

RESOLUTION NO. 20-05
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Robert L. Corbin ON THE 16th DAY
OF May, 2005.

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH AMERICAN
COMMUNITIES PARTNERSHIP, LTD., FOR
PROFESSIONAL SERVICES ASSOCIATED WITH THE
IMPLEMENTATION OF THE CREATE THE VISION
PLANNING PROCESS.

WHEREAS, the Centerville City Council and the Washington Township Trustees
have agreed to cooperate in the implementation of the Create the Vision comprehensive
community planning effort, and

WHEREAS, the Centerville City Council is desirous of engaging ACP to provide
the necessary professional services to develop a new zoning code, subdivision regulations
and unified development ordinance (UDO) consistent with the objectives and strategies
outlined in the Create the Vision community planning process, and

WHEREAS, said professional services as recommended by ACP have been
outlined in a memorandum attached hereto, marked as Exhibit "A" and dated November
17, 2004.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESLOVES THAT:

SECTION 1: The City Manager is hereby authorized and directed to execute an
agreement between ACP and the City of Centerville for the necessary professional
services in an amount not to exceed \$85,000 for the rewriting of the City's zoning code,
subdivision regulations and unified development ordinance (UDO) in concert with the
objectives and strategies as outlined in the Create the Vision process.

PASSED this 16th day of May, 2005.

C. Mark Kenesood
Mayor of the City of Centerville, Ohio

ATTEST:

Maria J. Saughell
Clerk of Council of the City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 20-05, passed by the Council of the City of Centerville, Ohio on the 16th day of May, 2005.

Maria J. Saughell
Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

Littleton EXHIBIT "A"
614-395-9503



MEMORANDUM

DATE: November 17, 2004 **PAGES:** 8

TO: Thomas Zobrist
Brooks Compton
Gary Huff
Greg Horn
Steve Feverston
Implementation Task Force
Create the Vision **DISTRIBUTION:** K. Littleton, AICP
A. Weinstein
ACP File

FROM: Kim Littleton, AICP

RE: Initial Report / Assessment of Regulations / Community Plan /
Centerville & Washington Township

Background

The following outlines the initial assessment of the development regulations for both the City of Centerville and Washington Township. It represents the first in a series of steps to revise development regulations in both communities. The assessment alone involves the following seven steps:

1. Meet with Task Force
2. Review Documents
3. Conduct Staff Work Sessions
4. Conduct Stakeholder Focus Group
5. Meet with Commissions
6. Prepare Initial Findings
7. Prepare Final Report

Steps 1-6 are complete and the purpose of this meeting with the Task Force is to review the findings of the assessment (Step 6). A final report (Step 7) will be prepared following this meeting that includes comments and revisions.

Master Plan Recommendations

As the plan indicates, the City and the Township are at different stages in their development. The City is maturing, and therefore the emphasis is on providing regulations that govern the conservation of residential neighborhoods, redevelopment of aging commercial areas, and infilling undeveloped or underdeveloped areas where compatibility are primary issues. The Township is generally growing and developing mostly greenfield sites, where open space conservation is a priority. These recommended revisions to both sets of regulations need to recognize these

distinctions throughout, and may need to be periodically updated to reflect changing community life cycles, state and federal regulatory changes, etc.

The following Master Plan Recommendations should be considered in the revision of both development regulations:

1. Evaluate Development Regulations

Development regulations are the key tool in implementing the land use recommendations within the Community Plan and, in particular, the Study Area Plans, and should be evaluated with respect to how well they reflect Plan recommendations. City and Township development regulations, specifically zoning and subdivision, are based on different statutory and legislative authority. Cities, primarily because of home rule status and other statutory provisions, are able to regulate more extensively in some areas (e.g. aesthetics) than townships. Township authority is more or less derived from state legislative acts and is similar to County authority. The Township, for instance, cannot administer the subdivision process and defers that responsibility to the Montgomery County.

