Date _____
Date Notice of results sent to Zoning Commission Secretary _____
Official Map Revised _____
Date Amendment with text and maps filed with County Recorder _____
Date Amendment with text and maps filed with the Reg. Plan. Comm. _____

_____, Clerk Fiscal Officer of Rootstown Township

Rationale: To update the term to "township fiscal officer" instead of "township clerk".

Staff Comment: The Township is using "Fiscal Officer" rather than clerk. This is a minor change but again for internal consistency.

Staff Recommendation: Staff would recommend deletion as submitted.

