



CITY OF TALLMADGE PROPOSED ZONING CODE QUESTIONS & ANSWERS

On Wednesday, April 7, 2021, the City of Tallmadge and consultants OHM presented draft 1 of the proposed Zoning Code. City Council members and Tallmadge Board & Commissions Members received a copy of the draft Zoning Code for review. The presentation and the proposed code were also made available on our website for public input. It was requested that comments and questions were submitted to the Planning & Zoning Department by April 30.

A substantive changes report was submitted to supplement the introductory presentation.

The following is in response to questions received. Further comments and questions are welcome to be submitted by June 2 in writing to the Planning & Zoning Department in preparation for the Joint Work Session, which will be scheduled on June 30.

Public comment is welcome.

Thank you for your diligence as we continue to review the proposed Zoning Code.

Administration & Procedures

Section 1102.02 B (7) states, “The Zoning Administrator and his or her designee shall have the following responsibilities: (7) Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Code.” What is the meaning of building inspections?

In this case, building inspections pertain to zoning compliance inspections rather than building inspections performed by a building inspector from the building department.

Section 1102.12 D (4) iii states, “If Council substantially departs from, substantially alters or differs from the recommendation of the PZC, no such ordinance, measure or resolution shall take effect unless approved and passed by three-fourths vote of the membership of the Council.” Should this state 5 votes to match other City Council override procedures?

All references to such procedures should read 5 votes, per Tallmadge Codified Ordinance Section 11.02 POWERS AND DUTIES

The powers and duties of the Planning and Zoning Commission shall be as provided for municipal planning commissions by general law except as otherwise provided by ordinance.

At least four (4) affirmative votes shall be required of the Planning and Zoning Commission members to change any property zoned residential to commercial, industrial or conditional-use classification.

At least five (5) affirmative votes of Council shall be required for passage of any ordinance or resolution that is contrary to a recommendation of the Planning and Zoning Commission.

Public Notifications

Why is it proposed to change the public notifications for public hearings to limit notifications to City of Tallmadge Property owners only and to not include those outside of the jurisdiction, but yet within 500 feet of the affected property?

Interestingly enough, the City of Tallmadge is one of the few cities that notify property owners within 500 feet from the affected property for a public hearing. Surrounding cities and townships only require notification via first-class mail to property owners adjacent, contiguous and directly across the street from the property involved. Our notification to property owners goes well beyond. Section 713.12 of the Ohio Revised Code indicates “...written notice of the hearing shall be mailed by the clerk of the legislative authority, by first class mail, at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority.”

It is the administration’s intent to be transparent to its constituents.

Why is it proposed to not require sign postings for property zoning changes?

In researching other jurisdictions, it was found that very few utilize sign postings to inform residents of a zoning change. Imagine a Map Amendment to map out the West Avenue Overlay and then imagine all the signs that will be required to be posted. It was the intent of this proposed change to avoid such a scene. Furthermore, ORC 713.12 does not require municipalities to post signs. It even goes so far to state that any change affecting more than 10 parcels only requires notification in a newspaper of general circulation in the municipal corporation. We are considering inclusion of such a provision.

Zoning Overlay Districts

What is an Overlay District?

Currently, the Design Control Overlay District was designed and mapped out to “maintain, safeguard and enhance the architectural and historical presence of the Tallmadge Circle, the surrounding development, and the character along the street frontages radiating from the Tallmadge Circle.”

In order to bring the vision of the Comprehensive Plan into fruition, a variety of Overlay District concepts were designed to allow for stronger land use concepts and increased economic development. Just as the name suggests, they are a layer of development standards and

permitted land uses over and above the underlying zoning district. This is intended to enhance not discourage development.

In an effort to communicate this better, we offer the following substitute language for Section 1101.06 from:

EXISTING PROPOSED LANGUAGE

A. Overlay districts are established to define certain areas within which development is subject to restrictions over and above those of the base zoning district. Within an overlay district any development that occurs must be in compliance not only with the regulations of the base zoning district, but also with the additional requirements of the overlay district. Where the overlay district standards conflict with the base district standards, the overlay district standards shall govern.

SUGGESTED PROPOSED LANGUAGE

A. Overlay districts are established to provide greater flexibility for the implementation of desired land use and economic development objectives. Overlay districts serve as a superimposed boundary placed over an underlying base zoning district. An overlay district remains subject to design and land use requirements. Where the overlay district standards conflict with the base district standards, the overlay district standards shall govern.

How is an Overlay District formed?

An Overlay District is created through the Map Amendment process per Section 1102.14. It is important to note that this newly proposed Map Amendment process requires the adoption of a General Development Plan for the Map Amendment to be mapped. In the case of an Overlay District, the Development Standards serve as the General Development Plan.

Since the forming of an Overlay District will involve stakeholders, how will this process work? And who are the stakeholders?

The stakeholders are defined as those whose property are directly affected by the proposed Overlay District. It is the goal to intentionally invite the stakeholders to roundtable the benefits of the district's development standards and the added permitted uses the Overlay District affords.