2. Strengthen the sense of place

An update of the zoning code and subdivision regulations should be undertaken consistent with the recommendations of the Plan and Study Areas. The purpose of updated regulations would be to allow residential developments with neighborhood qualities and create a sense of place in the Community.

3. Enhance regulations that limit additional "big box" and other retail establishments that serve a regional population.

The zoning codes for the City and Township should be updated to support neighborhood and community scale retail and commercial uses. Retail uses that serve a regional population (such as "big box" establishments) should be discouraged, and should be considered on an individual basis. The City and Township can base zoning code updates regarding retail uses on the following definitions:

- a. **Neighborhood Scale Retail:** Retail that meets local, convenient retail and personal service needs, typically in a walkable distance from nearby residences. Store sizes range from 1,000-5,000 square feet and include convenience stores and markets, bakeries, shoe repair, dry cleaners, florists, etc
- b. **Community Scale Retail:** Retail that meets community-wide retail and personal service needs, typically with off-street parking. Store sizes range from 5,000 to 20,000 square feet. Uses include grocery stores, drug stores, furniture stores, smaller department stores, etc. Store sizes between 20,000 and 60,000 square feet should only be supported if located within a retail or mixed-use development and not freestanding.

4. Improve development regulations, review process and code enforcement

Community standards for land use management of residential neighborhoods, public buildings and parks have been consistently high. But standards for commercial areas have been less adequate, and are even more complicated by the fact that the City and Township have different zoning codes and regulatory requirements. A host of strategies are recommended that will enhance the Community's development regulations, review process and code enforcement.

5. Audit current regulatory tools for consistency with land use recommendations.

The City (Planning Commission and Planning Division) and Township (Zoning Commission and Development Services Department) will periodically review respective zoning codes for consistency with land use recommendations. The zoning codes should be updated as appropriate to implement the recommendations in the Plan and Study Areas (e.g. no less than once a year). This may include one or more overlay zoning districts to implement the standards of each Study Area plan.

6. Develop approach for updating regulatory tools that addresses need for consistency between the City and Township.

The City and Township should first update regulatory tools based on the land use recommendations of this Plan and Study Areas. This may include overlay provisions that are similar in scope for consistent application between the City and Township. The zoning districts for each jurisdiction should be coordinated to have consistent names and standards. The development standards within the regulations also need to be consistent, recognizing that both jurisdictions have differing vehicles for implementation.

Comments on Existing Regulations**City of Centerville**

The following comments are based on interviews with the City of Centerville staff, and representatives from several City boards and commissions involved in the development review process (Board of Architectural Review, Housing, Planning Commission, etc.)

1. General

- a. There seems to be a general interest in making the code more flexible, with ranges and incentives built-in, but at the same time removing as much of the subjectivity as possible.
- b. A consolidated staff review of applications as they are processed is in the beginning phases and working well.

2. Format and Organization

- a. There are enforcement loopholes that need to be plugged. The code needs to be clearer, more precise, and better organized.

3. Uses and Districts

- a. Current districts are generally working well, but a Residential-Office-Retail mixed use district, and perhaps other mixed-use districts should be added. Consensus is that new mixed-use developments will have to be "attracted" by the city's actions rather than proposed by developers.
- b. Need greater flexibility for uses/development in the historic district.
- c. Provide a transitional residential zone to accommodate infill (with higher density) and that applicants will have to earn.
- d. Credits for community and aesthetic improvements or open space trade offs should be considered.
- e. There may longer be a need for the heavy industrial district classification, especially with the plan emphasis and environmental regulations.
- f. The opportunity should be provided in the code to allow minor intrusions into the building setback, such as porches.

4. Development Standards

- a. General satisfaction with the results that have come from current regulations.
- b. The regulations should be based on specific, measurable standards, and remove opportunities for subjective thinking.
- c. Areas that definitely need attention and revision include: telecommunications, sign ordinance, residential parking (esp. non-auto, e.g. RVs), home occupations, appearance code, lighting standards, noise standards, and add zoning permits or certificates of occupancy to procedures.
- d. More flexibility is needed in the residential districts with standards that are consistent with community standards (e.g. density expectations vs. what is permitted in code).
- e. Flexibility is needed in the use of building materials (e.g. use of composite materials such as hardiplank)
- f. The subdivision regulations are long overdue for revision.