Land Uses

Section 1104.03 J (5) Accessory and Temporary use. J. Setback and Location. (5) For residential lots exceeding 2 acres, detached accessory structures may be located in the front yard. I don't think we want any accessory structures in the front yards.

After further reviewing this statement, we present the following amended language: accessory structures should not be located in the front yard setback, with the exception of roadside stands, which are *temporarily* permitted in R-1, R-2 and R-3 Residential Districts on properties larger than \pm five (5) acres. Subsection S Roadside Stands in Section 1104.08 Accessory Use-Specific Standards specific use standards are listed as follows:

1. Roadside stands are permitted in residential districts on properties larger than 1 acre.
2. Roadside stands shall only be permitted for the sale of products grown on the premises.
3. Roadside stands shall be set back a minimum of 30 feet from the road right-of-way and located in front yard or side yard in relations to primary structures.
4. Roadside stands, sign and required off-street parking shall be located and set back in such a manner so as to not create a traffic hazard.
5. Roadside stands shall not exceed 100 square feet in floor area.
6. *Roadside stands may only be located in the front yard setback for 90 days within a calendar year.*

With regards to Urban Agriculture, general standards are listed as

- i. The City may at its sole discretion require posting a bond or other surety to guarantee restoration of any City roads.
- ii. No loading or unloading of vehicles, equipment or timber product may take place upon City roads. Such activities shall be conducted entirely within the boundaries of the harvest site.
- iii. All roadway access upon entering upon a City road shall have 50 feet long x 15 feet wide #4 stone apron installed.
- iv. Any and or all dirt, mud or debris shall be cleaned up off all of the City roads immediately or the City will invoice the property owner for the clean-up charges.

Is this necessary?

To protect the public right-of-way, these are necessary and are generally applicable to anyone utilizing or constructing in the right-of-way.

Historic Regulations

In Section 1109.02 A, should there be more of a clarification as to what percentage of the structure should be more than 100 years old? “significant portion thereof” seems vague.

Section 1109.02 A reads, “The Heritage Commission or a property owner may submit an application for a structure to be included as an RHS at any time, provided that such structure, or a significant portion thereof is at least one hundred years old.” Whenever there is a reference similar to “significant portion thereof”, questions arise. A definition will be included in the revised draft.

Is there documentation available for property owners or prospective owners that outlines the requirements as laid out for the Design Control Overlay District?

There is a guide available on the City’s website and in the Planning & Zoning Department. Additional guides to support the proposed Overlay Districts are planned for the next phase once the Zoning Code has been adopted.

The current height restriction in the Design Control District is 35 feet to the roof line. The proposed code has increased this to 48 feet, equal to 4 stories.

Tallmadge is largely built-out within the commercial and industrial areas. As a result, infill redevelopment and better utilization of smaller sites is encouraged. Therefore, a vertical build as it reduces sprawl and often is more environmentally friendly should be allowed and encouraged. Upon review, we will amend the height restriction in the Design Control District to remain at 35 feet.

Signage

Should flag signs be permitted in the area on East Avenue from the Circle to Cambrian Dr?

Flag signs are currently prohibited in the Zoning Code. It has been proposed to only allow Flag signs in the West Ave Overlay District – a district that focuses on the Automotive Retail properties.

Landscaping, Buffering and Street Trees

Currently the City's Service Director is prohibiting the planting of trees in the devil's strip (tree lawn) due to maintenance by the city crews? Why the change back to tree requirements?

In the short term that is correct, the city had a moratorium on planting any further street trees within the devil strips throughout the city until we had developed a better plan. The plan has been developed and is being incorporated into the City Construction Standards.

Will our current parking lot screening & dumpster enclosure standards be incorporated in the proposed code update – specifically to plantings?

The proposed screening standards are a combination of the current standards with updates to accommodate flexibility for developers to select planting materials that will withstand weather, salt and other environmental impacts.

Parking lot screening

Our current code states in Section 1187.08 (2),

- (2) Parking lot screening shall be as follows:
 - A. A hedge row consisting of a double staggered row of a single species of shrubs, with a minimum height of twenty-four (24) inches at planting. The shrubs in each row shall be spaced at a maximum of four feet on center with a distance between the staggered rows to be two feet, planted in a mulched bed which shall be a minimum width of four feet. Screening height shall be maintained at three feet at maturity.
 - B. Screening shrubs shall be either balled and burlapped or container grown. The following are examples of acceptable shrubs for sunny conditions: Compact Burning Bush, Northern Bayberry, Nordic Compact Inkberry, and Regal's Border Privet. The following are examples of acceptable shrubs for shady conditions: Compact European Cranberry Bush Viburnum and Arrowwood Viburnum. All shrubs shall be of a salt tolerant species.
 - C. Screening planting beds shall be mulched with a minimum of four inches of shredded hardwood bark mulch. The parking lot side shall have a six-inch-high concrete curb. Lawn side to be edge cut.
- (3) Protection and maintenance. Whenever screening is adjacent to parking lots or driveways, such screening shall be protected by wheel stops, curbs or bumper blocks. Replacement of dead or damaged landscape screening and appurtenances thereto shall be the responsibility of the current owner.

The proposed code states the same requirement in a slightly different manner and makes allowance for the screening to be a continuous Hedge, Fence, Wall or Earth Mound.

Section 1106.05 E (3) Parking Lot Screening

- i. Screening shall consist of a min 3 ft. height continuous hedge, fence, wall, or earth mound.
 - a. Hedge shall consist of evergreen shrubs, spaced a maximum of 4 ft. on-center, planted in a bed with a minimum width of 4 feet. Shrubs shall be allowed to grow together and maintained as a continuous screen at the required min height.
 - ii. Screening planting beds shall be filled with a minimum of 3 inches of shredded hardwood mulch. The parking lot side shall have a 6-inch-high concrete curb. Lawn side to be edge cut.
 - iii. Required screening shall not encroach on any street or driveway sight-triangle.
- G. Minimum standards for required plant materials.
1. Artificial plants are prohibited.
 2. Medium or large deciduous shade trees: min. 2-inch cal.
 3. Small deciduous shade trees and ornamental trees: min. 1-1/2 inch cal.
 4. Evergreen trees: min. 5 feet height
 5. Shrubs: min. 24 inches height
 6. All plant materials shall conform to the current version of ANSI Z60.1 American Standards for Nursery Stock.

Dumpster enclosure screening

Our current code 1187.08 states, (a) Screening Requirements. Screening of outdoor rubbish areas, dumpsters, loading areas, outdoor storage and parking lots from the public street and adjacent properties shall be provided in accordance with the following regulations and as approved by the Planning and Zoning Commission in addition to the setback and yard requirements provided elsewhere in this Zoning Code.

(1) Outdoor rubbish areas, dumpsters, loading areas and outdoor storage shall consist of one or a combination of the following as determined by the Planning and Zoning Commission:

- A. A dense vegetation planting of trees or shrubs using a variation of plants both in species and heights which shall be equally effective in winter and summer. Composition shall not be less than three feet in height at full growth.
- B. A solid six-foot-high brick masonry wall, a uniformly painted solid six-foot-high fence, or other structure as the Planning and Zoning Commission shall determine to be appropriate for the specific site conditions.
- C. A landscaped mound or berm, not more than two feet in height, with solid landscape screening twenty-four (24) inches in height spaced at two feet on center at the top of the mound or berm. Mound or berm shall be covered with minimum four-inch layer of shredded hardwood bark mulch.

These items are listed in proposed language:

F. Screening Requirements for Service Structures.

- 1) Service structures shall be screened in all zoning districts in accordance with the following regulations and as approved by the PZC in addition to the setback and yard requirements provided elsewhere in this Zoning Code. For the purposes of this section, service structures shall include but not be limited to loading docks, storage tanks, dumpsters, electrical transformers, utility meters, utility cabinets, utility vaults which extend above the surface, cooling towers, roof top units and other equipment or elements providing service to a building or a site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures. Roof top mechanical units must be screened to the full height of the unit.
- 2) Screening requirements. A continuous (having 90-100% opacity) planting, hedge, fence, wall of earth or combination thereof which would enclose any service structure on all sides is required, unless such structure must be frequently moved, in which case screening on all but one side is required.
 - i. The height of the screening material shall be one foot more than the height of the enclosed structure but shall not be required to exceed 12 feet in height.
 - ii. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of sufficient height to meet the height requirement set out in this section.
 - iii. Plant material used to screen a service structure shall be an evergreen species which retains its needles throughout the year. Deciduous plant material cannot be used to fulfill this screening requirement. The height of the evergreen plant material at installation must be equal to, or greater than, two-thirds of the height of the service structure(s) and meet the height and opacity requirements within four years.
 - iv. When gas meters are located within planting beds, non-combustible mulch material, such as decorative stone, shall be used within 3 feet of the fixture.
 - v. No interior landscaping shall be required within an area screened for service structures.
 - vi. A solid wall or fence shall be constructed of a material that matches the principal structure on the subject property. Provided however, in the O-IE, the fence may be constructed of masonry or chain link.
 - vii. Curbs to protect screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on these sides where there is such material. The curbing shall be at least one foot

from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

G. Minimum standards for required plant materials.

1. Artificial plants are prohibited.
2. Medium or large deciduous shade trees: min. 2-inch cal.
3. Small deciduous shade trees and ornamental trees: min. 1-1/2 inch cal.
4. Evergreen trees: min. 5 feet height
5. Shrubs: min. 24 inches height
6. All plant materials shall conform to the current version of ANSI Z60.1 American Standards for Nursery Stock.

General

What are our desired development patterns and where are they written outside of our recently updated comprehensive plan?

The desired development patterns are based on the updated comprehensive plan. The May 3, 2019 audit performed by our consultants and presented to City Council and the Board & Commissions in 2019 laid out where the current zoning code needed updating to meet this master plan. The proposed zoning code is a product of this review.

Do we have a plan in addition to the comprehensive plan?

Beside the Comprehensive Plan, we have the Thoroughfare Plan.