5. Permitting and Development Review

- a. Staff tries to be very accommodating but realizes there needs to be a better defined approval process.
- b. The process/procedures for commercial development need to be better understood by applicants. There have been problems in the past when "accommodations" by staff (e.g., allowing development to "get ahead" of approvals) have led to misunderstandings with developer.
- c. Current division of authority between PC and staff seems to be working well.
- d. The time frame for PC meetings and their review period should be considered when determining time-lines for approvals.
- e. The variance process is used to elicit modifications in other areas of an application (e.g. design changes, etc.) with staff making many of the decisions. This is partly a function of the dual role (PC/BZA) that the PC plays.
- f. The time periods for review and approval need to be reevaluated, especially special approvals.
- g. More flexibility is needed to review cases and approve or deny, or to apply more discretion especially if logical and reasonable especially if the code is silent on certain issues.
- h. Minor variances (minimal dimensional changes) do not need to always be reviewed by the PC and could be handled by staff.

6. Administration

- a. Insufficient communication/coordination among the various departments involved with development approvals. A development review committee (DRC) process should work better and should also involve the developer/applicant for updates on progress.
- b. Because the Planning Commission (PC) includes the Board of Zoning Appeals (BZA), PC members sometimes have problems differentiating their role when they act as a BZA. This is an area where training would be helpful.

Township Regulations**1. Format and Organization**

- a. The code needs to be better organized and appropriate code sections should reference the Ohio Revised Code (ORC).
- b. Key words in the regulations are not defined which is an overall hindrance when it comes to applying the zoning code.

- c. Graphics should be added to the regulations as an illustrative tool to better explain standards (e.g. setbacks for garages).

2. Uses and Districts

- a. Residential districts seem to be working well but there are likely more B (Business) and O (Office) districts, among several other districts (e.g. PUD), than are actually needed.
- b. Mix multi-family development with single-family units (with design standards) to create a more diverse development and allows residents to age in place.
- c. Better definition of accessory structures.
- d. Define multifamily better or according to the type of building, such as town home, patio home, etc. (form based).
- e. Incorporate better defined terms such as "trailer" and "fence" (e.g. horse fence).
- f. PUDs need to be examined: (1) districts are overused and some should be replaced with "as-of-right." districts, (2) several are too open ended, (3) the standards in the district language are then changed at the development plan stage, and (4) goals of PD-R district should be reexamined.
- g. Problem with ability to regulate accessory uses for residential properties in AG district.
- h. List permitted uses according to general categories.

3. Development Standards

- a. The quality of land dedicated to open space for particular developments has varied and sometimes is not "usable."
- b. Need new open space standards, especially the proportion of open space to developable land and what is truly developable and what is not developable.
- c. Not enough guidelines on planned unit developments (PUD) indicating what is dense and what is "too dense."
- d. Allow for clustering of uses, especially residential, with open space and developable area contiguous.
- e. Formally require studies for market, traffic, etc. as part of PUD process.
- f. Create trade-offs (e.g. aesthetic improvements and increased density) and encourage as incentives.
- g. Zoning code too lax in landscaping requirements (e.g. more landscaping in parking lots and in front of buildings) especially commercial developments and PUD's. Landscape Committee has developed landscape guidelines that could be incorporated in to the revised code.
- h. Develop preservation standards to encourage developer/applicant to retain natural resources and include maintenance standards/method to assure survival.
- i. Make front and side yard requirements clearer. Consider distance between structures as an option to formal side yards.
- j. Provide incentives to encourage redevelopment (e.g. shared parking).
- k. Control or eliminate the potential for "outlots," or retail parcels carved out of a larger commercial property typically occupying the lot frontage.
- l. The code needs to streamline the process of "face-lifting" aging strip centers.
- m. Need to review code re: compliance with the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and consider whether church appearance can be regulated.
- n. The effect of HB 148-and the ability of the Township to regulate aesthetics needs to be evaluated.
- o. Regulate large format retail by limiting size and adding design restrictions.
- p. Develop standards for personal on demand storage units (PODS) (e.g. time limits).

4. Permitting and Development Review

- a. "District Review Boards" are currently being examined by the township attorney with respect to ORC provisions. This work should be made a part of the revision.
- b. There appears to be a concern with trustees "waiving" conditions in the PUD districts without Zoning Commission review.
- c. Create criteria that allow applicant to speed up process (e.g. amendment process) as incentive to following certain procedure or development standards.
- d. Montgomery County and Township are not consistent with what they relate to developer/applicant.
- e. Allow variance modifications to planned development to be administratively handled.
- f. As an incentive, streamline the review process of remodel/redevelopment (e.g. 3 rather than 6 months) as an incentive.

5. Administration

- a. Code enforcement is a major concern, especially since Montgomery County prosecutor has informed the Township that they have a "permissive" code or a code that allows only the permitted uses listed. If it is not listed, it is not permitted.
- b. Incorporate definition of permitted uses in the definition section.

Stakeholders

A meeting was held with area stakeholders, or those familiar with the regulations though involvement in area development. This included architects, engineers, developers and builders. The following is a summary of stakeholder comments as they apply to both the City and the Township unless otherwise noted.

- The codes are interpreted in different ways (e.g. in the Township, gross density of 1.75 units per acre is a maximum). There is a tendency to push down multi-family density, which is a maximum of six units per acre.
- Aesthetics are controlled primarily through the use of building materials. Aluminum is not permitted as a building material in the Township.
- City perceived as more "liberal" in their review of proposed developments.
- Demographics change, and that change should be reflected in the regulations and as interpreted by the various board and commissions.
- Westclay in Carmel, Indiana is a good example of a large Traditional Neighborhood Development.
- Projects turned down due to lack of creativity.
- Development reviews by boards and commissions concentrate on density first.
- Amenities (parks and open space) are often dedicated to the community and not to the development.
- Applicant should get credit for unusable land in calculation of density in the Township.
- Quality builders, who are known quantities in the City and Township, are perceived as having easier review process.
- The Plan and its recommendations are not familiar to everyone.
- Centerville has projects with higher density for active adults. Big houses on smaller lots for low maintenance typify the Township.
- Small lots tend to bring in production builders.
- Developers are interested "flexibility" instead of having only hard and fast standards.
- Market does not want low quality development.
- Commute is between suburbs not to and from downtown.
- It is not the material that is important; it is the design, massing etc.
- Landscaping is important amenity with commercial projects.
- Smaller lots – land values are high enough that they are affecting unit value, especially lower end property.
- Land \$35-45,000 per acre. Production housing is not going to happen at those prices.
- Public meetings- let developer present his case first, before staff.

Recommendations

1. General Recommendations-City of Centerville

In addition to addressing the above concerns and comments, it was generally felt by staff that the zoning code and the subdivision regulations would serve the community better if they were combined into one document as a Unified Development Ordinance or UDO. A Unified Development Ordinance consolidates development regulations into a single document that allows a jurisdiction to respond more consistently and expeditiously to development proposals while promoting the health, safety and general welfare of its residents. This uniform application of policies and regulations can occur because a UDO combines related ordinances, such as the subdivision regulations, zoning code, property maintenance, soil and erosion and storm water management, etc. into one document. The UDO could be organized into the following articles:

- General Provisions
- Definitions
- Administration
- Development Procedures
- Zoning Districts and Use Standards
- Development Standards
- Design Guidelines

2. Specific Recommendations-City of Centerville

Overall

- a. Reorganize the code for easier reference.
- c. Replace lengthy, district-by-district text with tables and illustrations.
- d. Document administrative roles and responsibilities.
- e. Coordinate application review process.
- f. Update existing standards and language.
- g. Focus on development standards and performance criteria.
- h. Emphasize mixed use, planned districts for infill developments (aesthetic control and open space conservation)

Format and Organization

- a. Modify code language and format to be more user friendly.
- b. Consolidate existing chapters into separate articles and reorder.
- c. Provide an initial article that describes the purpose of each use district.
- d. Update and combine all definitions into one section.
- e. Update list of uses and establish table of permitted, conditional, accessory, and prohibited uses by district category.
- f. Combine development standards (e.g. bulk, area, and height regulations) for each district into table format for easier reference.
- g. Utilize graphics to illustrate application of development standards.
- h. Add flow charts with overview of variance, conditional, use and amendment process.
- i. Investigate need for retaining all existing standard districts (e.g. eliminate or combine districts that are underutilized or very similar).
- j. Create more consistency between zoning code and subdivision regulations.

Use Districts

- a. Expand conditional use regulations to include more specific standards.
- b. Add telecommunications district regulations reflecting recent federal regulations.
- c. Add mixed-use district regulations and supplement with design guidelines.
- d. Evaluate and revise nonconforming use and building standards.

Development Standards

- a. Develop aesthetic standards for commercial (e.g. retail, office and industrial) development
- b. Incorporate incentives for commercial development within planned commercial districts. .
- c. Incorporate sexually oriented business regulations into zoning code.
- d. Include neighborhood conservation guidelines for existing residential neighborhoods

3. General Recommendations -Washington Township

Because the Township, by the ORC, does not administer the subdivision regulations (Montgomery County responsibility) the development of a formal UDO is not possible. That does not mean that the Township (and the City) could not benefit from both sets of regulations having a similar organizational structure:

- Definitions
- Administration
- Development Procedures
- Zoning Districts and Use Standards
- Development Standards

4. Specific Recommendations: Washington Township**Overall**

- a. Reorganize the code for easier reference.
- b. Replace lengthy text with tables and illustrations.
- c. Document administrative roles and responsibilities.
- d. Coordinate application review.
- e. Update existing standards and language.
- f. Focus on development standards and performance criteria.
- g. Emphasis on conservation zoning districts for greenfield development. The primary objective of conservation development zoning is to promote the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.
- h. Inventory natural resources (wetlands, floodplains and floodways, woodlands, ravines, etc.) in the Township as a basis for conservation district standards.
- i. Add mixed-use, planned districts for redevelopment of commercial areas (aesthetic control).
- j. Involve Montgomery County officials early in the development review process.

Format and Organization

- a. Modify code language and format to be more user friendly.
- b. Consolidate existing chapters into separate articles and reorder.

- c. Provide an initial article that describes the purpose of each use district.
- d. Update and combine all definitions into one section.
- e. Update list of uses and establish table of permitted, conditional, accessory, and prohibited uses by district category.
- f. Combine development standards (e.g. bulk, area, and height regulations) for each district into table format for easier reference.
- g. Utilize graphics to illustrate application of development standards
- h. Add flow charts with overview of variance, conditional, use and amendment process.
- i. Investigate need for retaining all existing standard districts (e.g. eliminate or combine districts that are underutilized or very similar).
- j. Create more consistency between zoning code and County subdivision regulations (e.g. conservation zoning regulations).

Estimated Costs and Time Frame

City of Centerville and Washington Township

Based on the above list of comments and recommendations, the cost in fees and expenses to complete the necessary revisions and prepare a UDO (revising both the zoning and subdivision regulations) for the City of Centerville is estimated to be between \$75, 000 and \$95, 000. The estimated cost in fees and expenses to complete the revisions to the Washington Township zoning code is estimated to be between \$68, 000 and \$76, 000. This estimate assumes revising both the City and Township regulations simultaneously and completing the process in 8-12 months. The fee and expense estimate varies depending on the amount of staff involvement (staff conducts review meetings with the Committee). The time frame varies depending on how many meetings per month can be scheduled. This estimate can be refined at the time a scope is prepared outlining project responsibilities and timing.